

DISTRICT GOVERNANCE COUNCIL
Tuesday, February 17, 2009
1:00 p.m.
Board Room, District Office
AGENDA

1. Call to order
2. Review of the February 17, 2009 agenda
3. Correction and approval of January 27, 2009 minutes
4. Chancellor's Report
 - Review of February 25, 2009 Governing Board Agenda
 - Chancellor's report
5. Curriculum and Instruction Procedure 4005, Grade Changes (Revised) – Information {*Deborah Blue*}
6. Budget Update – Information/Discussion {*Kindred Murillo*}
7. Budget Development Calendar – Information/Discussion {*Kindred Murillo*}
8. Budget Training – Information/Discussion {*Kindred Murillo*}
9. Reports from constituent groups
10. DGC Steering Committee Report
11. Adjournment

****REMINDER – DGC will not reconvene to discuss the Strategic Plan this month.**

GRADE CHANGES

GRADE CHANGES

A Grade Change form, Exhibit A, adopted April 30, 2008 shall be completed when the instructor determines that a grade change is warranted.

1. The instructor of the course shall determine the grade to be awarded to each student.
2. The determination of the student's grade by the instructor is final in the absence of mistake, fraud, bad faith, or incompetency. ~~In the case of fraud, bad faith, or incompetency, the final determination concerning removal or change of grade will be made by the college President/designee.~~
3. When the instructor submits a grade change, s/he must complete and sign the Grade Change form.
 - a. The instructor submits the Grade Change form to the area Dean.
 - b. Upon receipt and authentication of the instructor's signature, the area Dean shall sign and submit the Grade Change form to the Admissions and Records Office.
 - c. The Admissions and Records Director shall ensure the change of grade is recorded and copies of the Grade Change form are forwarded to the student, instructor, and area Dean.
4. When the student is requesting the grade change, s/he must first verbally or in writing request a grade change from the instructor. The area Dean, in consultation with the respective department chair, shall make provisions to assign another faculty member to substitute for the instructor 1) if the student has filed a discrimination complaint, 2) if the instructor is not available, or 3) where the District determines that it is possible there may have been gross misconduct by the original instructor.
 - a. Should the instructor concur with the student request, the instructor must complete and sign the Grade Change form, and submit the form to the area Dean. Upon review and signature, the area Dean shall submit the Grade Change form to the Admissions and Records Office. The Admissions and Records Director shall ensure the change of grade is recorded and copies of the Grade Change form are forwarded to the student, instructor, and area Dean.
 - b. Should the instructor not concur with the student's request, the student has the right to appeal the instructor's decision as noted in College Level Grade Appeal Procedures.

APPEAL FOR GRADE CHANGE

College Level Grade Appeal Procedures

The grade given each student shall be the grade determined by the instructor. The instructor's determination is final in the absence of (1) mistake, (2) fraud, (3) bad faith, or (4) incompetency.

Each college shall establish procedures by which a student may appeal the rejection of a grade change request. No grade may be challenged more than one year after the end of the session in which the grade was assigned. At a minimum those procedures shall provide the following:

1. The Chancellor/President shall designate in the college procedures an individual at each college to receive the formal written appeal.

2. Within thirty (30) instructional days of receipt of a complaint of mistake, fraud, bad faith, or incompetency, the President's designee or committee designated by the President shall meet with the student and instructor who recorded the contested grade. (In the case where a student complaint is filed during the summer, the thirty days will apply subject to availability of the parties involved.) The meeting shall be recorded in such a manner so that a reasonably complete and accurate transcript of the meeting can be made. During this meeting, the student and instructor shall submit all oral and written evidence supporting their respective positions. The President's designee or committee shall submit to the President prepare a written recommendation decision and statement of findings either sustaining or denying any or all of the student's allegations. The decision and findings shall be sent to both the student and instructor from the President.
3. The student shall have the right within thirty (30) calendar instructional days of notification of the college's President's/designee's decision to appeal the decision in writing to the Governing Board. The instructor shall also have a right to appeal the decision in writing to the Governing Board within a time to be set by each respective college.

District Level Grade Appeal¹ Procedures

1. Within thirty (30) instructional days of the receipt of such an appeal, the Governing Board shall conduct an informal appeal hearing in closed session with the student and instructor who recorded the contested grade. The student and instructor shall be notified in writing of the date and time of the hearing and shall be provided with a brief description of the scope of the hearing and how the hearing will be conducted.
2. The hearing shall be conducted in accordance with the following procedures:
 - a. The hearing shall be electronically recorded.
 - b. Before commencement of the hearing, the Governing Board shall review the decision, findings, transcripts of, and documentary evidence presented at the college-level proceeding(s).
 - c. The student and the instructor shall be allowed to make brief statements on their own behalf.
 - d. Upon completion of the student's and the instructor's presentations, the Governing Board will have an opportunity to ask questions of both the student and the instructor.
 - e. The Governing Board will conclude the hearing, dismiss the parties, and deliberate as to a decision.
3. The Governing Board shall issue a statement of decision including findings of fact as to each ground upon which the student or instructor based his or her appeal. If the Governing Board sustains the student's allegations, it shall order the contested grade to be expunged from the student's records. To determine the appropriate grade to be entered in its place, the Governing Board shall direct the Chancellor to form a five-member panel, composed of three faculty members including at least one faculty member from the discipline appointed by the FSCC; one academic manager at the dean level or higher appointed by the Chancellor; and one student appointed by the Student Trustee. The panel will determine the grade after a review of the student's course work and the instructor's grading procedures as stated in the course syllabus. The panel will recommend to the Governing Board the grade deemed appropriate.

¹ The administrative process, including the coordination of the hearing process, shall be the responsibility of the District Human Resources Office.

4. The records of these proceedings shall be confidential and shall be destroyed three years after the decision of the Governing Board, unless legal proceedings relative to the contested grade are initiated.
5. If the Governing Board's decision is unfavorable to the student, or if the student accepts the decision at the college level, the student shall have the right to submit a written statement of his/her objections to the grade in question. This statement shall become a part of the student's records.
6. The decision of the Governing Board is final.
7. **Upon receiving the Governing Board's decision, the Chancellor, on behalf of the Board President, shall forward a letter to the student appealing his/her grade and to the instructor who assigned the grade, informing each of the Board's decision, with copies to the college President.**

Legal Authority

Education Code Section 76224
Education Code Section 76232
Eureka Teachers Ass'n. v. Board of Education of Eureka City Schools (1988)
199 Cal. App.3d 353, 244 Cal. Rptr. 240

**CONTRA COSTA COMMUNITY COLLEGE DISTRICT
Grade Change Form**

College: ___ CCC ___ DVC ___ LMC

Instructor Name: _____
(Print Name)

PLEASE COMPLETE THE FOLLOWING INFORMATION

Student ID#: _____

Name of Student: Last First Middle Initial

Course Title Course Number Section Term/Year

Indicate reason for grade change request:

Change Grade From _____ **to** _____

Approved by:

Instructor _____ (Print Name)

Signature _____ (Date)

Received by:

Area Dean: _____ (Print Name)

Signature _____ (Date)

Director of Admissions and Records:

_____ (Print Name)

Signature _____ (Date)

Posted to Permanent Record by:

Grade Change Employee _____ (Print Name)

Signature _____ (Date)

Date entered: _____

See reverse side for Board Policy 4005, Grade Change

Routing of completed form:

White Copy: Admissions and Records Office

Yellow Copy: Instructor

Pink Copy: Dean

Blue Copy: Student