

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

STUDENT GRIEVANCES

STATEMENT OF GRIEVANCE FORM

This printing: 5/28/08

1. Name: _____
(Please print or type)

Address: _____

Phone: _____

Student I.D. Number: _____

2. What is the general nature of your grievance? (Please give a very short summarizing statement.) ____

3. In accordance with the Student Grievance Procedures, before requesting a student hearing for your grievance, it is important to try and resolve your grievance informally. Please discuss this issue with these people:

(a) ____ the person directly involved in the facts giving rise to this grievance;

(b) ____ the faculty member's division dean, or supervisor of the employee;

(c) ____ the vice president of that dean's or employee's division.

If you are still unable to resolve your issue after speaking with these people, please return to the Office of Student Affairs, and they will help you.

Signature: _____

Date: _____

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

STUDENT GRIEVANCES

REQUEST FOR HEARING FORM

This printing: 5/28/08

1. Name: _____
(Please print or type)

Address: _____

_____ Phone: _____

Student I.D. Number: _____

2. I have met with and discussed this issue with these people: (**CHECK**) (a)___ the person directly involved in the facts giving rise to this grievance; (b)___ the faculty member's division dean, or supervisor of the employee; (c)___ the vice president of that dean's or employee's division.

3. Date most recently enrolled as a student: _____

4. Who are you filing this grievance against?

5. What specific rule, regulation, law, or student right do you allege the college has violated? (Do not simply state "Student Honor Code". Give the exact rule being violating.)

6. What facts do you believe established the violation? _____

7. What remedy do you request? _____

8. Are there any documents you wish to have considered? If so, please attach a copy of the document(s) to this form.

Signature: _____

Date: _____

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
REQUEST FOR GRADE CHANGE

***FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) WAIVER
AND BURDEN OF PROOF***

"I _____ understand that a hearing regarding my grade will necessarily require several college employees who are not my instructor to have access to my student records or parts thereof. I hereby authorize that access and to that extent waive my privacy rights under federal and state laws (FERPA)." I acknowledge that to accomplish a change in grade I must prove to the satisfaction of the majority of the hearing body that the grade is the result of mistake, fraud, bad faith or incompetence, given the following definitions:

"Is the result of" means that the student has proven a causal connection between the mistake, fraud, bad faith or incompetence, and the grade. Proof of mistake, etc., without proof that the mistake, etc., caused the grade, does not satisfy the student's burden of proof.

"Proof to the satisfaction of the hearing body" means the student has demonstrated mistake, fraud, bad faith or incompetence, by a preponderance of the evidence presented to the hearing body. The evidence taken as a whole must preponderate in favor of the student and against the instructor to warrant a finding for the student. Each of these hearings will start with the presumption that the grade assigned was correct. Absent evidence tilting the scale in favor of the student, relief is unwarranted.

"Evidence" means competent testimony and authenticated documents. Testimony is competent if it is based on personal knowledge. Speculation, guesswork, and supposition are not competent as testimony. Personal knowledge means knowledge acquired through any of the witnesses five senses: she saw it, heard it, touched it, tasted it, smelled it. The hearing body will decide whether hearsay testimony or documents are sufficient proof. Generally, hearsay can be sufficient proof if the body decides that it is reliable evidence. Documents are authenticated if the body is satisfied from the evidence that the document is in fact what it purports to be.

Legal Standard: "Mistake, fraud, bad faith and incompetence" each have their own legal definition. The application of these concepts may vary depending on context, generally, (a) those alleging error in the recordation of the grade; and (b) those alleging error in the decision about what the grade should be.

Mistake means an unconscious ignorance or forgetfulness of a fact, past or present, material to the situation; or belief in the present existence of a thing material to the situation which in fact does not exist, or belief in the past existence of the thing, when in fact it never existed.

Fraud is the intentional, false representation of a fact, which statement is relied upon by the student, where the student takes action in reliance thereon and incurs the challenged grade as a result.

Bad faith means that the grade is intentionally based on criteria which are not valid measures of academic performance, such as the instructor basing the grade on how the student looked or smelled, or on a refusal to go on a date.

Incompetence means that the grade is the result of the instructor not being mentally competent to make the grading decision. This would require expert medical testimony of a psychiatric or psychological condition rendering the person unfit to make normal decisions.

Signature of student: _____ Date: _____