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**Complaint Policy and  
Procedures for Students**

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# **Complaint Policy and Procedures for Students**

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## **I. Philosophy and Purpose**

Frederick Community College (“FCC” or the “College”) strives to create and maintain a teaching and learning environment where effective communication enhances integrity, justice, and civility. The purpose of this Complaint Policy and Procedure for Students is to provide a method of recourse to students who wish to formally address a final course grade or a particular action on the part of a College employee(s).

Students are expected to first attempt to resolve issues covered under these procedures informally by communicating directly with the employee with whom the issue originated.

If informal resolution is not possible between the student and the employee with whom the issue originated, students have the right, using this Complaint Policy and Procedures, to appeal final course grades, contest a policy or practice of the College, or College employee that is considered improper or unfair. This Complaint Policy and Procedures may also be used to contest situations where they believe there has been deviation from or misapplication of a policy or practice unrelated to discrimination or sexual misconduct.

Students wishing to file a complaint alleging any act of discrimination or sexual misconduct should refer to the College [Non-Discrimination Policy and Procedures](#) or the [Title IX Sexual Misconduct Policy and Procedures](#) available on the College website.

## **II. Application and Scope of Jurisdiction**

- A. This Policy and Procedures is applicable to all students, including continuing education students.
- B. A complaint may be filed only by a student on his/her own behalf (with the exception of youth programs), and only after efforts to address the matter through informal means were unsuccessful.
- C. Throughout all steps of the Complaint Procedures, all parties should expect that confidentiality shall be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) and any other applicable laws.
- D. The Complaint Procedures for Students, whether disputing final course grades or other treatment, may not be used to address allegations of discrimination, including sexual misconduct. When a student believes that he/she has been discriminated against due to his/her age, ancestry, citizenship status, color, creed, ethnicity, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliation, sex, sexual orientation, or veteran status, the appropriate Frederick Community College Procedure is the [Non-Discrimination Policy and Procedures](#) or the [Title IX Sexual Misconduct Policy and Procedures](#).
- E. Records of all final course grade complaints will be maintained by the Office of the Provost/Vice President for Academic Affairs. Records of all non-grade complaints will be maintained by the Office of the Vice President for Learning Support using the

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Secured College Tracking System. Seven years is the minimum for retention of final course grade and non-grade complaint reports.

- F. There will be an institutional review conducted twice per year by the President's Cabinet of all student complaints. The review will focus on modifications and improvements needed as a result of information obtained in the handling of complaints.

### **III. Definitions for the Purpose of this Policy and Procedures**

- A. **“Student”** refers to an individual who is registered at the College, either full or part-time, in a credit or continuing education class or classes, who has either paid or made arrangement for payment of tuition and/or fees.
- B. **“Final Course Grade”** refers to the final grade assigned by the instructor and entered on the student's transcript.
- C. **“Informal Resolution”** refers to initial meetings, outside of class time, between the parties directly involved in a grade or non-grade issue (as described in this policy and procedure) where there is a good faith effort to resolve the issue so that initiation of a formal complaint is not necessary.
- D. **“Formal Complaint”** – When a student believes that attempts at informal resolution have been unsuccessful, they may initiate a formal complaint by following the steps outlined in this policy and procedure.
- E. **“College Support Person”** means an employee of the College chosen to accompany and assist a student or faculty member through an appeal hearing before the Student Final Course Grade Grievance Committee. The College Support Person cannot be a fact witness or provide statements. The College Support Person is a non-participant who is present to assist the student or faculty member by taking notes or providing emotional support and reassurance.
- F. **“Preponderance of Evidence”** means evidence that is of greater weight or more convincing than the evidence to the contrary; evidence which shows that something is more likely than not to be true or 50.1% likely to have occurred.
- G. **“Workdays”** means Monday through Friday and does not include weekends, holidays, scheduled breaks, or other days the College is closed.
- H. **“Responding Party”** refers to the person or office against whom a complaint is directed.
- I. **“Secured College Tracking System”** refers to the official College system used to record and track reports of complaints.
- J. **“Student Final Course Grade Grievance Committee”** refers to a hearing panel to whom students may appeal final course grades as described under this procedure. The Senior Leadership Team (SLT) will appoint an Associate Vice President from Academic Affairs, two representatives from the student body, and two faculty to serve as a Student Final Course Grade Grievance Committee. Student Final Course Grade Grievance Committee members will be trained in

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appeal hearing procedures. The academic departments and the Student Government Association may recommend individuals to the SLT to be selected to serve on the Student Final Course Grade Grievance Committee.

- K. **“Senior Leader”** refers to a member of the President’s Senior Leadership Team, which includes the Vice President for Academic Affairs/Provost, the Vice President for Learning Support, the Vice President for Continuing Education and Workforce Development, the Vice President for Finance and Human Resources, the Chief Information Officer, the Special Assistant to the President for Institutional Effectiveness, and the Chief of Operations.

### **IV. Final Course Grade Complaints**

- A. The College relies on, and endorses, the instructor’s right to pass expert judgment on all submitted student work. The College also recognizes the instructor as the sole evaluator of all work submitted by students for/in a specific course. Students are expected to work informally with the instructor to resolve a complaint through a respectful meeting outside of the regular class schedule time.
- B. After attempting unsuccessfully to resolve a final course grade dispute with an instructor, a student may file a written complaint (email acceptable) regarding a final course grade with the instructor requesting a reevaluation of the final course grade. The student’s written communication should present any and all evidence that a substantial error has occurred in final course grading. Substantial evidence of error is defined as:
1. The assignment of a final course grade to a student on some basis other than performance in the course; or
  2. The assignment of a final course grade to a student by using standards different from those which were applied by the same instructor to other students in that course; or
  3. The assignment of a final course grade by an unannounced departure from the instructor’s previously articulated standards as represented by the syllabus of record.

The student must submit a written complaint regarding a final course grade to the instructor within fifteen (15) workdays of the official final course grade posting date and copy the Department Chair/Supervisor.

#### **C. Responding Party**

The instructor must respond in writing (email acceptable) to the student’s complaint within ten (10) workdays and copy their response to the appropriate Department Chair/Supervisor. The Department Chair/Supervisor must follow up with the instructor if they have not provided the response to the student within the ten (10) workdays.

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A student may appeal the response of the instructor within ten (10) workdays of receiving the response to the Department Chair/Supervisor using the Student Final Course Grade Appeal Form.

### **D. Appeal to Department Chair or Supervisory Level**

The Department Chair/Supervisor will review the appeal, interview the student and the instructor, and/or request additional information during this step. If the Department Chair/Supervisor believes that there is substantial evidence the final grade has been assigned in error, the Department Chair/Supervisor will recommend that the instructor change the final grade. If the Department Chair/Supervisor believes that there is not substantial evidence and the final grade was correctly assigned, he/she will recommend that the final grade stand.

The Department Chair/Supervisor will notify the student of the recommendation in writing within ten (10) workdays of receipt of the Student Final Course Grade Appeal Form.

In cases where the instructor is the Department Chair, the supervisor of the Department Chair will review the appeal.

### **E. Appeal to Student Final Course Grade Grievance Committee**

1. Within five (5) workdays of the response of the Department Chair/Supervisor, a student may appeal a final course grade to the Student Final Course Grade Grievance Committee if he/she reasonably believes that informal resolution with the instructor was unsuccessful, a formal written complaint to the instructor did not resolve the issue, an appeal was made to the Department Chair/Supervisor, and the final course grade issue was not resolved. The student must submit an appeal to the Student Final Course Grade Grievance Committee on the [Student Final Course Grade Appeal Form](#). All information on the form must be completed. Incomplete forms will not move forward in the process. The student must submit the form to the Department Chair/Supervisor. The Department Chair/Supervisor signs the form and submits all materials to the Academic Affairs Office or to the Office of the Vice President for Continuing Education and Workforce Development.

A date for an appeal hearing with the Student Final Course Grade Grievance Committee will be scheduled by the Academic Affairs Office or the Office of the Vice President for Continuing Education and Workforce Development within ten (10) workdays of receipt of the form. The student will be notified in a timely manner and given adequate advance notice. The hearing will be conducted within thirty (30) workdays of receipt of the [Student Final Course Grade Appeal Form](#).

Failure of the student to appear for the appeal hearing without prior notification or evidence of extenuating circumstances waives his/her right for further appeal and the decision by the Department Chair/Supervisor or supervisor will stand.

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2. The appeal hearing shall be closed to the public and will be recorded or transcribed.
3. The student and the responding party (instructor or designee) shall be in attendance at the appeal hearing.
4. Representation by legal counsel is not allowed in the appeal hearing. However, the student or faculty member may have a College Support Person of his/her choice.
5. Appeal hearings before the Student Final Course Grade Grievance Committee shall not be subject to the formal rules of evidence. The Student Final Course Grade Grievance Committee will make its own determination by a preponderance of the evidence. In all cases, the hearing shall be conducted in a fair and impartial manner.
6. The Student Final Course Grade Grievance Committee will either affirm or reject the final course grade appeal of the student and inform the student and the responding party in writing within five (5) workdays of the appeal hearing. The decision of the Student Final Course Grade Grievance Committee shall be final.

### **V. Non-Grade Complaints**

- A. If possible, students should attempt to resolve non-grade issues informally with the employee in question. After attempting unsuccessfully to resolve a non-grade issue informally with a College employee, a student may issue a written complaint regarding an action or decision by a College employee that he/she believes is improper, unfair, or is a deviation from a policy or practice unrelated to discrimination or sexual misconduct. The student's written complaint should present any and all evidence that a substantial error has occurred. Substantial evidence of error is defined as:
  1. The action performed by a College employee toward a student represented a substantial or unreasonable departure from approved College Policy or Procedure; or
  2. The action set unreasonable standards different from those which were applied by the College to other students in similar situations.

The student's written complaint must be submitted on the [Student Non-Grade Complaint Form](#) to the Office of the Vice President for Learning Support, 7932 Opossumtown Pike, Frederick, MD 21702, Suite 319 of Jefferson Hall, [lhildebrand@frederick.edu](mailto:lhildebrand@frederick.edu), within ten (10) workdays of the action taken against the student.

#### **B. Responding Party**

The Office of the Vice President for Learning Support will refer the Student Non-Grade Complaint Form to the appropriate supervisor and Senior Leader of the employee or office which is the responding party in the complaint. Within ten (10)

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workdays, the appropriate supervisor will investigate the complaint and will respond in writing to the student, providing copies to the Senior Leader and Office of the Vice President for Learning Support.

### **C. Appeal to the Senior Leader**

A student may appeal the action or response of the supervisor. The appeal must be requested by using the [Student Non-Grade Complaint Form](#) again, this time by checking the box on the form requesting an appeal of the supervisor's response from an original complaint. The Student Non-Grade Complaint Form requesting an appeal should be submitted to the Office of the Vice President for Learning Support, 7932 Opossumtown Pike, Frederick, MD 21702, Suite 319 of Jefferson Hall, [lhildebrand@frederick.edu](mailto:lhildebrand@frederick.edu), within ten (10) workdays of the supervisor's response. The Office of the Vice President for Learning Support will refer the appeal request to the appropriate Senior Leader. The Senior Leader will respond to the student's request for an appeal within ten (10) workdays of the date of the request for an appeal and will notify the Office of the Vice President for Learning Support of the decision. The action of the Senior Leader will be final.

### **D. Notification**

The Senior Leader will provide the student and the responding party with the final decision regarding the complaint.