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4 **STUDENT GRADE APPEALS**

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6 **Section 76224(a), California Education Code,**

7 *“When grades are given for any course of instruction taught in a community college district, the grade*
8 *given to each student shall be the grade determined by the instructor of the course and the determination*
9 *of the student’s grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetence, shall*
10 *be final.”*

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12 **Section 55760(a), California Code of Regulation**

13 *“In any course of instruction in a community college district for which grades are awarded, the instructor of*
14 *the course shall determine the grade to be awarded each student in accordance with section 55758 of*
15 *this chapter. The determination of the student’s grade by the instructor shall be final in the absence of*
16 *mistake, fraud, bad faith, or incompetence. Procedures for the correction of grades given in error shall*
17 *include expunging the incorrect grade from the record.”*

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19 **Section 55758 California Code of Regulation**

20 *The academic record of a student who remains in a class beyond the time allowed by district policy must*
21 *reflect a symbol as authorized in Section 55758 of this part, other than a “W.” The governing board may*
22 *by regulation authorize withdrawal from a class or classes in extenuating circumstances after the last day*
23 *of the fourteenth week (or 75% of the term, whichever is less) upon petition of the student or his or her*
24 *representative and after consultation with the instructor(s) or appropriate faculty. Extenuating*
25 *circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the*
26 *student. For purposes of withdrawal policies, the term “appropriate faculty”* means the instructor of each*
27 *course in question or, in the event the instructor cannot be contacted, the department chair or equivalent*
28 *faculty officer.*

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30 **Military Withdrawal:** *“Military withdrawal” occurs when a student who is a member of an active or reserve*
31 *United States military service receives orders compelling a withdrawal from courses. Upon verification of*
32 *such orders, a withdrawal symbol may be assigned at any time after the period established by the*
33 *governing board during which no notation is made for withdrawals. Note: Authority cited: Sections 66700*
34 *and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.*

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36 This means that no individual at the college has the authority to change a grade unless persuasive
37 evidence is presented indicating mistake, fraud, bad faith or incompetence on the instructor’s part.

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39 **INFORMAL PROCESS**

40 All attempts should be made to resolve the grade dispute at the lowest level possible; however, a student
41 may proceed directly to the formal process.

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43 Step 1: If possible, the student first meets with the faculty member who issued the grade; or, if the faculty
44 member is no longer employed or working at the College, the student then meets with the Department
45 Chair or designee to resolve the grade dispute. If resolved and a grade change is indicated, the
46 instructor or designee completes a Grade Change Form.

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48 Step 2: If unresolved in Step 1, the student then meets with the Department Chair or designee. If
49 resolved and a grade change is indicated, a Grade Change Form is completed. If the dispute is not
50 resolved then a formal appeal process can be initiated.

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52 ***According to code, if mistake, fraud, bad faith, or incompetence is the reason for the grade***
53 ***dispute, the burden of proof lies with the student to produce facts that support this allegation,***
54 ***proceeding then to the formal process. If such evidence exists, the student must complete the***
55 ***Grade Appeal Form and make an appointment to see the Dean.***

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FORMAL PROCESS

STEP 1: The student meets with the Division Dean who will confer with the faculty member and/or Department Chair or designee, to attempt to resolve the grade dispute. If resolved and a grade change is indicated, the faculty member completes a Grade Change Form.

STEP 2: Investigation: If the matter is not resolved, the student may submit the issue to the Director of Admissions and Records, in consultation with the Vice President of Instruction and appropriate instructional dean, where a full investigation will be conducted within 30 work days of the Step 2 filing date, and a determination made as to status of the grade dispute. During the investigation the student will be able to present evidence of mistake, fraud, bad faith, or incompetence of the instructor. The instructor will be able to provide evidence to support the grade. If the investigation shows fraud, bad faith, or incompetence, the investigative report will be provided to the Vice Chancellor of Human Resources for appropriate action. If a mistake has been made and a grade change is indicated, a Grade Change Form is submitted to Admissions and Records.

STEP 3: Hearing: If the matter is not satisfactorily resolved and a grade change may be warranted because evidence shows fraud, bad faith, or incompetence, the student may request a formal hearing by the Grade Appeal Committee through the Office of Admissions and Records. The committee shall be comprised of the Vice President of Instruction, 2 faculty members, 2 students and one educational administrator (not of the division where the accused faculty member works). A meeting will be convened within five (5) working days (unless mutually agreed upon to delay). The student and instructor, if still employed, will be expected to attend the hearing. All attempts will be made to contact an instructor who is no longer employed by the college regarding the grade dispute. The Grade Appeal Committee will provide a written decision to the student within five (5) working days of the date of the hearing. The decision of the Grade Appeal Committee is final. If resolved, the Change of Grade Form, the Grade Appeal Form, the written summary of the investigation findings, and the written decision of the Grade Appeal Committee are submitted to Admissions and Records.

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