



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 5 – Student Services

AP 3001.2 – GRADE CHALLENGE

This procedure implements Board Policy 3001 *Student Records*, as well as section 76224 of the California Education, section 55024 of Title 5 California Code of Regulations and is designed to provide uniform standards to ensure due process when a student challenges a grade received for a class taken at the District.

1. DEFINITION OF TERMS

- a. Fraud - A deliberate misrepresentation of the truth or a fact intended to result in financial or personal gain.
- b. Bad Faith - Bad faith may be found in an instance of intent to deceive, in an act of dishonesty.
- c. Incompetence - Incompetence may be found in a lack of ability, qualification, fitness, or performance.
- d. Mistake - A mistake may be defined as an unintentional error and may include clerical error and errors made by an instructor in calculating a student's grade.
- e. Instructional day - An instructional day is counted as any day the District conducts regularly scheduled classes.
- f. Working day - A working day is counted as any day that the District is open for business.

2. INSTRUCTOR REVIEW

- a. When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetence, shall be final.
- b. If students feel they have valid grounds to challenge a grade, the student must first attempt to resolve the problem informally with the instructor. Once grades are available, the student is expected to contact their instructor directly to discuss the dispute by direct contact or by filing a general petition for grade review. If the instructor is not available or is no longer employed, the student should contact the Department Chair.
- c. When challenging a grade assigned by an instructor, the burden of proof is on the student to provide evidence of mistake, fraud, bad faith, or incompetence. The formal request for review of a grade must be filed within two (2) years after the issuance of grades for the semester during which the student was enrolled in the given course.
- d. A "W" shall not be assigned, or if assigned shall be removed, from a student's academic record, if a determination is made pursuant to sections 59300 of the California Code of Regulations that the student withdrew from the course due to:

- 1) Discriminatory treatment; or
- 2) Due to retaliation for alleging discriminatory treatment.

Students may challenge a “W” due to alleged discriminatory treatment or retaliation in accordance with Administrative Procedure 3001.4 *Challenge Due to Alleged Discriminatory Treatment*.

3. DEPARTMENT CHAIR REVIEW

- a. If the grade challenge cannot be resolved at the instructor level, or the instructor is no longer employed, the student may file a petition for grade challenge to the appropriate Dean who will facilitate the process by working with the Department Chair to attempt to resolve the matter. This process is initiated by the completion of a petition.
- b. The petition should be processed with the Dean’s Office of the course in which the grade is being challenged.
- c. The written petition must include, in detail, the student’s basis for initiating the review, as well as any documentation, witness identification, or other supportive evidence. The basis of the review must support allegations of mistake, bad faith, fraud or incompetence.
- d. Within 10 working days after receipt of the petition, the Department Chair will consult with the faculty member and student to gather the facts.
- e. In the event the Department Chair is unavailable, the Dean will work with the instructor and student to attempt to resolve the matter.
- f. During periods in which the instructor and department chair are not on duty, the timeline for resolution will be adjusted by the Vice President of Instruction, consistent with the parameters established herein. The student will be advised in writing of the adjusted schedule.
- g. The Department Chair will attempt to resolve the issue within 10 working days after receipt of the petition.
- h. The final outcome of the attempted resolution shall be provided in writing by the Department Chair to the student.
- i. If resolution does not occur, the student may file a written, appeal with the Vice President of Instruction who will convene the Appeal Review Panel. The appeal must be filed within 10 working days of notification of the decision of the Department Chair to the student.

4. FORMAL RESOLUTION - APPEAL REVIEW PANEL

- a. The Appeal Review Panel will consist of the Dean or designee, Vice President of Instruction, Vice President of Student Services or designee and at least one (1) faculty member appointed by the Academic Senate. In the event the Vice President of Instruction is not available to meet the timeline contained herein, the President shall designate a senior level administrator to complete the process.

- b. The Panel shall meet with the student and instructor, who assigned the grade, within 30 instructional days of the filing of the appeal. In the event that the instructor is no longer employed by the District, the Department Chair shall represent the instructor.
- c. The Panel meeting will be closed to observers and advocates.
- d. The Panel will review all information and evidence and make a recommendation. The recommendation will be sent to the college President within five (5) working days of the Panel Review meeting with copies sent to the student, instructor, and the Department Chair.
- e. The President shall review the recommendation of the Panel and make a final decision within 10 working days from the receipt of the recommendation.
- f. If the final decision is to change the grade, the new grade shall be the final grade assigned.
- g. If the final decision is to uphold the grade, the student may appeal the decision in writing to the Chancellor.

5. APPEAL - CHANCELLOR

- a. Within 10 calendar days of the final decision of the President, the student may submit a written appeal to the Chancellor. The appeal should include all documentation to support allegations of mistake, fraud, bad faith or incompetence.
- b. Within 30 days of the receipt of such an appeal, the Chancellor or his/her designee shall meet individually with the student and the instructor to gather additional information. In the event the instructor is no longer employed, the Department Chair shall represent the instructor to determine whether to sustain or deny the allegations. If the Chancellor sustains the allegations, he/she shall order the Custodian of Records to immediately change the grade. Documentation of the meeting shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Chancellor, unless the student initiates legal proceedings relative to the disputed information within the prescribed period.
- c. The Chancellor or his/her designee shall notify the student of the final decision within 10 working days of the final meeting of the student and/or the instructor.
- d. The decision of the Chancellor or his/her designee shall be in writing and shall be final.

References: Education Code Section 76224; Title 5 Section 55024

Approved by
the Chancellor: November 9, 2016

Supersedes: 8/28/08, 4/13/10