

PALOMAR COMMUNITY COLLEGE DISTRICT STUDENT GRADE DISPUTE POLICY AND PROCEDURES

I. POLICY

Recognizing the importance of the integrity of the grading process, by dictate of the California Education Code, it is the policy of the Palomar Community College District to limit the assignment of final grades to each instructor, except in cases where an instructor has clearly violated § 55025 of the California Education Code (Title V). Students may dispute final grades only when the student can provide proof that § 55025 of the California Education Code (Title V) has been violated. See below for definitions. Without such proof, only the instructor who assigned a final grade can choose to change that final grade. Students can seek resolution of their dispute as outlined in the Student Grade Dispute Policy and Procedures. Students must initiate the dispute within one semester of the final grade being submitted. Students may ask any faculty, staff, or administrative member of the District for guidance in following the procedure, but students are responsible for proving their own case for a grade dispute.

II. DEFINITION OF TERMS

Grade Dispute A claim by a student that his/her final grade was given by the instructor in violation of Title V, § 55025.

Semester One fall or spring semester as defined by the District calendar. For purposes of the grade dispute procedure, summer and intersessions do not count as semesters. Grade disputes for classes that take place in spring, summer, or intersession must be initiated no later than the fall semester immediately following summer. Grade disputes for classes that take place in fall must be initiated no later than the following spring semester.

Title V, § 55025 states:

“In any course of instruction in a community college district for which grades are awarded, the instructor of the course shall determine the grade to be awarded each student in accordance with this article. The determination of the student’s grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetency.” The California Education Code may be found at www.leginfo.ca.gov

When determining whether or not a mistake, fraud, bad faith or incompetence has occurred, all parties need to consider the legal meaning of these terms, defined in Black’s Law Dictionary as:

Mistake Some unintentional act, omission, or error by the instructor.

Fraud An intentional perversion of the truth for the purpose of inducing another to part with something valuable or to surrender a legal right.

Bad Faith Synonymous with fraud, neglect, or refusal to fulfill some duty or contractual obligation, not prompted by an honest mistake as to one’s rights or duties.

Incompetence Lack of ability, legal qualification, or fitness to discharge a required duty.

III. INFORMAL GRADE DISPUTE RESOLUTION PROCEDURES

Before initiating formal grade dispute procedures, the student shall attempt to resolve the dispute informally by meeting with the instructional faculty member who issued the grade in dispute and instructional administrator. The student may dispute grades only when there is evidence that Title V, § 55025 has been violated. The intent of the informal grade dispute procedure is to strongly encourage and support all possible attempts to resolve the dispute with the faculty member.

The student should follow the process described below in an attempt to informally resolve his/her dispute. Students can direct additional questions related to this process to the Chair of the Academic Standards and Practices Committee, a committee of the Faculty Senate.

- a. The student must make the initial dispute to the instructor of record for the class in question within one semester of the final grade being submitted. The instructor has 15 business days to respond to and meet with the student after being contacted by the student.
- b. If the student has not resolved his/her dispute with the instructor, the student may present his/her dispute to the chair of the department that offered the class for which the grade in question was given. The department chair has 15 business days to respond to and meet with the student after being contacted by the student.
- c. If the student has not resolved his/her dispute with the instructor and department chair, the student may present his/her dispute to the academic or counseling dean of the division. The dean has 15 business days to respond to and meet with the student after being contacted by the student.
- d. At levels b, and c listed above, the department chair or administrator in question does not have the authority to change the grade that was issued by the instructor. Rather, his/her role is to hear the dispute as presented by the student and earlier involved faculty members/administrators. If, after consultation with the instructor, department chair, and/or dean, the dean feels that Title V, § 55025 may have been violated, the student can request that the Vice President for Instruction pursue the Formal Grade Dispute process outlined in section IV.
- e. In cases where the instructor of record for the class in question is on sabbatical or other leave, the dispute calendar will be extended until the semester that the instructor returns, within one calendar year. In cases where the instructor is on leave for more than one calendar year, or is unavailable for return or contact, another faculty member may substitute for the instructor, as specified in Title V, § 55025.
- f. If no violation of Title V, § 55025 is found by the department chair, or academic or counseling dean, the instructor's decision is final, and no formal grade dispute will proceed. The academic or counseling dean involved will inform the student, instructor, and department chair in writing of the finality of the instructor's decision and the completion of the grade dispute process within 15 business days.

IV. FORMAL GRADE DISPUTE RESOLUTION PROCEDURES

If the academic or counseling dean finds that there is a potential case of a violation of Title V, § 55025, the student may file a request with the Vice President for Instruction for a formal hearing. The student must initiate the dispute process within one semester of the instructor of record's response to the informal grade dispute in question. Grade disputes pursued after one semester will not be accommodated.

Students must complete the Formal Grade Dispute Resolution Hearing Request Form (available on the Office of Instruction website), including the following typed and signed information in their request for a formal hearing:

- a. A clear and concise statement of the dispute that must include details of the specific violation of Title V, § 55025.
- b. The name of the instructor, course ID, section number, and semester of the class for which the grade is being disputed.
- c. Identification of the resolution, corrective action, or remedy being sought.
- d. A detailed summary of the actions already taken to resolve the issue, including dates and times for meetings that occurred during the Informal Grade Dispute procedure.
- e. Copies of all documents, assignments, or related materials indicating that Title V, § 55025 has been violated.

The Vice President for Instruction, upon receiving the student's request for a formal hearing will convene the Academic Grade Review Panel. The composition of the Academic Grade Review Panel is as follows:

- a. the Vice President for Instruction
- b. 1 faculty member from within the discipline of the class in question
- c. 2 faculty members at-large appointed by the Faculty Senate
- d. 1 student representative appointed by the ASG

If the student filing the Formal Grade Dispute Resolution Hearing Request Form prefers not to have a student representative, none will be appointed to the panel. The student also has the option to challenge the makeup of the panel, and may request that different faculty members be assigned in case of a perceived conflict of interest. The student may not request particular faculty, only that new faculty be assigned.

The instructor in question may also challenge the student representative on the panel in case of a perceived conflict of interest. The faculty may not request a particular student, only that a new student representative be assigned.

All documentation from the informal and formal procedures will be housed in the Office of Instruction in order to preserve the confidentiality of all records related to the process.

V. FORMAL HEARING PROCEDURES

- a. Within 20 business days of receiving a submitted request for a formal hearing, the Academic Grade Review Panel will convene to conduct the hearing.
- b. The Academic Grade Review Panel will:
 - i. Review the request for a formal hearing submitted by the student.

- ii. Receive a signed written statement from the instructor, department chair, and academic or counseling dean, specifying all relevant facts as discovered during the Informal Grade Dispute Procedure and the reasoning and evidence for Title V, § 55025 violation.
 - iii. Hear testimony, examine witnesses, and receive all evidence pertaining to the case, as determined to be necessary by the Academic Grade Review Panel.
 - iv. Evaluate testimony and evidence in terms of Title V, § 55025.
 - v. Provide a transcript of the proceeding and investigation, which will be kept in a confidential file in the Office of Instruction and will be available at all times to the parties to the dispute.
- c. The formal hearing will be closed to the public unless otherwise mutually agreed upon by all parties involved in the hearing.
- d. Upon conclusion of the formal hearing, the Academic Grade Review Panel will make a recommendation to the Superintendent/President of the District.
- e. The Superintendent/President of the District shall review the recommendation of the Academic Grade Review Panel and make a final decision within 15 business days.
 - i. If the Superintendent/President's decision is to change the grade, the new grade determined by the three faculty members of the Academic Grade Review Panel shall be the final grade assigned. The Academic Grade Review Panel will determine a new grade based on the information they have available to it, as well as the request of the student in the original request for a formal hearing. The Academic Grade Review Panel will designate one faculty member from the Panel to sign and file the official grade change form in Enrollment Services for appropriate recording of the new grade.
 - ii. If the Superintendent/President's decision is to uphold the grade, the instructor's decision regarding the grade dispute is final.