

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.

Instructional Day A day when classes are scheduled, excluding summer and intersession and Saturdays and Sundays.

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.

- 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. If the instructor is on contract, the instructor has 15 instructional days, excluding summer and intersession, 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, to proceed, the student must present his/her dispute to the chair of the department that offered the class of the grade in question. The department chair has 15 instructional days, excluding summer and intersession, 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, to proceed, the student must present his/her dispute to the academic or counseling dean of the division. The dean has 15 instructional days, excluding summer and intersession, 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 and department chair, 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 instructional days, excluding summer and intersession.

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 review by the Vice President of Instruction. The student must initiate the dispute process within 15 instructional days, excluding summer and intersession, of receiving from the academic or counseling dean notice of a potential case of a violation of Title V. Grade disputes pursued after this time will not be accommodated.

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

- 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 of the disputed grade
- 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 review will follow the process outlined below.

V. FORMAL REVIEW

- a.
 - i. Review the request 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.
 - iv. Evaluate testimony and evidence in terms of Title V, § 55025.
- b. Upon conclusion of the consideration of the formal grade dispute resolution request and all evidence, the Vice President for Instruction will make a recommendation to the Superintendent/President of the District.
- c. The Superintendent/President of the District shall review the recommendation of the Vice President of Instruction and make a final decision within 15 instructional days, excluding summer and intersession.

- i. If the Superintendent/President's decision is to change the grade, the new grade determined by three faculty members selected by the department chair shall be the final grade assigned. When possible the three faculty members determining the grade will be the department chair and two other faculty members from the discipline in question. The faculty members will determine a new grade based on the information they have available, as well as the request of the student in the original request for a formal hearing. In no way, however, will the help of the faculty members in arriving at a grade be construed as their rendering a judgment on whether or not there has been a Title V , § 55025 violation. One of the three faculty members will 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.
- iii. The Superintendent/President of the District will inform the student, instructor, department chair, and academic or counseling dean in writing of the decision.

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.



Formal Grade Dispute Resolution Review Request Form

Before filling out this form, the student must have followed all steps in the Informal Grade Dispute Resolution Procedures. This form must be filed within one semester of the instructor of record's response in the Informal Grade Dispute Resolution Procedures. Please see the Student Grade Dispute Policy and Procedures for details and complete timeline.

This form must be typed. All supplemental information/additional pages must be typed where possible.

STUDENT NAME: _____ STUDENT ID#: _____

Last, First, MI

TODAY'S DATE: _____ mm/dd/yyyy

CLASS INFORMATION FOR CLASS IN QUESTION:

COURSE NAME/ID: _____ SECTION #: _____

SEMESTER/YEAR: _____ INSTRUCTOR NAME: _____

Please provide a clear and concise statement of the grade dispute, including details of the specific violation of Title V, § 55025. Use additional pages if necessary.

Identify the resolution, corrective action, or remedy to this dispute being sought. Use additional pages if necessary.

Please provide a detailed summary of all actions already taken by the student to resolve the issue, including dates and times for all meetings that occurred during the Informal Grade Dispute Procedure. Use additional pages if necessary.

Please attach copies of all documents, assignments, or related materials that indicate that Title V, § 55025 has been violated.

Students- please retain a copy of this completed form for your records. Please submit completed form and all related documentation to the Vice President of Instruction, Office of Instruction, AA-103.

STUDENT SIGNATURE:

By signing this form, you are indicating that all information provided is complete, accurate, and relevant to the best of your knowledge.