

## Formal Process for Grade Appeals

The State of California Education Code (Section 76224) states that the "...determination of the student's grade by the instructor in the absence of mistake, fraud, bad faith, or incompetence, shall be final." If a student feels they have been unfairly assigned a grade based upon mistake, fraud, bad faith, or incompetence, not more than 120 days after the last day of the semester or term for which the grade was awarded, the student should initiate "Step 1" of the grade appeal procedure.

Step 1: Meet with the instructor to explain the situation and see if the problem can be resolved.

Step 2: If Step 1 does not resolve the issue and the student wishes to pursue it further then the student shall arrange a meeting with the department chair within two weeks of meeting with the instructor.

Step 3: If Step 2 does not resolve the issue and the student wishes to pursue it further then the student shall arrange a meeting with the Instructional Dean within two weeks of meeting with the department chair.

**Please Note:** The Department Chair and Instructional Dean may support the student and/or instructor throughout the grade appeal process and may assist in facilitating discussions toward resolution. However, neither the Department Chair nor the Instructional Dean has the authority to change a grade assigned by an instructor.

Step 4: If Step 3 does not resolve the issue, then the student may request a formal hearing with the Grade Appeal Committee (GAC) by submitting a Grade Appeal Form to the Office of Instruction within two weeks of meeting with the Instructional Dean. If the Vice President of Instruction determines the grade appeal meets the threshold of mistake, fraud, bad faith, or incompetence, the appeal will go to the GAC. If the Vice President of Instruction determines the grade appeal does not meet the threshold, the appeal will not go to the GAC, and the grade will remain.

The GAC shall be composed of: Vice President of Instruction, Dean of Student Engagement & Wellness, Director of Admissions & Records, one Admissions & Records classified staff member, two faculty members (the president and vice president of the Academic Senate or their designees), and the ASG president or their designee.

The GAC shall hold a hearing within 10 days of receiving a valid and complete Grade Appeal Form, unless the student and/or instructor is unavailable due to vacation or other extenuating circumstances. All Parties involved will have the right to present

oral or written testimony, to have counsel, to have and question witnesses, and to hear all testimony. If the principal parties, either the student and/or instructor, do not wish to attend the hearing, they may waive this right in writing.

Step 5: The GAC will present its findings and recommendation to the College President who will make a final determination within 10 days of the GAC committee meeting. The GAC will notify all parties of the final determination.

Helpful definitions:

**Mistake** — An unintentional error in calculating, recording, or assigning the grade.

**Fraud** — Intentional deception or misrepresentation that affects the grade. This would involve knowingly falsifying, altering, or misrepresenting information related to a student's academic performance or the basis upon which the grade was assigned. It may also include the inaccurate recording or change of a grade by any person who gains access to the grade record without authorization.

**Bad Faith** — Assigning or influencing a grade for an improper, dishonest, retaliatory, or otherwise illegitimate purpose rather than making a genuine academic judgment based on the student's performance. Bad faith generally requires more than showing that an instructor was unfair, inconsistent, or made a decision with which the student disagrees; there should be evidence suggesting an improper motive or deliberate disregard of the legitimate basis for grading.

**Incompetency** — A significant failure to exercise the knowledge, skill, or professional judgment reasonably expected in evaluating a student's academic performance.



# FORMAL PROCESS FOR GRADE APPEALS



The State of **California Education Code (Section 76224)** states that the "...determination of the student's grade by the instructor in the absence of mistake, fraud, bad faith, or incompetence, *shall be final.*" If a student feels they have been unfairly assigned a grade based upon mistake, fraud, bad faith, or incompetence, **not more than 120 days** after the last day of the semester or term for which the grade was awarded, the student should initiate Step 1 of the grade appeal procedure.

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## MEET WITH THE INSTRUCTOR

Meet with the instructor to explain the situation and see if the problem can be resolved.



## INITIATE WITHIN 120 DAYS

Not more than 120 days after the last day of the semester or term for which the grade was awarded.

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## MEET WITH THE DEPARTMENT CHAIR

If Step 1 does not resolve the issue and you wish to pursue it further, arrange a meeting with the department chair **within two weeks** of meeting with the instructor.



## PLEASE NOTE

The Department Chair and Instructional Dean may support the student and/or instructor throughout the grade appeal process and may assist in facilitating discussions toward resolution.

**However, neither the Department Chair nor the Instructional Dean has the authority to change the grade assigned by an instructor.**

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## MEET WITH THE INSTRUCTIONAL DEAN

If Step 2 does not resolve the issue and you wish to pursue it further, arrange a meeting with the Instructional Dean **within two weeks** of meeting with the department chair.

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## REQUEST A FORMAL HEARING

If Step 3 does not resolve the issue, then you may request a formal hearing with the Grade Appeal Committee (GAC) by submitting a Grade Appeal Form to the Office of Instruction within two weeks of meeting with the Instructional Dean.

The Vice President of Instruction will review the request to determine if it meets the threshold of mistake, fraud, bad faith, or incompetence. If the threshold is met, the appeal will go to the GAC. If the threshold is not met, the appeal will not go to the GAC, and the grade will remain.



## GRADE APPEAL COMMITTEE (GAC)

The GAC shall be composed of:

- Vice President of Instruction
- Dean of Student Engagement & Wellness
- Director of Admissions & Records
- One Admissions & Records classified staff member
- Two faculty members (the president and vice president of the Academic Senate or their designees)
- The ASG president or their designee

The GAC shall hold a hearing within **10 days** of receiving a valid and complete Grade Appeal Form, unless the student and/or instructor is unavailable due to vacation or other extenuating circumstances. All parties involved will have the right to present oral or written testimony, to have counsel, to have and question witnesses, and to hear all testimony. If the principal parties, either the student and/or instructor, do not wish to attend the hearing, they may waive this right in writing.

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## FINAL DETERMINATION

The GAC will present its findings and recommendation to the College President, who will make a final determination within 10 days of the GAC committee meeting. The GAC will notify all parties of the final determination.

## HELPFUL DEFINITIONS

### MISTAKE

An unintentional error in calculating, recording, or assigning the grade.

### FRAUD

Intentional deception or misrepresentation that affects the grade. This would involve knowingly falsifying, altering, or misrepresenting information related to a student's academic performance or the basis upon which the grade was assigned. It may also include the inaccurate recording or change of a grade by any person who gains access to the grade record without authorization.

### BAD FAITH

Assigning or influencing a grade for an improper, dishonest, retaliatory, or otherwise illegitimate purpose rather than making a genuine academic judgment based on the student's performance. Bad faith generally requires more than showing that an instructor was unfair, inconsistent, or made a decision with which the student disagrees; there should be evidence suggesting an improper motive or deliberate disregard of the legitimate basis for grading.

### INCOMPETENCY

A significant failure to exercise the knowledge, skill, or professional judgment reasonably expected in evaluating a student's academic performance.





# GRADE APPEAL FORM

Per SBCCD Administrative Procedure 4231



The State of **California Education Code (Section 76224)** states that the "...determination of the student's grade by the instructor in the absence of mistake, fraud, bad faith, or incompetence, *shall be final.*" If you feel you have been unfairly assigned a grade based upon mistake, fraud, bad faith, or incompetence, you must initiate the grade appeal process **within 120 days** after the last day of the semester or term for which the grade was awarded.



**INITIATE WITHIN  
120 DAYS**  
of the last day of the semester/  
term the grade was awarded.

## 1. STUDENT INFORMATION

Name: \_\_\_\_\_ Student ID: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

## 2. COURSE INFORMATION

Course Title: \_\_\_\_\_ Course Number: \_\_\_\_\_  
Section: \_\_\_\_\_ Semester/Term: \_\_\_\_\_ Year: \_\_\_\_\_  
Instructor: \_\_\_\_\_ Grade Received: \_\_\_\_\_

## 3. INFORMAL RESOLUTION – STEP 1 (REQUIRED)

You **must first meet with the instructor to explain the situation and** see if the problem can be resolved.

Date(s) you met with the instructor: \_\_\_\_\_

Outcome of your discussion with the instructor (check one):

☐ Issue Resolved

☐ Issue Not Resolved

☐ No Response from Instructor

Please provide a brief summary of your discussion with the instructor:

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## 4. ADDITIONAL STEPS PRIOR TO FORMAL APPEAL (OPTIONAL)

If meeting with the Instructor did not resolve the issue, you may meet with the Department Chair and then the Instructional Dean before filing a formal appeal.

**Please note: The Chair and Dean do not have the authority to change the grade assigned by an Instructor.**

| Meeting With       | Date of Meeting | Outcome / Next Steps (brief summary) |
|--------------------|-----------------|--------------------------------------|
| Department Chair   |                 |                                      |
| Instructional Dean |                 |                                      |

## 5. GROUNDS FOR APPEAL

I believe the grade assigned was the result of (check all that apply):

☐ Mistake

☐ Fraud

☐ Bad Faith

☐ Incompetence

Please provide a detailed explanation of how the grade was based on the above ground(s):

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## 6. SUPPORTING DOCUMENTATION

List all documents, emails, assignments, or other materials supporting your appeal. (Attach copies.)

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## 7. ACKNOWLEDGMENT AND SIGNATURE

I understand that this appeal will be reviewed in accordance with SBCCD Administrative Procedure 4231. I certify that the information provided is true and complete to the best of my knowledge.

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### FOR OFFICE USE ONLY

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_

Forwarded to Vice President of Instruction for Threshold Review on: \_\_\_\_\_

Meets Threshold Review: ☐ Yes ☐ No

If yes, GAC Hearing Outcome: \_\_\_\_\_

