

# STUDENT FINAL GRADE CHALLENGE PROCEDURES

## CIRCUMSTANCE FOR CHALLENGING A GRADE

A student has a right to challenge a final grade in a course only to the extent allowable under Education Code Section 76224(a). To do so, a student must demonstrate that the instructor issued the grade under one of the following conditions:

- **Mistake: An unintentional act, omission, or error by the instructor or the college.**
- **Fraud: A deception deliberately practiced in order to secure unfair or unlawful gain.**
- **Bad Faith: An intent to deceive or to act in a manner contrary to law and/or a grade assigned because of a student's protected characteristics contrary to Education Code and Title 5, California Code of Regulations. If, pursuant to the discrimination and harassment complaint procedure, it is determined that a grade was the result of discrimination or harassment, the grade may be changed as a remedy for the discrimination or harassment.**
- **Incompetence: A lack of ability, legal qualification, or fitness to discharge a required duty on the part of the instructor.**

**Section I - Informal Resolution:** The first step in challenging a grade occurs between the student and the faculty member. Any student who believes that they have been wrongfully assigned a grade shall make a reasonable effort to resolve the matter directly with the faculty member who assigned the grade. The student shall initiate communication with the faculty member to attempt to resolve the matter no later than 10 instructional days into the semester following the semester for which the grade was assigned, not including summer session or intersessions. This process shall begin and proceed when the faculty member is on contract.

**Section II - Formal Resolution:** If the student is unable to resolve the matter to their satisfaction with the faculty member, the student has the right to proceed with a formal grade challenge.

## MEETING WITH INSTRUCTIONAL DEAN

1. The first step of the formal grade challenge is a meeting with the instructional dean that oversees the department from which the grade was issued. If the student has communicated with the faculty in a timely manner as noted in the informal resolution procedures, the dean will meet with the student regarding the grade challenge. The initial student meeting with the dean shall occur within 15 instructional days following the student's initial attempt to informally resolve the matter with the faculty member. The dean will listen to the student complaint and explain the formal grade challenge process to the student, including expectations for adequate documentation. At the conclusion of the meeting between the student and the dean, the dean will instruct the student to complete the *Student Petition for Final Grade Challenge* available on the Admission & Records webpage or as provided by the dean. The dean will also inform the student this process shall only proceed when the faculty member is on contract and does not include the summer session or intersessions.
2. The student and the dean will schedule a follow-up meeting for no less than 5 instructional days and no more than 15 instructional days. During the intervening time, the student will have the

opportunity to assemble any documentation and evidence. The dean will contact the faculty member to assemble the syllabus and any other related documentation.

3. At the second meeting, the dean will review all provided documentation submitted by the student. Within 15 instructional days of the second meeting, the dean will issue a finding. The finding and decision of the dean will be in writing and cite the assembled documentation as needed.
4. If the student chooses to appeal the dean's grade challenge decision, the dean will then complete the section of the form that includes their finding before assembling a review panel.

**Section III - Grade Review Panel – Final Appeal:** The last step in a formal Final Grade Challenge involves:

1. The Vice President of Instruction or their designee will assemble a grade review panel with the following composition: the appropriate dean or designee, a representative appointed by the Associated Student Government, and a faculty member, not a party to the challenge process, appointed by the Academic Senate.
2. When faculty are on-contract, the panel will meet within 15 workdays following the receipt of the request for a grade challenge submission to select a chair and determine if, based on the documentation assembled from Section II(b) there are sufficient grounds for a hearing. When faculty is off-contract, this meeting will occur within 15 workdays after the faculty are back on contract.
3. Determination of whether or not a grade challenge submission presents sufficient evidence to warrant a hearing shall be based on whether:
  - a. The student submission contains claims which, if true, would constitute a grievance of the grade under these procedures and;
  - b. The submission was submitted by an individual who is a student or was a student at Cypress College for the term in which the grade was assigned the grade challenge form was submitted in a timely manner;
  - c. The submission is not, based on the allegations in the formal submission, frivolous, without foundation, or filed for the purposes of harassment.
4. If the review panel determines that the submission does not warrant a review panel hearing, the chair will notify the student in writing within 5 workdays of the panel meeting and will include the reason for the rejection of a hearing.
5. If the panel determines that a hearing is warranted, the chair will schedule a hearing within 30 workdays of the panel decision or as soon as is reasonable if faculty are off-contract. The review panel will hear from the student if they choose and from the faculty member if they choose and will consider the submitted documentation.
6. It is the student's responsibility to produce a preponderance of the evidence that supports their claim.
7. The review panel will issue their ruling on the appeal within 10 workdays of the meeting.

8. The decision of the review panel will be in writing and will include the reason for the decision. The review panel's decision will be final and not subject to further appeal.
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