



# GRADE APPEAL PROCEDURES

Dean of Enrollment Services Office

## Criteria for Eligibility

- The student may not concurrently be enrolled in a course they are appealing.
- The student must not have repeated the course being appealed subsequent to the term when the appealed grade in the course was taken.

## Basis for the Appeal of a Final Grade

- The burden of proof rests on the student. The basis of the grade appeal, statements, and other document(s) submitted (if any) must contain only truthful statements of the facts. Under the provisions of the Santa Monica College Honor Code, Rules for Student Conduct, and Code of Academic Conduct the student acknowledges that making false statements may result in disciplinary proceedings, including suspension/expulsion from the College.
- Under California Education Code §766224(a) and Santa Monica College Administrative Regulation 4313: The basis of the grade appeal is limited to instructor mistake, fraud, bad faith, or incompetency (Education Code 76224(a)). No other reasons are valid and will not be considered for a grade appeal. For the purposes of the grade appeal, the following of definitions of bad faith, fraud, incompetence, and mistake apply:
  - **Bad faith:** *The opposite of “good faith,” generally implying or involving actual or constructive fraud, or a design to mislead or deceive another, or a neglect or refusal to fulfill some duty or some contractual obligation, not prompted by an honest mistake as to one’s rights or duties, but by some interested or sinister motive.*
  - **Fraud:** *Fraud consists of some deceitful practice or willful device, resorted to with intent to deprive another of his/her right, or in some manner to do him/her an injury.*
  - **Incompetence:** *Lack of ability, inefficient and without the qualities needed to discharge one’s obligations and duties.*
  - **Mistake:** *Some unintentional act, omission, or error arising from ignorance, surprise, imposition, or misplaced confidence.*

## Step 1: Student Confers with College Ombudsperson

- Prior to filing a formal grade appeal petition, the student must meet with the College Ombudsperson at least a one month before the formal grade appeal deadline noted in Step 2.
- If after conferring with the Ombudsperson an informal resolution is not achieved, the student may request a **Grade Appeal Petition** form from the Dean of Enrollment Services Office (in Admissions & Records). This petition must be completed and turned in to the Dean’s Office no later than the deadlines below.

## Step 2: Student Completes and Files a Grade Appeal Petition Form

- The Formal Grade Appeal process takes approximately 2 to 4 months (or longer in some cases). The Grade Appeal Committee only hears cases in the Fall and Spring semesters on a first filed, first heard basis. Due to the length of the process, we recommend not waiting until the filing deadline to initiate the formal appeal process with the Office of the Dean of Enrollment Services.

- To start the formal Grade Appeal process, the student must complete and submit the **Grade Appeal Petition** form with a written statement and all supporting documentation to the Dean of Enrollment Services by deadlines outlined below—no extension will be given under any circumstances. The student will not be able to submit the petition late or present additional material at a later time. Plan accordingly.
  - For courses taken in Fall— April 30
  - For courses taken in Winter—May 30
  - For courses taken in Spring—October 30
  - For courses taken in Summer— November 30
- Failure to submit the petition by the deadline will terminate the grade appeal process.

### **Step 3: Review of Request for Grade Appeal**

Once the **Grade Appeal Petition** form, the student's written statement, and supporting documentation have been submitted, the following process begins:

- The Professor of the class reviews the above documents and provides a written response. The instructor may present additional documentation in support of his/her position, including grade rosters, calculations, syllabus, etc.
- The Department Chair reviews both the student and professor's written statement and supporting documentation, and provides a written response.
- The Vice President of Academic Affairs reviews all statements and documents and provides a written response.
- Once the above has concluded, an email will be sent to the student's SMC email address to schedule an appointment to meet with the Dean of Enrollment Services to review the written responses. This packet can be viewed and inspected by the student but not duplicated.
- The student must decide at this meeting if he/she will proceed with the formal hearing before the Grade Appeals Committee. The student confirms this by signing the appropriate form provided by the Dean of Enrollment Services.

### **Step 4: Scheduling of the Hearing**

- A hearing day will be scheduled by the Dean of Enrollment Services Office as soon as possible. Hearings are held only during the Fall and Spring semesters.
- Approximately two (2) weeks before the hearing, an email will be sent to the student and instructor's SMC email addresses outlining the hearing date, time, and location.
- The student's presence at the hearing is required.
- Students with disabilities may request any accommodations to which they may be entitled under the Americans with Disabilities Act. Students must request these accommodations through DSPS in a timely manner so necessary arrangements may be made.
- The student may bring legal counsel to the hearing; however, he/she must notify the Dean of Enrollment Services Office a minimum of two school days in advance of the hearing. Otherwise, the hearing will be canceled. Counsel may not participate in the hearing. Counsel participation will terminate the hearing and the Grade Appeal will deliberate based on documentation provided.
- Once scheduled, hearings will not be postponed. In the event that either the student or the instructor do not appear as scheduled because of a documented extenuating circumstance the Grade Appeal Committee is empowered to render a decision based on the evidence submitted in preparation of the hearing. Notice of extenuating circumstances preventing either party from appearing at the hearing must be given to the Dean of Enrollment Services office, with substantiating documentation, by phone or via email prior to the hearing date.

**Step 5: The Hearing**

- Prior to the commencement of the hearing, the Grade Appeal Committee will review the materials submitted by the student and the instructor.
- The Grade Appeal Committee is composed of:
  - Three students selected at-large by the Associated Students.
  - Three faculty members appointed by the Academic Senate President.
  - One academic manager appointed by the Superintendent/President or designee, who serves as chair.
  - The Dean of Enrollment Services and an Administrative Assistant will be present at all hearings.
- Five (5) of the seven (7) members constitute a quorum, and at least one academic manager, two students and two faculty members must be included in the quorum. Decisions will be determined by a majority vote of those present.
- Students will not be permitted to introduce new evidence at the hearing.
- Both the student and the faculty member may bring witnesses or representatives to the hearing. If these individuals will be presenting testimony, they must do so within the time allotted to the student and faculty member to present his/her case. Non-witnesses may not participate in the hearing.
- Each party may question evidence and supportive documents presented.
- The Grade Appeal Committee hearings are recorded by the College. Personal records are not permitted. If a party does not consent to being recorded by the College, the hearing will be terminated and the Committee will render a decision based on the written documentation presented by all parties. Hearings are confidential and closed to the public. Cell phones are not permitted.
- Any materials related to the hearing, including electronic recordings of the proceedings, will not be released to the student requesting the grade appeal or to any other individual. Access to these records is governed by the College's Family Educational Rights Privacy Act (FERPA) regulations.
- Failure to appear without notice by one or both parties will result in his/her forfeiture of participation at the hearing. The party present will be permitted to address the Committee and the Committee will make a decision based on the evidence presented. Lack of attendance will not constitute grounds for appeal of the decision rendered.

**Step 6: Committee's Formal Decision**

- Within ten (10) school days after hearing the case, the Grade Appeal Committee will issue its formal written decision regarding the student's petition for a grade change and will send via email the written notice to the student and the instructor.
- Decisions for an administrative grade change will be based solely on the grounds set forth in Education Code Section 76224(a): mistake, fraud, bad faith, incompetence. The Committee is empowered to uphold or change the grade based on the evidence presented. This decision will be forwarded to the Superintendent/President or designee and the Vice-President of Academic Affairs and the Vice President of Enrollment Development.

**Step 7: Appeals from Committee's Formal Decision**

- Within five (5) school days after the Committee's formal decision has been sent via email, either party may make a written appeal to the Superintendent/President or designee via the Dean of Enrollment Service Office.
- The basis for the appeal shall be limited to: (1) the required procedures were not followed; or (2) there is insufficient evidence to support the Committee's decision. Claims of unopened/unread email will not constitute grounds for an extended deadline in which to submit the appeal.
- The decision of the Superintendent/President or designee shall be final and binding.