

AP 4231 GRADE CHANGES**References:**

Education Code Section 76224
Title 5 Section 55025

Changing Grades

The instructor of the course shall determine the grade to be awarded to each student. The determination of the student's grade by the instructor is final in the absence of mistake, fraud, bad faith, or incompetency. "Mistake" may include, but is not limited to, errors made by an instructor in calculating a student's grade and clerical errors. "Fraud" may include, but is not limited to, intentional inaccurate recording or the change of a grade by any person who gains access to grade records without authorization.

The removal or change of an incorrect grade from a student's record shall only be done pursuant to this process.

Provisions shall be made to allow another faculty member to substitute for the instructor if the student has filed a discrimination complaint, if the instructor is not available, or where the District determines that it is possible that there may have been gross misconduct by the original instructor.

Grade Changes by Instructors

Instructors may choose to change a student's grade by submitting a Grade Change Form to the Admissions and Records Office stating the reason for the change.

I. Final Grade Disputes

Students may obtain a change to a final course grade without the instructor's agreement only when the student can provide proof that the final course grade reflects mistake, fraud, bad faith, or incompetency.

Without such proof, only the instructor who assigned a final grade can choose to change that final grade. No individual or group, whether acting on a grievance or in some other manner, has the authority to change a grade determined by an instructor unless persuasive evidence is presented by the student in accordance with the provisions as outlined in the law and this procedure. Accordingly, in determining whether to initiate a grievance involving grades, students should consider whether they believe there will be persuasive evidence of mistake, fraud, bad faith, or incompetency. Students may seek resolution of their dispute as outlined below. Students must initiate the dispute within three semesters of the final grade being submitted to the Office of Admissions and Records.

II. Informal Final Grade Dispute Resolution Procedure

Before initiating formal grade dispute procedures, the student shall attempt to resolve the dispute informally by meeting with the instructor who issued the grade in dispute, the department chairperson and the appropriate academic administrator. The intent of the informal grade dispute procedure is to strongly encourage and support all possible attempts to resolve the dispute with the instructor.

Meeting with the instructor is only excused when the student has filed a discrimination complaint that alleges the grade was affected by improper discrimination (including harassment) or retaliation for filing a discrimination complaint under the District's nondiscrimination process or when the

student reports gross misconduct by the instructor and the District determines that it is possible that gross misconduct occurred.

The student must 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 Petitions Committee.

- a. Unless this procedure excuses an initial meeting with the instructor, the student must take any questions regarding the accuracy of a final course grade to the instructor of record for the class in question within three semesters 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. It is the student's responsibility to obtain the instructor's signature and date of the meeting on the Request for Grade Reconsideration Form.
- b. If the student has not resolved his/her dispute with the instructor, the student may present his/her dispute to the chairperson of the department that offered the class for which the grade in question was given. The department chairperson has 15 business days to respond to and meet with the student after being contacted by the student. It is the student's responsibility to obtain the department chairperson's signature and date of the meeting on the Request for Grade Reconsideration Form.
- c. If the student has not resolved his/her dispute with the instructor and department chairperson, 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. It is the student's responsibility to obtain the dean's signature and date of the meeting on the Request for Grade Reconsideration Form.
- d. At level b and c listed above, the department chairperson 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 the instructor. If, after consultation with the instructor and/or department chairperson, the academic or counseling dean feels that the final course grade may reflect mistake, fraud, bad faith, or incompetency, the student may pursue the Formal Final Grade Dispute Process outlined in Section III. If the department chairperson finds cause and the instructor chooses not to change the grade, the student can proceed to the formal process.
- e. In cases where the instructor of record for the class in question is on sabbatical or other leave, every effort shall be made to contact the instructor. If the instructor is not available, the chairperson shall act on the instructor's behalf. In cases where the instructor is on leave for more than one calendar year, or is unavailable for contact, another instructor shall substitute for the instructor of record, as specified in Title 5 Section 55025. If the instructor is not a current employee at the time of the student challenge, the student shall file the Request for Grade Reconsideration Form with the department chairperson.
- f. If no evidence of mistake, fraud, bad faith, or incompetency is found by the department chairperson 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 chairperson in writing of the finality of the instructor's decision and the completion of the grade dispute process within 15 business days of making the decision.
- g. If the student fails to meet any of the deadlines described above in subdivisions a, b, or c, the student is deemed to have waived any challenge to the grade and the final grade issued by the instructor stands.

III. Formal Final Grade Dispute Resolution Procedure

If the academic or counseling dean finds that there is a potential case that the grade reflects mistake, fraud, bad faith, or incompetency, the student may file a request for a formal hearing. The student must initiate the formal dispute process within 30 calendar days of receiving the Request for Grade Reconsideration wherein the department chairperson and/or dean indicate cause exists to suggest that a grade reflects mistake, fraud, bad faith, or incompetency. Grade disputes that allege discrimination (including harassment or retaliation) in violation of the District's nondiscrimination policies cannot be initiated by the student with the Petitions Committee. Such allegations must be investigated by the District's assigned officer for such investigations.

Students must complete the Petition for Final Grade Review Form 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 nature of the alleged mistake, fraud, bad faith, or incompetency.
- b. The name of the instructor, course title, course record 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 and recorded on the Request for Grade Reconsideration Form.
- e. Copies of all documents, assignments, or related materials indicating evidence of the alleged mistake, fraud, bad faith, or incompetency.

Upon receiving the student's request for a formal hearing, the Petitions Committee will convene to hear the dispute.

The student has the option to challenge the composition of the Petitions Committee only if it is determined that there is a conflict of interest with any committee member. In such cases, that committee member would be excused from the case and a different member will be assigned.

All documentation from the informal and formal procedures will be maintained in the Office of Admissions and Records to preserve the confidentiality of all records related to the process.

IV. Formal Hearing Procedures

- a. Within 15 business days of receiving a submitted request for a formal hearing, the Petitions Committee will convene to conduct the hearing.
- b. The Petitions Committee will:
 - i. Review the request for a formal hearing submitted by the student. The formal hearing is intended to resolve the dispute based on the merits and facts of the case and is not a legal proceeding.
 - ii. Request additional information, if necessary, from the instructor who has seven days from receipt of the request to respond.
 - iii. Receive a signed written statement from the instructor, department chairperson, and academic or counseling dean, specifying all relevant facts as discovered during the Informal Grade Dispute Procedure and the reasoning and evidence related to mistake, fraud, bad faith, or incompetency.

- iv. The Petitions Committee shall hear testimony, examine witnesses, and receive evidence pertaining to the case, as determined to be necessary by the committee.
 - v. Evaluate relevant testimony and evidence.
 - vi. Provide a transcript of the proceeding and investigation, which will be kept in a confidential file in the Office of Admissions and Records and shall be available at all times to the parties to the dispute to the extent that such material is not otherwise confidential.
- c. The formal hearing will be closed to the public
 - d. Upon conclusion of the formal hearing, the Petitions Committee shall make a recommendation to the Superintendent/President.
 - e. The Superintendent/President shall review the recommendation of the Petitions Committee and make a final decision within 15 business days of receipt of the Committee's recommendation.
 - i. If the Superintendent/President's decision is to change the grade, the Superintendent/President will direct the Dean of Enrollment Service to change the grade. In all such cases, the Superintendent/President will give written notice of the change to the student and the instructor. Whenever a grade is changed as a result of this process, corrected transcripts will be sent to any known educational institution to which the student has transferred.
 - ii. If the Superintendent/President's decision is to retain the original grade, the Superintendent/President will give written notice of that decision to the student and the instructor.

Security of Grade Records

The District shall implement security measures for student records that assure no one without proper authorization may obtain access to student grade records. These measures are installed as part of any computerized grade data storage system.

The measures implemented by the District include, but are not necessarily limited to, password protection for all student grade data bases, locking mechanisms for computer stations from which grade data bases can be viewed, and strict limits on the number of persons who are authorized to change student grades.

Persons authorized to change grades shall be designated by the Dean of Enrollment Management. No more than five District employees may be authorized to change student grades. Only full-time employees of the District may be authorized to change grades. Student workers shall not have access to or change grades at any time.

Any person who discovers that grades have been changed by someone other than the persons authorized to do so shall notify the Dean of Enrollment Management immediately. The Dean of Enrollment Management shall immediately take steps to lock the grade storage system entirely while an investigation is conducted.

If any student's grade record is found to have been changed without proper authorization, the District will notify 1) the student; 2) the instructor who originally awarded the grade; 3) any known educational institution to which the student has transferred; 4) the accreditation agency; and 5) local law enforcement authorities.

Whenever a grade is changed for any reason, corrected transcripts will be sent to any known educational institution to which the student has transferred.

Any student or employee who is found to have gained access to grade recording systems without proper authorization or who is found to have changed any grade without proper authority to do so, shall be subject to discipline in accordance with the District's policies and procedures.

Any person who is found to have gained access to grade recording systems without proper authorization or who is found to have changed any grade without proper authority to do so, shall be reported to the appropriate law enforcement agency.

The correction of an awarded grade shall only be allowed for a student-initiated request-brought under the provisions of this procedure.

Office of Primary Responsibility: Office of Student Learning

Date Approved: March 16, 2010
(Replaces portions of former College of Marin Procedure 4.0003 DP.10)