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 or another faculty member only if the instructor is on sabbatical or other leave and the appropriate academic or counseling dean. 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 Dean of Student Development and Special Services.

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 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.

c. Deans do 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, the academic or counseling dean involved 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.

d. If no evidence of mistake, fraud, bad faith, or incompetency is found by the 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.

e. In cases where the instructor of record for the class in question is on sabbatical or other leave, every effort shall be made by the academic or counseling dean involved to contact the instructor. If after two attempts within a two week period, the instructor is still unavailable, another faculty member shall act on the instructor’s behalf as specified in Title 5 Section 55025

f. 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 or the student is dissatisfied with the decision of the academic or counseling dean, the student may file a request for a formal hearing with the College Petitions Committee which is comprised of faculty and administrators from Instruction and Student Services. The student must initiate the formal dispute process within 30 calendar days of receiving the Request for Grade Reconsideration decision from the academic or counseling dean involved. 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 College 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 College 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, or another faculty member, if the instructor is on sabbatical or other leave, and the 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 comprehensive summary of the proceedings and investigations, to the Superintendent/President, if the College Petitions Committee is recommending a grade change.

c. The formal hearing will be closed to the public

d. Upon conclusion of the formal hearing, the College Petitions Committee shall make a decision to uphold the final grade, or make a recommendation to the Superintendent/President to change the final grade.

e. If the Petitions Committee decides to uphold the final grade, The College Petitions Committee will have 15 business days to inform the student in writing of their decision. The decision of the College Petitions Committee is final and will represent the final stage of due process.

f. If the College Petitions Committee decision is to recommend a change in the final grade, the College Petitions Committee will submit the recommendation to the Vice President of Student Learning who will review it and forward the recommendation of the College Petitions Committee to the Superintendent/President who will make the 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 Vice President of Student Learning to change the grade. The Superintendent/President will give written notice of the change to the Vice President of Student Learning, the academic or counseling dean involved, the College Petitions Committee, 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 Vice President of Student Learning, the academic or counseling dean involved, the College Petitions Committee, the student and the instructor.

iii. The decision of the Superintendent/President is final and represents the final stage of due process.
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 Services. 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 Services immediately. The Dean of Enrollment Services 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)

Revised: June 19, 2012