

**AP 4231 GRADE CHANGES****References:**

Education Code Section 76224;  
Title 5 Section 55025

**Final Grade Changes by Instructors**

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.

Instructors may choose to change a student's grade by submitting a Grade Change Form to the Office of Admissions and Records stating the reason for the change. No grade change will be made more than two years after the final grade was issued.

**Student Initiated Preliminary Final Grade Dispute Procedure**

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 two years of the final grade being submitted to the Office of Admissions and Records.

**I. Preliminary Final Grade Dispute Procedure**

Before initiating Preliminary Final 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 area dean. The intent of the Preliminary Final 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 Enrollment Services and depending upon the student's questions, the student may be referred to the VP of Student Services for further assistance.

- 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 two years of the final grade being submitted. The instructor has 10 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 Preliminary Final Grade Dispute Petition.
- B. If the student has not resolved his/her dispute with the instructor, the student may present his/her dispute to the area dean. The area dean has 10 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 area dean's signature and date of the meeting on the Preliminary Final Grade Dispute Petition.
- 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.
  1. If, after consultation with the instructor and reviewing all relevant documents to resolve the dispute, the area dean feels that the final course grade may reflect mistake, fraud, bad faith, or incompetency, the area dean, within 5 business days of making the decision, will notify the student by email that they may pursue the Final Grade Dispute Procedure outlined in Section II. and on the Final Grade Dispute Petition.
  2. If no evidence of mistake, fraud, bad faith, or incompetency is found by the area dean, the instructor's decision is final and no Final Grade Dispute Procedure will proceed. The area dean will inform the student, instructor, and department chairperson in writing of the finality of the instructor's grade decision within 5 business days of making the decision.
- D. 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 area dean to contact the instructor. If after two attempts within a two week period, the instructor is still unavailable, the area dean, in consultation with the department chair will appoint another faculty member to act on the instructor's behalf as specified in Title 5 Section 55025.

- E. 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.

## **II. Final Grade Dispute Procedure**

If the area dean finds that there is a potential case that the grade reflects mistake, fraud, bad faith, or incompetency within 5 business days of making the decision, the area dean will forward the Formal Hearing Request to the College Petitions Committee and all relevant evidence that supports the student's grade change request.

Within 10 business days of receiving notification from the area dean that their Preliminary Final Grade Dispute Petition has been forwarded to the College Petitions Committee for resolution, the student must complete and submit the Final Grade Dispute Petition including the following information to the Office of Admissions and Records:

1. 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.
2. The name of the instructor, course title, course record number, and semester of the class for which the grade is being disputed.
3. Identification of the resolution, corrective action, or remedy being sought.
4. A detailed summary of the actions already taken to resolve the issue, including dates and times for meetings that occurred during the Preliminary Final Grade Dispute Procedure, as recorded on the Final Grade Dispute Petition.
5. Copies of all documents, assignments, or related materials indicating evidence of the alleged mistake, fraud, bad faith, or incompetency.

## **III. Formal Hearing Procedures**

The formal hearing is intended to resolve the dispute based on the merits and facts of the case and is not a legal proceeding and will be closed to the public.

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 Preliminary and Final Grade Dispute Procedures will be maintained in the Office of Admissions and Records to preserve the confidentiality of all records related to the process.

- A. Within 15 business days of receiving the Final Grade Review Petition with all supporting documents from the student and the area dean, the College Petitions Committee will convene to review and evaluate all submitted documents and conduct the hearing. The members of the College Petitions Committee are appointed by the Superintendent/President and are comprised of the Dean of Enrollment Services, faculty (Counselors and Instructors), and Student Services staff.

- B. When additional information is needed from the instructor, within 5 business days, the Dean of Enrollment Services will request the area dean to:
1. Obtain and provide additional information from the instructor and provide a copy of that request to the College Petitions Committee. The instructor will then have 5 business days from receipt of the area dean's request to respond.
  2. Notify the College Petitions Committee and student by email that additional information has been requested from the instructor and the specified timeline to resolve the petition requires an extension.
  3. Request the VP of Student Learning obtain the requested information from the instructor within 5 business days, if the instructor has not responded to the initial request.
  4. If the instructor still has not responded to the VP of Student Learning request, the VP of Student Learning will review the petition and in consultation with the area dean make a grade recommendation, provide a copy of their recommendation to the College Petition Committee, and submit their recommendation, along with the petition, to the Superintendent/President who will make the final decision within 10 business days of receipt of the petition.
    - a. If the Superintendent/President's decision is to change the grade, the Superintendent/President will direct the Dean of Enrollment Services, to change the grade. The Superintendent/President will give written notice of the change to the VP of Student Learning, the area dean, Dean of Enrollment Services, 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.
    - b. If the Superintendent/President's decision is to uphold the final grade, the Superintendent/President will give written notice of that decision to the VP of Student Learning, Dean of Enrollment Services, the area dean, the College Petitions Committee, the student and the instructor.
    - c. The decision of the Superintendent/President is final and represents the final stage of due process.
- C. When additional information is needed from the student, the College Petitions Committee will notify the student by email of the documents needed and the student will have 5-7 business days from receipt of the notice to respond.
- D. If the student fails to meet any of the deadlines described above in the formal hearing process, the student is deemed to have waived any challenge to the grade and the final grade issued by the instructor stands.
- E. When necessary, the area dean, the student, and the instructor, or another faculty member, if the instructor is on sabbatical or other leave, may be asked to participate in the hearing process.

- F. 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.
1. If the College Petitions Committee decides to uphold the final grade, the College Petitions Committee will have 10 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.
  2. If the College Petitions Committee decision is to recommend a change in the final grade, within 5 business days of making that decision, the College Petitions Committee will provide a comprehensive summary of the proceedings and investigations, to the Dean of Enrollment Services who will submit the recommendation to the VP of Student Learning for review and they will forward the recommendation of the College Petitions Committee to the Superintendent/President who will make the final decision within 10 business days of receipt of the Committee's recommendation.
    - a. If the Superintendent/President's decision is to change the grade, then he/she will direct the Dean of Enrollment Services to change the grade and will give written notice of the change to the VP of Student Learning, the area dean, the College Petitions Committee, the student and the instructor.
    - b. If the Superintendent/President's decision is to uphold the final grade, the Superintendent/President will give written notice of that decision to the VP of Student Learning, Dean of Enrollment Services, the area dean, the College Petitions Committee, the student and the instructor.
    - c. 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 enter a change of final grades into the student's record system, shall be designated by the Dean of Enrollment Services. No more than five full-time employees of the District may be authorized to change student 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 by the instructor of record or for a student-initiated request brought under the provisions of this procedure.

Grade Change Petitions submitted after the semester has ended will not be processed during summer or intersessions.

Office of Primary Responsibility:

Office of Student Learning

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**Date Approved:** March 16, 2010

(Replaces portions of former College of Marin Procedure 4.0003 DP.10)

**Revised:** June 19, 2012

**Revised:** June 18, 2013

**Revised:** March 6, 2014

### **Notes on Grade Changes**

- Per the CA Ed Code, 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.
- **Students must initiate the dispute within 2 years of the final grade being submitted to the Office of Admissions and Records.**

## Preliminary Final Grade Dispute

### *Procedure*

If a student believes there has been a **mistake, fraud, bad faith or incompetency**, the student must complete the Preliminary Final Grade Dispute Petition. (See Attached Form) and do the following:

The student shall attempt to resolve the dispute by meeting with the instructor.  
(Instructor has 10 business days to respond and meet with the student.)

If there is no resolution with the instructor, the student may present their dispute to the area dean.  
(The area dean has 10 business days to respond and meet with the student.)

After consultation with the instructor and reviewing all relevant documents the area dean will render a decision to either allow the student to pursue the Final Grade Dispute Procedure, or agree with the instructor's decision and the Preliminary Final Grade Dispute process is complete.  
(The area dean has 5 business days to communicate the decision to student.)

### Notes on Grade Changes

If the Dean determines that there may be sufficient evidence in support of an argument of mistake, fraud, bad faith, or incompetency, the student will then complete the petition request for a formal hearing (See Attached Form).

The student must complete the Final Grade Dispute Petition, 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 reference number (CRN), 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 Preliminary Final Grade Review Dispute Procedure and recorded on the Preliminary Final Grade Dispute Petition.
- e. Copies of all available documents, assignments, or related materials indicating evidence of the ALLEGED mistake, fraud, bad faith, or incompetency.
- f. Upon receiving the student's request for a formal hearing, the Petitions Committee will convene to review the dispute.

## Final Grade Dispute

### *Procedure*

At any time during the process of the Final Grade Dispute Procedure as outlined below, resolution of the problem may be sought by mutual agreement.

Within 15 business days of receiving the Final Grade Dispute Petition and all supporting documents from the student and area dean, the College Petitions Committee will convene to review and evaluate all submitted documents and conduct the hearing.

When additional information is needed from the instructor or student they will have 5 business days to respond to the notice.

Upon conclusion of the 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. If the College Petitions Committee decides to uphold the final grade they will provide written notice to the student within 10 business days.

If the College Petitions Committee decides to make a recommendation to the Superintendent/ President to change the final grade, The Superintendent/ President will review the recommendation of the College Petitions Committee and make a final decision within 10 business days.

If the Superintendent/ President's decision is to change the final grade then he/she will direct the Dean of Enrollment Services to change the final grade and will give written notice of the change to the VP of Student Learning, the area dean, the Dean of Enrollment Services, the College Petitions Committee, the student and the instructor. If the Superintendent/ President's decision is to uphold the final grade then he/she will provide written notice as outlined above.

The decision of the President/Superintendent is final and represents the final stage of due process.