

**AP 4231 GRADE CHANGES**

**References:**

Education Code Sections 76224 and 76232;  
Title 5 Section 55025

***NOTE: This procedure is legally required. The following language is provided as a sample. Local practice may be inserted, but **must comply** with the Education Code and Title 5 and address the following:***

**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 incompetence. "Mistake" may include, but is not limited to, errors made by an instructor in calculating a student's grade, and clerical-instructor errors. "Fraud" may include, but is not limited to, inaccurate recording or 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 Education Code Section 76232 or by an alternative method that ensures that each student shall be afforded an objective and reasonable review of the requested grade change.

If the procedure requires that a student first request a grade change from the instructor, 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. The grievances process as described in Policy 5530 and FA Contract Article 16-3 shall be followed.

In the case of fraud, bad faith, or incompetence, the final determination concerning removal or change of grade will be made by the Chief Instructional Officer VP of Instruction.

In all cases, the instructor who first awarded the grade will be given written notice of the change addressed by the Academic Fairness Committee and documents for grade

change submitted and signed by the appropriate manager. (Ref. FA Contract Article 9L.4

### **Security of Grade Records**

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

The measures implemented by the District shall include, but not necessarily be limited to, password protection for all student grade data bases, locking mechanisms for computer stations from which student 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 **responsible Admissions and Records Administrator**. No more than five District employees may be authorized to change student grades. Only regular full-time employees of the District may be authorized to change grades. Student workers shall not have access to grade records, and student workers may not 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 **responsible Admissions and Records Administrator** immediately. The **responsible Admissions and Records Administrator** 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; (Ref. FA Contract Article 9L.3)
- 3) any educational institution to which the student has transferred;
- 4) the accreditation agency; and
- 5) appropriate local law enforcement authorities.

Whenever a grade is changed for any reason, corrected transcripts will be sent to any educational institution to which a 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 District 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 having jurisdiction over the college where the incident occurred.

Also see BP 3310 titled Records Retention and Destruction and BP/AP 5040 titled Student Records

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**NOTE:** The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and its legal counsel. The language in **green ink** was added during the administrative review on April 10, 2013. The **violet ink** was added by FA on November 12, 2013. This document was reviewed by representatives of the Academic Senates on December 12, 2013.

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**Date Approved:**

*(This is a new procedure recommended by the Policy and Procedure Service)*

# Legal Citations for AP 4231

## Education Code Sections 76224 and 76232; Title 5 Section 55025

**76224.** (a) When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final.

(b) No grade of a student participating in a physical **education** class, however, may be adversely affected due to the fact that the student does not wear standardized physical **education** apparel where the failure to wear such apparel arises from circumstances beyond the control of the student.

**76232.** (a) Any student may file a written request with the chief administrative officer of a community college district to correct or remove information recorded in his or her student records which the student alleges to be: (1) inaccurate; (2) an unsubstantiated personal conclusion or inference; (3) a conclusion or inference outside of the observer's area of competence; or (4) not based on the personal observation of a named person with the time and place of the observation noted.

(b) Within 30 days of receipt of the request, the chief administrative officer, or his or her designee, shall meet with the student and the employee who recorded the information in question, if any, if the employee is presently employed by the community college district. The chief administrative officer or his/her designee shall then sustain or deny the allegations.

If the chief administrative officer, or his or her designee, sustains any or all of the allegations, he or she shall order the correction or removal and destruction of the information.

If the chief administrative officer, or his/her designee, denies any or all of the allegations and refuses to order the correction or removal of the information, the student, within 30 days of the refusal, may appeal the decision in writing to the governing board of the community college district.

(c) Within 30 days of receipt of an appeal, the governing board shall, in closed session with the student and the employee who recorded the information in question, if any, and if that employee is presently employed by the community college district, determine whether to sustain or deny the allegations.

If the governing board sustains any or all of the allegations, it shall order the chief administrative officer, or his or her designee, to immediately correct or remove and destroy the information.

The decision of the governing board shall be final.

Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the governing board unless the student initiates legal proceedings relative to the disputed information within the prescribed period.

(d) If the final decision of the governing board is unfavorable to the student or if the student accepts an unfavorable decision by the chief administrative officer, the student shall have the right to submit a written statement of his or her objections to the information. This statement shall become a part of the student's record until the information objected to is corrected or removed.

## **5 CCR s 55025**

Cal. Admin. Code tit. 5, s 55025

TITLE 5. EDUCATION  
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 6. CURRICULUM AND INSTRUCTION  
SUBCHAPTER 1. PROGRAMS, COURSES AND CLASSES  
ARTICLE 2. GRADING AND ACADEMIC RECORD SYMBOLS

s 55025. Grade Changes.

(a) In any course of instruction in a community college district for which grades are awarded, the instructor of the course shall determine the grade to be awarded each student in accordance with this article. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetency.

(b) For purposes of this section, "mistake" may include, but is not limited to, clerical errors and errors made by an instructor in calculating a student's grade.

(c) Procedures for the correction of grades shall be consistent with Education Code section 76232 or provide an alternative mechanism which will ensure that students receive a reasonable and objective review of the requested grade change. If the procedure requires the student to first request a grade change from the instructor, provisions shall be made for another faculty member to substitute for the instructor if the instructor is not available, the student has filed a discrimination complaint or the district determines that it is possible there has been gross misconduct by the original instructor.

(d) Procedures shall also include expunging the incorrect grade from the record.

(e) When grade changes are made as a result of course repetition in accordance with article 4 of this subchapter, appropriate annotations of any courses repeated shall be entered on the student's permanent academic record in such a manner that all work remains legible, insuring a true and complete academic history.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 76224, Education Code.