
Kern Community College District
Administrative Procedure
Chapter 4 – Academic Affairs

AP 4231 GRADE CHANGES

References:

Education Code Sections 76224 and 76232;
Title 5 Section 55025

NOTE: *The language in red ink is **legally required** as it complies with the Education Code and Title 5. The following language shown below in **blue ink** is from current KCCD Policy 4C4C titled Grade Changes. It was moved to this administrative procedure as the content with consistent with the language recommended by the Policy & Procedure Service for this AP 4231.*

Changing Grades

The instructor of each course shall determine the grade to be awarded each student. The determination of the student's grade by the instructor shall be 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 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.

A judgment to change or expunge a grade for reasons of mistake, fraud, bad faith, or incompetence shall be made by the College Chief Academic Officer after consultation with the student, the instructor, and the Division/Department Chair. All parties noted above shall be notified in writing of any changes. Reasons for any grade change shall be documented. 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.

When students request a grade change, provisions shall be made for another faculty member to substitute for the instructor if the instructor is not available or does not respond to communications within a reasonable length of time, the student has filed a discrimination complaint, or the District determines that it is possible there has been gross misconduct by the original instructor.

In the case of fraud, bad faith, or incompetence, the final determination concerning removal or change of grade will be made by the **[designated position]**.

In all cases, the instructor who first awarded the grade will be given written notice of the change.

❖ **From current KCCD Procedure 4C4C titled Grade Change Procedure**

References: ~~Education Code Sections 76224-76232; Title Section 55025 (Approved 9/27/11)~~

Process for Requesting a Grade Change

- 1) Prior to filing a Written Request for a Grade Change (~~see Appendix 4C4C~~), and within ten (~~10~~) instructional days of receiving the grade, the student(s) must attempt to resolve the issue by contacting the faculty member who originally assigned the grade. For grades assigned at the conclusion of the fall semester, the ten (~~10~~) instructional day time-span begins with the first instructional day of the succeeding spring semester. For grades assigned at the conclusion of the spring or summer term, the ten (~~10~~) instructional day time-span begins with the first instructional day of the succeeding fall semester. If after contacting the grade issuing faculty member the student continues to believe an improper grade was recorded, he/she may request the responsible faculty chair to meet with the faculty member to discuss the matter to seek resolution. If after a good faith effort to complete the steps above, the student continues to believe an improper grade was recorded, the student may file a Written Request for a Grade Change with the Vice President of Academic Affairs. Throughout the grade change procedure, the burden of proof rests with the student. In the absence of evidence of mistake, fraud, bad faith or incompetence, the grade assigned by a faculty member is presumed to be correct.
- 2) Within 30 days of receipt of the Written Request for a Grade Change, the Vice President of Academic Affairs or designee, after consultation with the faculty member, shall meet with the student and the faculty member who assigned the grade in question, if the faculty member is presently employed by the District. For grades assigned at the conclusion of the spring and summer term, the 30 day time-span for meeting with the student and the faculty member shall begin on or after the filing of the Written Request for a Grade Change, but no earlier than the first instructional day of the succeeding fall semester following the above meeting. The Vice President or designee shall then approve or deny the grade change request and notify the parties in writing.
- 3) If the Vice President of Academic Affairs or designee approves the grade change request, he/ ~~or~~ she shall order the correction or removal and expunging of the grade and shall notify the grade issuing faculty member of the grade change and the specific reasons for it. If the Vice President of Academic Affairs or designee

denies the grade change request resulting in no correction or removal of the grade in question, the student, within 30 days of the grade change denial, may appeal the decision in writing to the Board of Trustees.

- 4) Within 30 days of receipt of an appeal, the Board of Trustees shall, in closed session with the student and the faculty member who assigned the grade in question, determine whether to sustain or deny the allegations. If the Board of Trustees sustains any or all of the allegations it shall order the District Chancellor or his/her designee to immediately correct or remove and expunge the information. The decision of the Board of Trustees shall be final.
- 5) The student shall have the right to submit a written statement of his/ ~~er~~ her objections to the decision of the Board of Trustees. This statement shall become a part of the student's record.

Approved 9/2014

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 **[insert designated position, e.g. "Director of Admissions and Records."]** 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 **[designated position]** immediately. The **[designated position]** 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 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, BP/AP 5040 titled Student Records, and the Written Request for a Grade Change Form

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from the current KCCD Procedure 4C4C titled Grade Change Procedure approved on September 27, 2011. The language in **blue ink** is from current KCCD Policy 4C4C titled Grade Changes and is included for consideration in this procedure.

Approved:

(This is a new procedure)

Legal Citations for AP 4231

Education Code Sections 76224 and 76232; Title 5 Section 55025

EDUCATION CODE - EDC

TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]

(Title 3 enacted by Stats. 1976, Ch. 1010.)

DIVISION 7. COMMUNITY COLLEGES [70900 - 88810]

(Division 7 enacted by Stats. 1976, Ch. 1010.)

PART 47. STUDENTS [76000 - 76407]

(Part 47 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 1.5. Student Records [76200 - 76246]

(Chapter 1.5 enacted by Stats. 1976, Ch. 1010.)

ARTICLE 3. General Provisions [76220 - 76225]

(Article 3 enacted by Stats. 1976, Ch. 1010.)

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.

(Enacted by Stats. 1976, Ch. 1010.)

EDUCATION CODE - EDC

TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]

(Title 3 enacted by Stats. 1976, Ch. 1010.)

DIVISION 7. COMMUNITY COLLEGES [70900 - 88810]

(Division 7 enacted by Stats. 1976, Ch. 1010.)

PART 47. STUDENTS [76000 - 76407]

(Part 47 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 1.5. Student Records [76200 - 76246]

(Chapter 1.5 enacted by Stats. 1976, Ch. 1010.)

ARTICLE 4. Rights of Students [76230 - 76234]

(Article 4 enacted by Stats. 1976, Ch. 1010.)

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 or 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 or 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.

(Amended by Stats. 1995, Ch. 758, Sec. 93. Effective January 1, 1996.)

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.