

Grades are determined by the instructor of a course. Both state law and college policy state that the determination of a grade by the instructor is final, in the absence of mistake, fraud, bad faith, or incompetency.

Most instances of incorrect grades are due to a mistake of some kind, such as a recording error or an error calculating an average. State law and college policy allow these mistakes to be corrected. The state law also provides that the college must have a policy for dealing with the very rare instances when a grade should be changed because it was recorded because of fraud, bad faith or incompetency.

In most cases of an error, the instructor can correct the grade once it has been pointed out. A student who believes an error has been made may meet or correspond with the instructor directly and the instructor can initiate the administrative process of correcting the grade. This is described in Part I B of this Administrative Procedure.

A student may also begin the process with the submission of a Grade Change Petition. It is important to know that a petition submitted more than 18 months after the original grade was recorded cannot be approved.

A Grade Change Petition submitted within the time specified will be considered by the instructor of the course. This process is described in Part I C of the Administrative Procedure.

When the Grade Change Petition is denied, the student may seek a review by an Appeal Panel; the procedure for submitting an appeal is described in Part I D of this Administrative Procedure.

The VPAA can initiate grade changes in the event of documented fraud. This process is described in Part II of this Administrative Procedure.

Part I. Grade Change Petitions and Appeals

A. Grounds for requesting or appealing for a grade change.

A student can request or appeal for a grade change only if the grade is incorrect due to mistake, fraud, bad faith, or incompetency.

B. Informal Grade Change Request

If a student believes that a mistake was made in computing or recording a grade, he or she may contact the instructor directly to ask the instructor to review the grade records and make the correction. A mistake in a grade can be corrected by the instructor.

Occasionally, the student may prefer to ask the instructor's Dean rather than asking the instructor. However, the Dean may not change the grade in response to an informal request; only the instructor can order the grade change in response to an informal request and only if the request is made within the time limits set by this procedure.

B.1. Making the Request

A student who believes that a grade is incorrect because of a mistake may inform the instructor of the course or the Dean who supervises the instructor. If the Dean is informed, he/she may discuss the request with the student and instructor, separately or together. The student may decline to meet with the instructor.

B.2. Response to Request

If the instructor agrees to change the grade, he/she may file a Grade Change Order with the Admissions and Records Office, explaining the change. The Grade Change Order requires the Dean to verify that the change is permitted by college policy. The Admissions and Records Office shall change the student's grade record and preserve a copy of the Grade Change Order. If the instructor decides not to change the grade, he/she should inform the student directly.

B.3. Time limit

The Grade Change Order, in response to an informal request for a grade change, must be submitted to the Division Office by the instructor no later than eighteen months after the last day of the term for which the grade was given.

C. Grade Change Petition

A student may file a Grade Change Petition whether or not he/she has pursued an informal grade change request.

C.1. Filing a Grade Change Petition

A student who alleges that a grade in a course was given as a result of mistake, fraud, bad faith, or incompetency may file a Grade Change Petition with the Admissions and Records Office, using the Grade Change Petition form. The student must state the grounds for the petition and include supporting documentation. The Grade Change Petition form is available at the Admissions and Records Office.

C.2. Time Limit for Submitting a Petition

A Grade Change Petition must be received by the Admissions and Records Office no later than eighteen months after the last day of the term for which the grade was given.

C.3. Response to Filing

The Admissions and Records Office shall provide the Grade Change Petition to the instructional Dean for the division in which the course was offered. Upon receipt, the Dean may discuss the request with the student and instructor, separately or together. The student may decline to meet with the instructor and/or the Dean. The Dean shall forward the Grade Change Petition to the instructor and direct the instructor to act on the petition. The instructor shall then review the Petition within thirty days, decide whether or not to change the grade, and provide an explanation for the action. The Dean will verify that the action is permitted by college policy. The Admissions and Records Office shall notify the student of the action and preserve a copy of the Grade Change Petition.

C.4. Special Circumstances

The procedure described here shall be used in the following circumstances:

- (a) If the instructor is unavailable to respond to the Grade Change Petition within the time limit; or
- (b) If, at the time the Grade Change Petition is filed, the student has filed, in accordance with District procedures, a discrimination complaint against the instructor; or
- (c) If, at the time the Grade Change Petition is filed, the Dean determines that it is possible there has been gross misconduct by the instructor.

In such circumstances, the Dean, in consultation with the Vice President of Academic Affairs, shall appoint an alternate instructor to review and act upon the Petition. The alternate shall be in the discipline of the course or in a related discipline. In the event that no qualified instructor is on the faculty, the Dean, in consultation with the Vice President of Academic Affairs, shall arrange for a qualified consultant.

D. Grade Appeal*

If the instructor's response to the Grade Change Petition is not acceptable to the student, the student may file a Grade Appeal to the Vice President of Academic Affairs.

Before filing a grade appeal, the student must have submitted a formal Grade Change Petition to the appropriate Dean. The Grade Appeal shall consist of

- (a) The Grade Appeal Form stating the grounds for the appeal,
- (b) Allegation of mistake, fraud, bad faith, or incompetency,
- (c) A copy of the Grade Change Petition showing the instructor's decision, and
- (d) Supporting documentation.

The Grade Appeal Form is available at the office of the Vice President of Academic Affairs.

D.1. Time Limit for Submitting an Appeal

The Grade Appeal must be filed with the Vice President of Academic Affairs no later than thirty calendar days following the receipt of the instructor's response to the formal Grade Change Petition.

D.2. Pre-Hearing Communication

The Vice President of Academic Affairs or a designee may meet with the student, the instructor, or other persons, to facilitate communication between the student and the instructor and to determine the factual basis for the appeal.

D.3. Grade Appeal Panel: Composition

When a Grade Appeal is filed with the Vice President of Academic Affairs, a Grade Appeal Panel shall be appointed within thirty calendar days. The Panel shall consist of the following:

- (a) An instructional Dean chosen by the Vice President of Academic Affairs or designee other than the Dean of the Division in which the disputed grade was given.
- (b) One or more instructors, chosen by the President of the Academic Senate, from the discipline of the course in which the disputed grade was given, or a related discipline; and
- (c) One or more students chosen by the President of the Associated Students Organization.

The Panel shall be chaired by the Vice President of Academic Affairs or a designee; the chair shall be a non-voting member of the Panel. All matters considered by the Grade Appeal Panel shall be treated as confidential by members of the Panel.

D.4. Grade Appeal Panel: Hearing

Within 30 calendar days of empanelment, the Grades Appeal Panel shall review the Grade Appeal, including all documents submitted by the student and other documentation it considers relevant. The Grade Appeal Panel shall conduct a hearing prior to making a determination on the outcome of the grade appeal. Both the student and the instructor shall be notified of the day and time of the hearing and invited to attend. Both the student and the instructor will be provided an opportunity to make a statement and to be asked questions. The student may be accompanied by an advisor. The advisor may be a faculty member or a student. The advisor may be present to advise the student, but may not ask or answer questions. The instructor may be accompanied by an advisor. The advisor may be a faculty member or a representative of the faculty union. The advisor may be present to advise the instructor, but may not ask or answer questions. The Grade Appeal Panel may make a recording of the hearing, which may be consulted during the Panel's deliberation.

D.5. Grade Appeal Panel: Decision

Following its hearing, the Panel shall deliberate and make findings by majority vote. The burden of proof is on the student. The Panel may sustain or deny all, some, or none of the allegations in the Grade Appeal. The Panel may find that the disputed grade is incorrect because of mistake, fraud, bad faith, or incompetency; in such case, the Panel may determine the new grade to be assigned. The Appeal Panel shall issue its findings and recommendation to the Vice President of Academic Affairs, who shall inform the appealing student, the instructor, and the appropriate Dean. The decision of the Grade Appeal Panel is final. The Vice President of Academic Affairs will notify the instructor of the Grade Appeal Panel's recommendation. If the Panel recommends a grade change, the Vice President of Academic Affairs will direct the instructor to submit a grade change to the Admissions and Records Office. In the event that the instructor of record is unable or unwilling to process the grade change within a reasonable time, the Vice President of Academic Affairs shall form a group of faculty to issue a grade change.

E. Expunging of changed grade

When a grade is changed in accordance with this procedure, the original incorrect grade shall be expunged from the student's record.

Part II. Changing grades in cases of fraud

A. Instructor fraud

1. The Vice President of Academic Affairs may determine, based on evidence such as the faculty discipline process, legal findings, or other statements or documentation, that a grade was assigned by an instructor in a fraudulent manner. This determination may be made without any regard to time limit.
2. Upon such determination, the Vice President, in consultation with the Dean supervising the course in which the grade was assigned, shall appoint an alternate instructor to assign a replacement grade. The alternate shall be in the discipline of the course or in a related discipline. In the event that no qualified instructor is on the faculty, the Dean, in consultation with the Vice President of Academic Affairs, shall arrange for a qualified consultant.
3. In changing the grade, the alternate instructor shall consider all evidence of the student's actual performance in the course and all proper student discipline required.
4. If the alternate instructor is unable to determine the actual performance of the student in the course, then, in consultation with the Dean, may recommend to the Vice President that the grade for the course be removed. The Vice President has the authority to remove the grade from the student's record.
5. Following the determination that a grade was assigned in a fraudulent manner, the action to change or remove the grade shall be taken within a reasonable time.
6. In cases of fraud, both the instructor of record and the student shall be notified of the grade change.

B. Student fraud

1. In cases where fraud by a student is alleged, the allegation may be addressed in accordance with BP 5500 and AP 5520. No time limit on the initiation of such action shall apply.

* All time limits are measured within the primary term.

May 21, 2012