

## Overview

This procedure is designed to provide uniform standards to ensure due process when a student requests a grade change for a class taken at MiraCosta College.

By law, the instructor is solely responsible for the grades assigned; no instructor may be directed to change a grade except in certain narrow circumstances authorized by the California Education Code §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.”

Neither a student request for a grade change nor its outcome shall be used as part of an instructor’s evaluation, so long as the instructor is not found to have violated any college policies or procedures. The instructor who first awarded the grade has the right to representation of their choice at all stages of the process.

When challenging a grade assigned by an instructor, the burden of proof is on the student to provide evidence of mistake, fraud, bad faith, or incompetence.

The removal or change of an incorrect grade from a student’s record shall be done pursuant to California Education Code §76232 or by an alternative method that ensures each student shall be afforded an objective and reasonable review of the requested grade change. Whenever a grade is changed for any reason, corrected transcripts will be sent to any educational institution to which a student has submitted official transcripts that included the original grade.

## Definition of Terms

- A. Mistake—An unintentional error such as a clerical error or an error made by the instructor in calculating a student’s grade
- B. Fraud—A deliberate misrepresentation of the truth in order to secure unfair or unlawful gain
- C. Bad faith—An intentional or malicious act that infringes on the rights of someone else
- D. Incompetence—A lack of ability, qualification, fitness, or performance

- E. Evaluative symbols—A, B, C, D, F, P, NP or SP
- F. Nonevaluative symbols—I, NR, W, MW or EW

### **Requesting a Change from an Evaluative Symbol to Another Evaluative Symbol**

- A. Students requesting a grade change from one evaluative symbol to another should first attempt to discuss the request informally with the instructor—in person or by email—within 60 instructional days (excluding weekends and holidays) of the date when official grades are posted. If contact with the instructor is not possible because the instructor is not available, the student has filed a discrimination complaint, or the district determines there may have been gross misconduct by the original instructor, then the student should make initial contact with the appropriate department chair—in person or by email—within 60 instructional days (excluding weekends and holidays) of the date when official grades are posted to discuss the grade-change request.
- B. If the student's grade-change request is not resolved satisfactorily by contacting the instructor, the student should contact the appropriate department chair—in person or by email—within 10 instructional days (excluding weekends and holidays) after the student's discussion with the instructor. The department chair or their designee will investigate and address the student's request by email or letter within 10 instructional days.
- C. If the student wishes to appeal the finding of the department chair or their designee, the student must make a request by email or by letter to the Academic Senate president within 10 instructional days (excluding weekends and holidays) of receipt of the department chair's or their designee's written notification.
  - 1. Wherever possible, the instructor who first awarded the grade will be apprised of all evidence and given every opportunity to rebut the evidence or to submit a voluntary change of grade prior to the Academic Senate president's final decision.
  - 2. In the case of fraud, bad faith, or incompetence, the final determination concerning removal or change of grade will be made by the Academic Senate president in consultation with the superintendent/president. In all cases, the instructor who first awarded the grade will be given written notice of the change.
- D. The Academic Senate president will notify the student of a final decision within 30 instructional days (excluding weekends and holidays) of receiving the appeal. If the Academic Senate president is directly involved in the grade-change request, then another full-time Academic Senate member will be chosen by lot to address and respond to the appeal in writing.
- E. The written notification of the Academic Senate president's final decision will be copied to the superintendent/president in cases where no grade change is recommended.

- F. Students and instructors wishing to change a grade after 60 instructional days (excluding weekends and holidays) of the date when official grades are posted must submit their request in writing to the Committee on Exceptions. Such requests must be made within three years of the date when the grade was posted. The Committee on Exceptions will consult with the instructor of record, review deadlines, and examine extenuating circumstances. Approved changes will be submitted to the Admissions and Records Office through a grade change form approved by the instructor and chair of the Committee on Exceptions.

### **Requesting a Change from an Evaluative Symbol to a Nonevaluative Symbol**

A student who requests a grade change from an evaluative symbol to a "W" (Withdrawal), an 'EW' (Excused Withdrawal) or "NR" (No Record) must submit their request in writing to the Committee on Exceptions. Such requests must be made within three years of the date when the grade was posted. The Committee on Exceptions will consult with the instructor of record, review deadlines, and examine extenuating circumstances. Approved changes will be submitted to the Admissions and Records Office through a grade change form approved by the instructor and chair of the Committee on Exceptions.

A student who requests a change from any grade to a Military Withdrawal (MW) must submit proof of orders compelling a withdrawal of courses to the Director of Admissions and Records. (See Administrative Procedure 5075.)

### **Requesting a Change from a Nonevaluative Symbol to an Evaluative Symbol**

Changes of "I" (Incomplete) to an evaluative grade are based on criteria identified by the instructor in the "Petition for Incomplete Grade" signed by both the instructor and the student when the "I" was issued. The agreed upon criteria must be satisfied no later than one semester following the end of the term in which the "I" was assigned. The student, with the instructor's concurrence that extenuating circumstances prevented the student from satisfying the criteria within the time limit, may request an extension of the time limit by petitioning the Committee on Exceptions.

### **Security of Grade Records**

- A. 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.
- B. The measures implemented by the district shall include, but not necessarily be limited to, password protection for all student grade databases, locking mechanisms for computer stations from which student grade databases can be viewed, and strict limits on the number of persons who are authorized to process grade changes.
- C. Persons authorized to process grade changes shall be designated by the director of Admissions and Records. No more than five district employees may be authorized to process changes to student grades. Only regular employees of the district may be authorized to process grade changes. Student workers shall have access to grade records only while under the direct supervision of a regular

college employee; they may handle student records only for filing, scanning, and retrieval purposes; and they may not change, alter, or process grades at any time. Student workers are required to sign a confidentiality and records security agreement upon employment with the district.

- D. Any person who discovers that grades have been changed by someone other than the persons authorized to do so shall notify the director of Admissions and Records immediately. The director of Admissions and Records shall immediately take steps to lock the grade storage system entirely while an investigation is conducted.
- E. If any student's grade record is found to have been changed without proper authorization, the district will notify all of the following:
  - 1. The student
  - 2. The instructor who originally awarded the grade
  - 3. Any educational institution to which the student has transferred and/or submitted official transcripts
  - 4. The accreditation agency
  - 5. Appropriate local law enforcement authorities.
- F. 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.
- G. 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 Board Policy 3310, Records Retention and Destruction, and Board Policy/ Administrative Procedure 5040, Student Records.