



GRADE APPEAL AND ACADEMIC GRIEVANCE DOCUMENT

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ARTICLE I

Purpose

In accordance with Executive Order 1037 Section D, entitled “Grading Symbols, Assignment of Grades and Grade Appeals”, this policy establishes fair and equitable means by which matriculated students may appeal assigned course grades and other academic decisions; these include appealing a final course grade, a grade on a comprehensive examination, thesis or project required for graduation, or an academic dishonesty report that the student wishes to dispute. These procedures are for the purpose of resolving serious cases of grade disputes that extend beyond academic judgment and honest differences of opinion, and for those whom the normal channels have proved ineffective. Every effort should be made by all parties to resolve the issue before the student submits a formal petition to the Grade Appeal and Academic Grievance Committee (See Section IV.A. Initiation of an Academic Grievance Procedure below). Charges of discrimination, harassment, or retaliation filed by students are addressed in a separate policy and process (see Section IV.B.5 A. Student Grievance Involving Discrimination below).

ARTICLE II

Basis for Appeal

Faculty members at Cal State East Bay have the sole right and responsibility to assign grades. It is assumed that the grades assigned by faculty members are free from error, prejudice, or capriciousness. Examples of error, prejudice or capriciousness include the any of the following:

- a. Grading based on anything other than the student’s performance in the course.
- b. Grading based on prejudice.
- c. Arbitrary grade assignment (the lack of consistent and equitable standards for grade assignment).
- d. Instructor’s failure to notify students as to the basis of grade determination in a clear and timely manner.
- e. Grading that results from a substantial departure from the instructor’s previously announced standards.
- f. Clerical error in calculating or recording the grade.

- g. An academic dishonesty charge that the student feels was filed in error and wishes to dispute.

In the absence of one of these compelling reasons, it is presumed that the assignment of final course grades and other academic decisions results from consistent, fair and equitable application of clearly articulated standards and procedures. The grade assigned by the instructor of record is to be considered final and correct. It is the responsibility of anyone appealing a grade to demonstrate otherwise. Students appealing such decisions must demonstrate that the standards and procedures were not clearly stated or that they were not applied in a consistent, fair and equitable manner. An appeal may not be based on a disagreement with the standards and procedures themselves. Further, an instructor's evaluation of a student's work and performance in that instructor's course must not be overridden merely because of a difference of opinion or evaluative judgment, provided it is formed in accordance with the generally accepted canons of the relevant discipline and of the University.

The burden of proof in the appeal of a grade or other academic decision is on the student. In every appeal, the student must present evidence that the grade/decision being appealed was based on one of the conditions articulated above, or in the case of appeals of academic dishonesty charges, evidence that the allegation of academic dishonesty was not warranted.

Responsibility for the implementation of these procedures rests with the Grade Appeal and Academic Grievance Committee (henceforth referred to as the Grade Appeal Committee). It is the policy of California State University, East Bay to comply with Executive Order 1037, Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

ARTICLE III Composition of the Grade Appeal Committee

The Committee is composed of five tenured faculty members elected from the Colleges to serve two-year terms, two students serving one-year terms, and a Presidential Appointee to serve at the pleasure of the University President.

- A. The faculty members of the Committee will be elected by the Colleges in the Spring Quarter in the following manner: Each College will have at least one representative, with representatives from Letters, Arts and Social Sciences and Science elected in even numbered years and the representatives from Business and Economics and Education elected in odd numbered years. The fifth member will be elected from the College with the largest number of regular faculty, but not in the same year as his/her colleague from the same College.
- B. Student members will be selected by the Associated Students in a manner of their choosing. Student members of the Grade Appeal Committee must have completed at least one quarter at CSUEB with a minimum of eight (8) units of academic credit with a GPA of 2.3 (C+) or better. Student members must also be enrolled for a minimum of seven (7) units of academic credit during any term while serving on the Fairness Committee. Student members of the Grade Appeal Committee must be in good standing at CSUEB. Students should be selected in time to attend the first Committee meeting of the academic year (normally in early October).
- C. Grade Appeal and Academic Grievance Committee Vacancies. When a vacancy occurs it shall be filled in the following ways:
 - 1. Presidential appointee: The Executive Committee of the Academic Senate shall ask the president to appoint a replacement;
 - 2. Faculty members: For an absence of more than one quarter, the Executive Committee shall request the College to provide a replacement. For an absence of one quarter or less, the Executive Committee shall appoint a replacement member from the appropriate College;
 - 3. Student members: The Executive Committee of the Academic Senate shall request the President of the Associated Students provide a qualified student replacement by a method to be determined by Associated Students.

D. Functions and procedures of the Grade Appeal Committee and its members

1. At the first meeting of the Academic Year, the Grade Appeal Committee will elect a faculty member to serve as Chair.
2. Presidential Appointee is an ex officio, nonvoting member of the Grade Appeal Committee. He/she will serve as the Grade Appeal Committee's Secretary, will forward the minutes of the Committee, and all final reports of Hearing Panels and meetings to the Office of Academic Programs and Graduate Studies (See Section III.B.6.g.9), and will be the initial point of contact for of each student petition submitted to the Grade Appeal Committee. (See Section III.A.3 and 4) To maintain the confidentiality of the cases under consideration, minutes of the Grade Appeal Committee will include only the final decision of the Committee to dismiss or forward a case. Due to the confidential nature of the Grade Appeal Committee, only redacted versions of the minutes and agendas may be provided upon request.
3. The Grade Appeal Committee will:
 - a. dismiss a case if they find no evidence of unfairness and find that further investigation is unnecessary or
 - b. refer a case to a Hearing Panel to adjudicate allegations of academic unfairness if they find that further investigation is warranted.

The decision of the Grade Appeal Committee to dismiss or forward a case is final.

4. If the Grade Appeal Committee finds that improper procedures were followed by a Hearing Panel, it may set aside the finding(s) of the Panel and establish a new Hearing Panel to adjudicate the original allegation. It is not within the authority of the Grade Appeal Committee to review the decision(s) of a Hearing Panel that has followed the appropriate procedures.
5. The Grade Appeal Committee may refer questions of interpretation to the Presidential Appointee.
6. The Grade Appeal Committee may periodically review these procedures and make appropriate recommendations to the Academic Senate.
7. The Grade Appeal Committee will present a yearly statistical report to the Academic Senate concerning the general nature and disposition of student petitions received by the Grade Appeal Committee. The report will contain no language by which individuals or departments are identified.
8. If a petition is filed against a faculty member on the Grade Appeal Committee, he/she will not be present during any aspect of consideration of the case. Similarly, if a student member on the Grade Appeal Committee files a petition he/she will not be present during any aspect of consideration of the case. If a Committee member has a conflict of interest other than that described above regarding a specific petition before the Grade Appeal Committee he/she will not vote on the case, but may participate in the discussion.

ARTICLE IV The Academic Grievance Procedures

- A. Initiation of an Academic Grievance. Note that Step 1 through Step 3 must occur within the first quarter following the alleged irregularity. For example, if an irregularity occurs Fall Quarter, the grievant has until the conclusion of Winter Quarter to complete the steps listed below. However, Spring Quarter grievances may be submitted the following Fall Quarter. Acceptance of a petition beyond this stated deadline is at the discretion of the Grade Appeal Committee.

1. If a student wishes to pursue a grade appeal or academic grievance, the student should begin by attempting to resolve the issue by speaking with the relevant faculty member. If a satisfactory remedy is not reached the student should contact the department chair. Again, if a satisfactory conclusion is not reached the student should contact the college dean or his/her designee. At any step in this process, if a face-to-face meeting cannot be conveniently arranged, a student should be allowed to consult via alternative conferencing. If a satisfactory resolution is not reached after the above-listed steps are taken,, the student should proceed to Step 2 below.
2. If no satisfactory resolution was reached at the departmental or college level, the student should consult informally with the Presidential Appointee. The Presidential Appointee will assist the student to understand the procedures and the normal channels to be explored in advance of formally initiating a grievance. The Presidential Appointee may assist the grievant by reviewing the Petition for a Grade Appeal Hearing (Pages 8 and 9 of this document), but will not serve as an advocate for the grievant.
3. The formal grievance is then initiated by filing a completed Student Petition for a Grade Appeal Hearing (Pages 8 and 9 of this form). A completed petition includes a signed cover sheet and a Statement of Grievance as described on the Petition Form. The student must obtain the signature of the College Dean or his/her designee on the Petition cover sheet for the Petition to be considered complete. Upon obtaining the appropriate signature, the completed Petition for a Grade Appeal Hearing, including a Statement of Grievance, should be submitted to the Presidential Appointee via the Office of Academic Programs and Graduate Studies.
4. Upon receiving a completed Student Petition for a Grade Appeal Hearing, the Presidential Appointee will have up to five academic days to attempt to resolve the grievance to the mutual satisfaction of the student and the parties named in the complaint. If these efforts are unsuccessful, or if five academic days lapse from the date of the submission, the Presidential Appointee will send copies of the Petition to the faculty member named in the grievance, with a copy to the department chair or appropriate administrator. The faculty member and/or department chair or appropriate administrator has five academic days from the date the Petition was sent to respond in writing.
5. At the end of the two distinct five day periods described in four (4) above, the Presidential Appointee shall submit the Petition, and any responses received, to the Chair of the Grade Appeal Committee for consideration at the next possible meeting.

B. Consideration of the Academic Grievance

1. Any Petition(s) and responses will be confidentially delivered to members of the Grade Appeal Committee by their next meeting.
2. By majority vote of voting members present, the Grade Appeal Committee shall dismiss the case, request additional information from the parties to the dispute, or refer the case to a Hearing Panel,. The decision of the Grade Appeal Committee is final.
3. The Presidential Appointee will forward a Petition to the Grade Appeal Committee only if:
 - a. The Student Petition for a Grade Appeal Hearing is complete.
 - b. The grievance is academic, grade related, and does not involve discrimination.
 - c. The complaint is not based on an action which, itself, is mandated by regulations such as State Law or procedures of the California State University system.
4. If the Grade Appeal Committee determines the Petition should be forwarded to a Hearing Panel, , it is expected that the Hearing Panel will be convened and hold its first meeting within ten academic days of the Grade Appeal Committee forwarding the Petition.

5. A Student Grievance Involving Discrimination: If the grievant has alleged a prima facie case of discrimination, the complaint will be referred to the appropriate person who handles Equal Opportunity issues for the University.
 - a. CSUEB follows federal and state laws and its own internal policies when students, staff, or faculty feel they have been discriminated against on the basis of race, ethnicity, color, gender, sex, national origin, ancestry, disability, medical condition, age, religion, and/or sexual orientation. These complaints must follow reporting procedures and be resolved within prescribed timelines. (<http://www20.csueastbay.edu/af/departments/risk-management/investigations/forms/register-complaints.html>)
 - b. If a student believes she or he has been discriminated against (as stated above in 5a) by a faculty member, the student should speak with the relevant department chair or college dean and either the appropriate person who handles Equal Opportunity issues for the University), the Presidential Appointee for the Grade Appeal Committee, or the Director of Judicial Affairs.
 - c. Once the student signs the complaint form, the timeline begins. For a complete description of this process (Discrimination /Retaliation Grievance Procedures), see the appropriate person who handles Equal Opportunity issues for the University¹
 - d. After a discrimination complaint is resolved, the Grade Appeal Committee will meet with the appropriate person who handles Equal Opportunity issues for the University² to discuss any potential grade-related aspects of the case. If an academic complaint is determined, the Grade Appeal Committee will then consider the complaint as described under section IV.B.2. The Grade Appeal Committee will let the student know its decision, in writing within 10 academic days of its meeting. [See University Discrimination/ Retaliation Grievance Procedures]
<http://www20.csueastbay.edu/af/departments/risk-management/investigations/forms/register-complaints.html>
6. Academic Hearing Panel
 - a. If a Hearing Panel is constituted to adjudicate the allegations, it will be comprised of two tenured faculty members selected as described in (c) below, and one student randomly selected from a jury pool approved by the board of Associated Students.
 - b. A grievant is entitled to one peremptory challenge of any member of an academic hearing panel -- faculty or student. If the grievant challenges the student member and there is no other student available to serve, then the grievant may waive the right to a student member on the hearing panel and accept instead a third faculty member.
 - c. The faculty members of the panel will be selected at random from the tenured faculty of the University who are teaching half-time or more for the academic year. Not more than one faculty member may come from the College in which the alleged irregularities occurred. Any faculty member chosen for membership on a Hearing Panel is expected to serve. In an extreme situation, the Chair of the Grade Appeal Committee may excuse a faculty member.
 - d. The student member of the Hearing Panel must be a Junior or above, have completed at least one quarter at CSUEB with a minimum of eight units of academic credit, have a GPA of 2.3 (C+ or better at CSUEB), and be enrolled for seven or more units of academic credit during

¹ Contact Human Resources for the name of this person

² Contact Human Resources for the name of this person

the quarter of service on the Hearing Panel. Student members of the Hearing Panel must be in good standing at CSUEB. The Presidential Appointee shall maintain a list of prospective student panelists who have been approved after consultation with the President of Associated Students. The Grade Appeal Committee or Associated Students will assign student panelists from the list.

- e. The Presidential Appointee or designee will convene the Hearing Panel and explain the procedures. The Hearing Panel will choose one of its faculty members as Chair and another as Secretary. The Panel has twenty academic days to conclude its business from its initial convening. It will begin by considering the written complaint submitted by the student, and any written response(s) from other parties. The Hearing Panel may gather any additional information it deems necessary for its deliberations. The Secretary of the Panel will record minutes of all Hearing Panel proceedings and submit them to the Presidential Appointee.
- f. The Hearing Panel shall set a date and time for a hearing, and the Presidential Appointee or designee will notify the parties involved of the time and place of the hearing. He/she will notify the instructor and student(s) involved of his/her right to submit a written statement or to appear in person at the hearing.
- g. The Hearing Panel will conduct a hearing to consider the charges, determine the facts of the case, and, where appropriate, institute remedies.
 1. The Hearing Panel shall not find for the student if it concludes the actions which gave rise to the complaint resulted from the exercise of reasonable judgment.
 2. There is a presumption that any grade assigned by the instructor is correct; the burden of proof to change an assigned grade rests with the student.
 3. If the Hearing Panel determines that a grade should be changed, or that a student's work needs to be evaluated, the Panel may utilize the expertise of other faculty from the department involved (or closely related departments) when assigning a new grade.
 4. No member of the Hearing Panel may evaluate the academic quality of a student's work.
 5. No grade may be lowered by any action of the Grade Appeal Committee or its Hearing Panels. If a Hearing Panel determines that a grade should be raised, the Presidential Appointee to the Grade Appeal Committee will submit the new grade.
 6. The decision of a properly constituted Hearing Panel that has followed correct procedures is final.
 7. The Hearing Panel will report its determinations and judgments to the Presidential Appointee to the Grade Appeal Committee in writing within twenty academic days of its convening. All three members of the Panel must sign the final report. A minority view may be expressed when appropriate. The outcome of the Hearing Panel will be reported to the Grade Appeal Committee at its next meeting by the Presidential Appointee.
 8. The recommendations of the Hearing Panel will be completed by the designated faculty member or department and reported to the Presidential Appointee within 15 academic days following the receipt of the report of the Hearing Panel.

9. The Presidential Appointee to the Grade Appeal Committee will report in writing the results to the student, instructor, and Department Chair. Upon request, copies of the Panel's report will be made available to the student, instructor, and/or Department Chair.
10. None of the contents of the minutes or other records of the Hearing Panel may ever be included in any faculty personnel file or student folder. The minutes are confidential and shall all be forwarded by the Presidential Appointee to the Office of Academic Programs and Graduate Studies which shall destroy them six months after the final resolution of the grievance.
11. If the student or the instructor (or the Department Chair in the instructor's absence) believes the Hearing Panel followed improper procedures, he/she may appeal to the Grade Appeal Committee within five academic days of receipt of the Hearing Panel decision. If the Grade Appeal Committee finds that improper procedures may have influenced the decision(s) of the Hearing Panel, it may establish a new Hearing Panel to make a final decision. The Grade Appeal Committee shall not review the decision(s) of a Hearing Panel that has followed proper procedures.

ARTICLE V

Deadlines and Schedules of Hearings

- A. Initiation of Time Line: Steps IV.A.1, IV.A.2, and IV.A.3 must, except in unusual circumstances, be completed within one quarter after the alleged irregularity occurred. For example, if an irregularity occurs Fall Quarter, the grievant has until the conclusion of Winter Quarter to complete the steps listed above. However, Spring Quarter grievances may be submitted the following Fall Quarter. Acceptance of a petition beyond this stated deadline is at the discretion of the Grade Appeal Committee.
- B. Summary of time schedules
 1. Faculty members of the Grade Appeal Committee are elected in the Spring Quarter for the following year.
 2. Upon acceptance of the completed Student Petition for a Hearing form, the Presidential Appointee may spend a maximum of five academic days attempting to resolve the grievance informally.
 3. Any person to whom a copy of the Petition form was sent by the Presidential Appointee has five academic days from the date the complaint was sent to respond.
 4. The Hearing Panel will be convened within ten academic days of the Grade Appeal Committee's forwarding of the Petition.
 5. A Hearing Panel will render its decision(s) within twenty academic days of the date of its convening.
 6. Allegations that a Hearing Panel engaged in improper procedures must be referred to the Grade Appeal Committee within five academic days of receipt of the Hearing Panel decision.
- C. The foregoing deadlines notwithstanding, the overriding purpose of this document is to ensure fairness of the appeals process. The deadlines herein described may be extended if two thirds of the voting members of the Grade Appeal Committee determine that an extension is required to ensure that fairness and not mere convenience.

California State University, East Bay Grade Appeal Committee

Student Petition for a Grade Appeal Hearing – Page 1 of 2

The Grade Appeal Committee is the agency through which the University provides a final mechanism for the resolution of student complaints concerning academic grievances. Its procedures are for the purpose of resolving serious cases of grade complaints, those which extend beyond academic judgment and honest differences of opinion, and those for which the normal channels have proved ineffective. It is the responsibility of the student petitioner to make a good faith effort to exhaust the normal channels before seeking a remedy through the Grade Appeal Committee. Ordinarily this would involve a meeting with the person(s) against whom the grievance is alleged, the department chair or appropriate administrator, and the College Dean/Associate Dean or appropriate executive officer. It is the responsibility of the petitioner to obtain the signature of the Dean/Associate Dean below, certifying that a good faith effort was made. A copy of this petition will be sent to each person named in the petition, and to the Department Chair, or appropriate administrator, prior to review by the Grade Appeal Committee. The petition, along with any evidence submitted by the student and any response received from the person(s) named in the petition, will be sent to the Grade Appeal Committee for initial consideration. To expedite the process, please follow the proper steps. The Grade Appeal Committee may dismiss a case or forward it to a Hearing Panel for adjudication depending upon the Committee's assessment of the merits of the case.

Any decision of the Grade Appeal Committee and its Hearing Panels is final.

Except in unusual circumstances, all the steps below should be completed within one quarter after the alleged irregularity occurred. However, Spring Quarter grievances may be submitted the following Fall Quarter. Acceptance of a petition beyond this stated deadline is at the discretion of the Grade Appeal Committee.

Please Note: This summary is intended to be a brief step-by-step guide to filing a student petition with the Grade Appeal Committee. For complete details of the process, please see the Grade Appeal Document of the Academic Senate (<http://www.csueastbay.edu/senate/fair.htm>). Information regarding Grading/Academic Standards can be found in the California State University East Bay catalog at: <http://www.csueastbay.edu/ecat/current/i-120grading.html#>.

Steps	Process	Notes/Date
1	Consult with Instructor Student consults with the instructor as the first step in attempting to resolve the matter. If the instructor is unavailable to meet with the student or if no resolution is reached after meeting with the instructor, the student proceeds to <u>STEP 2</u> .	
2	Consult with Chair of Department Student consults with the Chair of the Department in which the instructor teaches. If the Chair is unable to resolve the matter between the student and the instructor, the student proceeds to <u>STEP 3</u> .	
3	Consult with Dean or Associate Dean Student consults with the Dean or Associate Dean of the College (Letters, Arts & Social Sciences; Business/Econ.; Education & Allied Studies; or Science). If the Dean is unable to resolve the matter, the student proceeds to <u>STEP 4</u> .	
4	Consult with Presidential Appointee to Grade Appeal Committee Student consults with the Presidential Appointee to the Grade Appeal Committee (Call (510) 885-3716 for an appointment). The process for completing the <i>STUDENT PETITION FOR A GRADE APPEAL HEARING</i> will be explained.	
5	Complete Student Petition with Signature of Dean/Associate Dean The completed <i>STUDENT PETITION</i> including a Statement of Grievance is then submitted by the student to the Dean or Associate Dean for signature. This signature verifies that the student has consulted with the instructor and Chair and that they are aware of the complaint.	
6	Signed Petition Returned to Presidential Appointee at SA 4500 The signed <i>STUDENT PETITION</i> including a Statement of Grievance is then returned to the Presidential Appointee for further processing. Except in unusual circumstances, the petition should be filed no later than one quarter after the matter under consideration has occurred.	

Note: A grievance involving discrimination will first be referred to the Office of Risk Management. After the discrimination complaint is resolved by the Office of EOP, the Grade Appeal Committee will consider any potential grade-related aspects of the case.

