TO: The Academic Senate  
FROM: The Fairness Committee via the Presidential Appointee  
SUBJECT: Revisions to the Fairness Document  
PURPOSE: For Action by the Academic Senate  

ACTION REQUESTED: That the Senate approve the attached revised document.  

BACKGROUND INFORMATION: The Fairness Committee took up the revision of the Fairness Document as part of its regular business. The majority of the revisions here are to bring the document in line with current practice as well as providing greater clarity including, but not limited to, time lines and enforcement. In addition, the following changes have been made:  

1. The 2-page form “Student Petition for a Fairness Hearing” has been added to the end of the document. This 2-page form is currently given to students who meet with the Presidential Appointee to the Fairness Committee in the pursuit of a Fairness Hearing. The Committee believes that incorporating this form as part of the Fairness Document will formalize the process and assure correct procedures are followed for filing a petition. Since Department Chairs and/or Associate Deans meet the student prior to the Presidential Appointee the form will provide procedural guidance to the student filing the petition. See pages 8 and 9.  
2. The role of the Presidential Appointee in the Hearing Panel process has been extended to include roles and responsibilities formally held by the Committee Chair. See Section III.B.6  
3. The responsibility of keeping records has been moved from the Presidential Appointee to the Office of Academic Programs and Graduate Studies.  
4. Some additional wording regarding conflict of interest has been added. See Section II.D.8.  
   Some additional wording regarding confidentiality has been added. See Sections II.D.2 and II.B.6.g.9
FAIRNESS DOCUMENT

87/88 BSA1 (formerly 79/80 BEC 9)
Approved by the Academic Senate 11/22/88; Approved by the President 12/06/88
Revised (91/92 BEC 11)
Approved by the Academic Senate 10/31/92; Approved by the President 11/10/93.
Revised (99-00 BEC 12)
Approved by the Academic Senate 1/25/00; Approved by the President 1/31/00.
Revised (03-04 BEC-3); Approved by the Academic Senate 10/7/03
Revised (03-04 BEC 7); Approved by the Academic Senate 12/2/03
Revised (05-06 BEC 8); Approved by the Academic Senate on 05/30/06
Revised (06-07 FAI 1); Approved by the Academic Senate on 6-5-07; appr by the President
Revised (07-08 CFAI 1); Approved by the Academic Senate on 6-3-08; approved by the President

I. Purpose

The purpose of the Fairness Committee is to assist students in resolving complaints concerning academic unfairness. These procedures are for the purpose of resolving serious cases of unfairness that extend beyond academic judgment and honest differences of opinion, and those for 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 Fairness Committee.

See Section II.A, Initiation of an Academic Grievance Procedure.

Responsibility for the implementation of these procedures rests with the Fairness Committee. It is the policy of California State University, East Bay to comply with 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.

II. Composition of The Fairness Committee

A. 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.

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 the 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 own choosing. Student members of the Fairness Committee must have completed at least one quarter at CSUEB with a minimum of 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 Fairness Committee must be in good standing at CSUEB.
C. Fairness 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 Fairness Committee and its members

1. At the first meeting of the Academic Year, the Fairness Committee will elect a faculty member to serve as Chair.

2. The Presidential Appointee is an ex officio, nonvoting member of the Fairness Committee. He/she will serve as the Fairness 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 II.B.6.g.9), and will be the initial point of contact for of each student petition submitted to the Fairness Committee. (See Section III.A.3 and 4) To maintain the confidentiality of the cases under consideration, minutes of the Fairness Committee will include only the final decision of the Committee to dismiss or forward a case. Because of the confidential nature of the Fairness Committee, only redacted versions of the minutes and agendas may be provided upon request.

3. The Fairness 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 Fairness Committee to dismiss or forward a case is final.

4. If the Fairness 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 Fairness Committee to review the decision(s) of a Hearing Panel that has followed the appropriate procedures.

5. The Fairness Committee may refer questions of interpretation to the Presidential Appointee.

6. The Fairness Committee may periodically review these procedures and make appropriate recommendations to the Academic Senate.

7. The Fairness Committee will present a yearly statistical report to the Academic Senate concerning the general nature and disposition of student petitions received by the Fairness 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 Fairness Committee, he/she will not be present during any aspect of consideration of the case. Similarly, if a student member on the Fairness Committee files a petition he/she will not be present during any aspect of consideration of the case. If a Committee
III. 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 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 Fairness Committee.

1. If a student believes she/he has been treated with academic unfairness by a faculty member, 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. If again a satisfactory resolution is not reached, 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 President appointee may assist the grievant by reviewing the Petition for a Fairness 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 Fairness 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 Fairness Hearing, including a Statement of Grievance, should be submitted to the President appointee via the Office of Academic Programs and Graduate Studies.

4. Upon receiving a completed Student Petition for a Fairness Hearing, the President 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 submission, the President 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.

B. Consideration of the Academic Grievance

1. Any Petition(s) and responses will be confidentially delivered to members of the Fairness Committee by their next meeting.

2. By majority vote of voting members present, the Fairness Committee shall refer the case to a Hearing Panel, dismiss the case, or request additional information from the parties to the dispute. The decision of the Fairness Committee is final.

3. The President appointee will forward a Petition to the Fairness Committee only if:
   a. The Student Petition for a Fairness Hearing is complete.
   b. The grievance is academic, grade related, and does not involve discrimination.

At the end of the two distinct five day periods described in (4) above, the President appointee shall submit the Petition, and any responses received, to the Chair of the Fairness Committee for consideration at the next possible meeting.


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 Fairness 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 **Fairness 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://www.aba.csueastbay.edu/HR/deo/EOOtherComplaintProcs.pdf](http://www.aba.csueastbay.edu/HR/deo/EOOtherComplaintProcs.pdf)

   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 Fairness 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 University.

   d. After a discrimination complaint is resolved, the Fairness Committee will meet with the appropriate person who handles Equal Opportunity issues for the University to discuss any potential grade-related aspects of the case. If an academic complaint is determined, the Fairness Committee will then consider the complaint as described under section III.B.2. The Fairness Committee will let the student know its decision, in writing within 10 academic days of its meeting. [See University Discrimination/ Retaliation Grievance Procedures [http://www.aba.csueastbay.edu/HR/deo/EOOtherComplaintProcs.pdf](http://www.aba.csueastbay.edu/HR/deo/EOOtherComplaintProcs.pdf)]

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 Fairness 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

---

1 Contact Human Resources for the name of this person
2 Contact Human Resources for the name of this person
3 Contact Human Resources for the name of this person
4 Contact Human Resources for the name of this person

Page 5 of 11
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 Fairness Committee or its Hearing Panels. If a Hearing Panel determines that a grade should be raised, the Presidential Appointee to the Fairness 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 Fairness 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 Fairness Committee at its next meeting by the Presidential Appointee.

(8) The Presidential Appointee to the Fairness 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.

(9) 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.

(10) 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 Fairness Committee within five academic days of receipt of the Hearing Panel decision. The Fairness Committee shall not review the decision(s) of a Hearing Panel that has followed proper procedures. If, however, the Fairness 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.

IV. Deadlines and Schedules of Hearings

A. Initiation of Time Line: Steps III.A.1, III.A.2, and III.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 Fairness Committee.
B. Summary of time schedules
1. Faculty members of the Fairness 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 Fairness 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 Fairness 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. The deadlines herein described may be extended if two thirds of the voting members of the Fairness Committee determine that an extension is required to ensure fairness and not mere convenience.
California State University, East Bay: Fairness Committee

Student Petition for a Fairness Hearing – Page 1 of 2

The Fairness Committee is the agency through which the University provides a final mechanism for the resolution of student complaints concerning academic unfairness. Its procedures are for the purpose of resolving serious cases of alleged unfairness, 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 Fairness 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 Fairness 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 Fairness Committee for initial consideration. To expedite the process, please follow the proper steps. The Fairness 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 Fairness 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 Fairness Committee.

Please Note: This summary is intended to be a brief step-by-step guide to filing a student petition with the Fairness Committee. For complete details of the process, please see the Fairness 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.

<table>
<thead>
<tr>
<th>Steps</th>
<th>Process</th>
<th>Notes/Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Consult with Instructor</td>
<td>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 STEP 2.</td>
</tr>
<tr>
<td>2</td>
<td>Consult with Chair of Department</td>
<td>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 STEP 3.</td>
</tr>
<tr>
<td>3</td>
<td>Consult with Dean or Associate Dean</td>
<td>Student consults with the Dean or Associate Dean of the College (Letters, Arts &amp; Social Sciences; Business/Econ.; Education &amp; Allied Studies; or Science). If the Dean is unable to resolve the matter, the student proceeds to STEP 4.</td>
</tr>
<tr>
<td>4</td>
<td>Consult with Presidential Appointee to Fairness Committee</td>
<td>Student consults with the Presidential Appointee to the Fairness Committee (Call (510) 885-4637 for an appointment). The process for completing the STUDENT PETITION FOR A FAIRNESS HEARING will be explained.</td>
</tr>
<tr>
<td>5</td>
<td>Complete Student Petition with Signature of Dean/Associate Dean</td>
<td>The completed STUDENT PETITION 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.</td>
</tr>
<tr>
<td>6</td>
<td>Signed Petition Returned to Presidential Appointee at WA 859</td>
<td>The signed STUDENT PETITION 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.</td>
</tr>
</tbody>
</table>

Note: A grievance involving discrimination will first be referred to the Office of Educational Opportunity Programs. After the discrimination complaint is resolved by the Office of EOP, the Fairness Committee will consider any potential grade-related aspects of the case.
Guidelines for a STATEMENT OF GRIEVANCE (must be attached)
Please type your statement. If you cannot type your statement, you may request help from the Presidential Appointee.
In explaining your grievance, please provide the following information:
1. Explain the nature of the grievance.
2. State the remedy you are seeking.
3. State the attempts you have made to resolve the grievance.
4. If you have evidence to include, attach it and explain its significance in your statement.
5. If you can present other evidence at a hearing, explain its nature (e.g. a witness). This evidence may be presented only if your complaint is accepted and forwarded to a hearing panel.
6. If this Petition is being submitted beyond the deadline of one quarter after the alleged irregularity occurred, explain why there was a delay. Note that acceptance of such a Petition is at the discretion of the Fairness Committee.

Desired Remedy: ______________________________________________________

I have made a good faith effort to resolve the issue with (check all that apply):
☐ the Instructor  ☐ the Department Chair  ☐ the Dean/Executive Officer of the College

Student Signature: ___________________________________________ Date:____

ACKNOWLEDGEMENT OF DEAN/EXECUTIVE OFFICER OF THE COLLEGE
I have read the attached Statement of Grievance and have discussed the matter with the parties involved. In my opinion, no mutually agreeable resolution can be reached. My signature indicates that the student has made a good faith effort to resolve this dispute through normal channels. It does not imply a position on the merits of the case.

Signature ___________________________________________ Date ____________
(Dean/Executive Officer)
Late responses will be forwarded when practical. However, the findings of the Fairness Committee and/or its Hearing Panels shall not be impeded by the failure of a member of the faculty to respond to a student complaint in a timely manner.

The Chair of the Fairness Committee via the Presidential Appointee will confidentially deliver any grievant statements or remedies sought are unclear or the complaint addresses issues outside the purview of the Fairness Committee.

The complaint does not involve a violation of a personal wrong to the grievant.