



GRADE APPEAL AND ACADEMIC GRIEVANCE DOCUMENT

History:

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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 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 for a Grade Appeal and Academic Grievance Hearing* to the Grade Appeal and Academic Grievance (GAAG) 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 to find out more about how you can initiate a discrimination investigation and have the findings added to your GAAG case).

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 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 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 correct and final. 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-;
- the complaint that the basis of an academic dishonesty report is not valid.

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.

In the appeal of a grade or other academic decision, the student must present compelling 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 was not warranted.

Responsibility for the implementation of these procedures rests with the Grade Appeal and Academic Grievance (GAAG) Committee. It is the policy of California State University, East Bay (CSUEB) 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 and Academic Grievance Committee

A. Faculty Members of the GAAG Committee. The GAAG 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 Semester 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 their colleague from the same College.

B. Student Members of the GAAG Committee. Student members will be selected by the Associated Students in a manner of their choosing. Student members of the GAAG Committee must have completed at least one semester 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 GAAG Committee. Student members of the GAAG Committee must be in good standing at CSUEB. Students should be selected in time to attend the first GAAG Committee meeting of the academic year (normally in late August/early September).

C. 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 semester, the Executive Committee shall request the College to provide a replacement. For an absence of one semester 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 Inc. or their designee to provide a qualified student replacement by a method to be determined by Associated Students Inc.

D. Functions and Procedures of the GAAG Committee and its members:

1. At the first meeting of the Academic Year, the GAAG Committee will elect a faculty member to serve as Chair.
2. Presidential Appointee is an ex officio, nonvoting member of the GAAG Committee. They will serve as the GAAG 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 GAAG Committee. (See Section III.A.3 and 4) To maintain the confidentiality of the cases under consideration, minutes of the GAAG Committee will include only the final decision of the Committee to dismiss or forward a case to a hearing panel. Due to the confidential nature of the GAAG Committee, only redacted versions of the minutes and agendas may be provided upon request.
3. The Grade Appeal and Academic Grievance Committee will:
 - a. dismiss a case if they find no evidence of unfairness and/or 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.

NOTE: The decision of the GAAG Committee to dismiss or forward a case is final.

4. If the GAAG 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 GAAG Committee to review the decision(s) of a Hearing Panel that has followed the appropriate procedures.
5. The GAAG Committee may refer questions of interpretation to the Presidential Appointee.
6. The GAAG Committee may periodically review these procedures and make appropriate recommendations to the Academic Senate.
7. The GAAG Committee will present a yearly statistical report to the Academic Senate concerning the general nature and disposition of student petitions received by the GAAG 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 GAAG Committee, they will not be present during any aspect of consideration of the case. Similarly, if a student member on the GAAG Committee files a petition they 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 GAAG Committee they will not vote on the case, but may participate in the discussion.

ARTICLE IV

Procedures for Filing a Petition for a Grade Appeal and Academic Grievance Hearing

- A. **Initiation of an Academic Grievance.** Note that Step 1 through Step 3 (see below) must occur within the first semester following the alleged irregularity. For example, if an irregularity occurs Fall Semester, the grievant has until the conclusion of Spring Semester to complete the steps listed below. However, Spring Semester courses may be submitted in the Summer term but will not be formally considered by the GAAG Committee until the subsequent Fall Semester.

A grievant requesting to file a grade appeal after the above-stated deadline must first seek approval from the Presidential Appointee and, upon receiving it, must file the appeal no later than the end of the semester in which approval was granted. Acceptance of a petition beyond this stated deadline is at the discretion of the GAAG 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 or electronically communicating 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 their 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 such as Zoom, Skype or Google Hangout. 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 and Academic Grievance Hearing*, but will not serve as an advocate for the grievant.
3. The formal grievance is then initiated by completing and submitting a *Petition for a Grade Appeal and Academic Hearing* ([Grade Appeal and Academic Grievance \(GAAG\) Petition Form](#)). A completed petition includes:
 - a. a completed online form which will serve as a cover sheet;
 - b. a Statement of Grievance i.e. a Word document in which the issues involved in your case are explained;
 - c. relevant supporting evidence (e.g., a course syllabus, copies of relevant email exchanges, copies of relevant assignments, letters of support or corroboration, etc.).

Once submitted, the Presidential Appointee or their designee will forward the petition to the relevant College Associate Dean or their designee for their electronic signature indicating their acknowledgement. Following this, the completed petition will be forwarded to the Presidential Appointee via the Office of Academic Programs and Services.

4. Upon receiving a completed student GAAG petition, 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 formally notify the faculty member named in the grievance of the filing of the petition by providing them with:
 - a. a memorandum informing them of the filing of the petition, and the required next steps;

- b. a copy of the petition, a description of required next steps, and the deadline by which those next steps must be completed;
- c. a copy of the GAAG document

The Chair of the Department in which the course named in the petition was taught and the Associate Dean of the College in which the Department resides shall be copied on the official notification to the faculty member.

The faculty member (and/or department chair or appropriate administrator) has ten academic days from the date the petition was sent to respond. In the instance that the named faculty member cannot provide a statement the Department Chair may provide a response in their place. Relatedly, the Department Chair and/or Associate Dean may request to submit a separate, additional statement to any response the faculty member submits.

- 5. At the end of the ten day faculty response period allotted for the faculty member to respond to the allegations described in the student petition, the Presidential Appointee shall submit the petition, and any faculty response received, to the members of the GAAG Committee for consideration at the next scheduled meeting.

B. Consideration of the Academic Grievance

- 1. Any petition(s) and responses will be confidentially delivered to members of the GAAG Committee ahead of their next meeting.
- 2. By majority vote of voting members present, the GAAG Committee shall:
 - a. dismiss the case,
OR
 - b. request additional information from the parties to the dispute,
OR
 - c. refer the case to a Hearing Panel.

The decision of the GAAG Committee is final.

- 3. The Presidential Appointee will forward the petition to the GAAG Committee only if:
 - a. the petition 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 GAAG 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 GAAG Committee forwarding the petition.
- 5. An Academic Grievance Involving Discrimination: If the grievant has alleged a prima facie case of discrimination (as in one for which there is compelling evidence provided), the student must file a separate complaint with the *Senior Investigator/Title IX Coordinator* within the Department of Risk Management at the same time as they file a GAAG petition.

- 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. [More information can be found here.](#)
 - b. If a student believes they have been discriminated against (as defined above in 5a) by a faculty member, the student should speak with the relevant Department Chair, college Associate Dean, or the *Senior Investigator/ Title IX Coordinator* within the Department of Risk Management. [More information can be found here.](#)
 - c. Once the student signs the complaint form, the timeline begins. For a complete description of this process (CSU Nondiscrimination Policies & Complaint Procedures, you can visit the CSUEB Title IX website and/or see the see the *Senior Investigator/ Title IX Coordinator* within the Department of Risk Management.
 - d. Once the *Senior Investigator/Title IX Coordinator* finishes their investigation, the Presidential Appointee will collect the results of the investigation and add it to the existing Grade Appeal and Academic Grievance case file so that it may be considered alongside the rest of the information associated with the complaint as described under-Section IV.B.2.
 - e. Following consideration by the GAAG Committee, The Presidential Appointee will inform the student of the GAAG Committee’s decision in writing within 10 academic days of the meeting at which the decision was made. (For more information, see CSU Nondiscrimination Policies & Complaint Procedures: <https://www.csueastbay.edu/riskmanagement/>)
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 (item 6b.) below, and one student randomly selected from a pool approved by the President of Associated Students, Inc.
 - b. The faculty members of the panel will be selected at random from the tenured faculty of the University who are teaching halftime 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 GAAG Committee may excuse a faculty member.
 - c. The Presidential Appointee shall maintain a list of prospective student panelists who have been approved after consultation with the President of Associated Students, Inc.. The Presidential Appointee will assign student panelists from the list. The student member of the Hearing Panel must be at Junior standing or above, have completed at least one semester 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 the semester of service on the Hearing Panel. Student members of the Hearing Panel must also be in good standing at CSUEB.
 - d. A grievant is entitled to one peremptory challenge of any panel member – 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.
 - e. The Presidential Appointee or designee will set two meetings for the Hearing Panel to meet. The first meeting will be designed to convene the Hearing Panel and explain the procedures of the GAAG process, the steps through which the case has advanced thus far, and to describe

the roles and responsibilities of the Hearing Panel members. At this meeting, the Hearing Panel will choose one of the faculty members to serve as the Chair and the other as the Secretary. The second meeting will be the time during which the Hearing Panel proceedings will occur. The Presidential Appointee or designee will notify the instructor and student(s) involved of the time and place of the hearing and their right to submit a written statement or to appear in person at the hearing (or to do neither and allow their existing contributions to the case file to stand as-is).

- f. 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.
- 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 compelling judgment.
 2. There is a presumption that any grade assigned by the instructor is correct; an assigned grade will not be changed in the absence of compelling evidence provided by the student.
 3. No member of the Hearing Panel may evaluate the academic quality of a student's work. 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 grade may be lowered by any action of the GAAG Committee or its Hearing Panels. If a Hearing Panel determines that a grade should be raised, the Presidential Appointee to the GAAG Committee will submit the new grade.
 5. The Hearing Panel will report its determinations and judgments to the Presidential Appointee to the GAAG 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 Secretary of the Panel will submit recorded minutes of all Hearing Panel proceedings to the Presidential Appointee.
 6. The outcome of the Hearing Panel will be reported to the GAAG Committee at its next meeting by the Presidential Appointee.
 7. 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.
 8. The Presidential Appointee to the GAAG Committee will report in writing the results to the student, instructor, and Department Chair. Upon request in writing, 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 Services 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, they may appeal to the GAAG Committee within five academic days of receipt of the Hearing Panel's decision. If the GAAG 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 GAAG Committee shall not review the decision(s) of a Hearing Panel that has followed proper procedures.
11. The decision of a properly constituted Hearing Panel that has followed correct procedures is final.

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 semester after the alleged irregularity occurred. For example, if an irregularity occurs Fall Semester, the grievant has until the conclusion of Spring Semester to complete the steps listed above. However, Spring Semester grievances may be submitted the following Fall Semester. Acceptance of a petition beyond this stated deadline is at the discretion of the GAAG Committee.
- B. Summary of time schedules
 1. Upon acceptance of the completed *Petition for a Grade Appeal and Academic Grievance Hearing*, the Presidential Appointee may spend a maximum of five academic days attempting to resolve the grievance informally.
 2. Any person to whom a copy of the petition was sent by the Presidential Appointee has ten academic days from the date the complaint was sent to respond.
 3. The petition will be heard by the GAAG Committee. If the GAAG Committee determines that the petition should be heard by a Hearing Panel, the Presidential Appointee will convene the panel.
 4. The Hearing Panel will be convened within ten academic days of the GAAG 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 GAAG 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 GAAG Committee determine that an extension is warranted to ensure that fairness of the process was exercised and not mere convenience.