

## **STUDENT ACADEMIC GRIEVANCE PROCEDURES FAM 803.65**

### **PREAMBLE**

The policy and procedures specified herein deal with student grievances concerned with evaluation by faculty as well as other academic decisions by departments and colleges or the university on academic matters such as admission to majors and programs, academic probation, suspension or dismissal from major or from the university. These procedures are NOT intended to deal with non-academic complaints such as those involving sexual harassment, discrimination, or inappropriate social conduct except as those matters relate to a specific academic decision. Non-academic complaints should be referred to the Vice President for Student Affairs.

Grievances that allege Discrimination, Harassment or Retaliation, as defined by Executive Order 1097, shall be referred to the appropriate Discrimination, Harassment, and Retaliation (DHR) Administrator or Title IX Coordinator and shall proceed concurrently: (i) under Campus procedures per Executive Order 1037 [the procedures delineated in this policy]; and (ii) under Executive Order 1097. However, the Campus grade appeal procedure shall be placed in abeyance until such time as the Campus and any appeal processes under Executive Order 1097 (Article VI and/or VII) have concluded. The final determination under the procedures mandated by Executive Order 1097 regarding whether Discrimination, Harassment or Retaliation occurred will be provided to the campus Academic Grade Appeal/Grievance Committee within 5 working days. The Committee shall be bound by such determination when considering the grade appeal request under Executive Order 1037. In cases where the EO-1097 investigation determines that EO-1097 was violated, the Committee will proceed directly to Article III, Section 10 of this policy, which authorizes a re-grading of the student's work, or, where other kinds of academic decision are involved, a reconsideration of such decisions. In cases where the EO-1097 investigation does not determine that EO-1097 was violated, students are to be directed to Article II, Section 2 of this policy and instructed to complete the grievance form of this policy without seeking to obtain their instructor's (or decision maker's) signature.

Students may obtain information and assistance regarding academic grievance procedures and guidelines from the Office of Undergraduate Studies, Office of Graduate Studies, and College offices. A simple allegation or unsubstantiated assertion is an insufficient basis for lodging a formal complaint. Students must support their allegations

with evidence compelling enough to give the Academic Grievance Committee reason to hold a formal hearing.

## ARTICLE I Basis and Procedures for Grade Appeal or Other Academic Grievance\*

### Section 1:

A student may appeal a final course grade or a grade on a Comprehensive Examination or a project (e.g., art exhibition) or thesis required for graduation. An appeal may be initiated on the basis of:

- (1) Clerical error.
- (2) Capricious or prejudicial evaluation.
- (3) Inconsistent or inequitably applied standards for evaluation.

Along with the right to assign grades, faculty have the responsibility to provide careful evaluation and timely assignment of grades. There is a presumption that grades assigned are correct and that faculty will base grades on clearly stated criteria. It is the responsibility of anyone appealing an assigned grade to demonstrate otherwise.

\*Disputes involving the grade of "W" (withdrawal from a class) are handled through separate procedures available in the Office of the Vice President of Academic Affairs or designee.

### Section 2:

Students may also appeal other types of academic decisions. These include, but are not limited to:

1. Denial of Admission to or Dismissal from a course, major or program,
2. Placement on Academic Probation,
3. Suspension or Dismissal from the university

It is presumed that such decisions result from consistent, fair, and equitable application of clearly articulated standards and procedures. 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.

### Section 3:

This document is not intended to limit a student or faculty member and/or department from resolving a problem in any informal way they find satisfactory. However, the college level appeal procedures outlined in Article II must be exhausted before a student may initiate the University-level procedures described in Article III.

### Section 4:

Time limits cited in these procedures may be extended when special circumstances exist. The Vice President of Academic Affairs or designee will make such determinations.

## ARTICLE II College-Level Appeal Procedures

### Section 1:

Grade Grievance procedures must be initiated by the student by the following deadlines (or the next working day if the campus is closed):

- For grade grievances that occur in the fall quarter, the formal grievance must be filed by January 31.
- For grade grievances that occur in the winter quarter, the formal grievance must be filed by April 30.
- For grade grievances that occur in the spring quarter, the formal grievance must be filed by September 30.
- For grade grievances that occur in the first six-week summer session, the formal grievance must be filed by September 30.
- For grade grievances that occur in the second six-week summer session, the formal grievance must be filed by September 30.
- For grade grievances that occur in the regular (full) summer session, the formal grievance must be filed by September 30.
- Grade grievances involving the change of grade from an incomplete must be lodged within forty (40) working days of notification.

Other types of Academic Grievances also must be lodged within forty (40) working days of notification of any decision which the student seeks to appeal. It should be noted that faculty members and department chairs may not be available during the summer.

If the instructor is no longer at the University, the student should contact the Department Chair.

#### Section 2:

Prior to filing a grade appeal or other academic grievance, the student shall seek redress directly from the instructor or decision maker. If the student is not satisfied and wishes to pursue the matter further, the student shall complete pages one and two of the Student Academic Grievance Form, which is available in the college office. The student will then submit the form to the college office. The college will date-stamp the form. This officially initiates the procedure.

The form shall then be sent to the instructor or decision maker within three working days for the instructor's or decision maker's written comments, which must be returned to the college office within 14 working days of the date stamp. The college office shall then furnish a copy of the grievance form with the instructor's or decision maker's comments to the student within five days of receiving it.

#### Section 3:

If the grievance still is unresolved, the student next may seek redress through a meeting with the instructor or decision maker, the Department Chair, and the College Dean (or designee). The student must request the meeting within seven (7) working days from the date the process under Section 2 above is concluded. The meeting shall be convened by the College Dean or designee as soon as possible, but within no more than twenty (20) working days. In cases involving a grade appeal, the Department Chair and College Dean will consult with the instructor, who has the sole discretion to change a grade, consistent with this policy. The College Dean or designee shall note the conclusion reached on the College's and on the student's copy of the Student Academic Grievance Form, return the appropriate copy to the student and instructor or decision maker, and retain the College copy on file.

Section 4: In these preliminary and informal meetings only the involved parties will be present. Every effort should be made to settle the disagreement informally.

### ARTICLE III University-Level Appeal Procedures

#### Section 1:

If dissatisfied with the outcome of the College level procedure (Article II above), a student may initiate University-level appeal procedures by completing the appropriate section of the Student Academic Grievance Form and submitting it to the Office of the Vice President of Academic Affairs or designee. The request must be filed within fifteen (15) working days (excluding time between terms) following completion of the College-level procedures.

#### Section 2:

Within (10) working days of the filing of this request, the Vice President of Academic Affairs, or designee, shall determine whether or not the procedures of Article II above have taken place. If all efforts to resolve the matter without a hearing have been completed, the Vice President of Academic Affairs or designee shall initiate selection of a Hearing Committee. The Hearing Committee shall be selected within (10) working days.

#### Section 3:

There shall be a standing Academic Grievance Panel of twenty (20) members: ten (10) tenured faculty (two from each college), five (5) undergraduate students, and five (5) graduate students.

1. The ten tenured faculty members shall be selected by the Faculty Senate through its established procedures and will serve staggered two year terms. Faculty serving on College or University RPT Committees shall not be eligible to serve on the Academic Grievance Panel.

2. The five undergraduate students shall be appointed to one year terms by the Board of Directors of the Associated Students through its established procedures. To be eligible to serve, the students must meet the minimum academic qualification standards for student office holders.

3. The five graduate students shall be appointed to one year terms by the Board of Directors of the Associated Students through its established procedures. To be eligible to serve the students must be classified graduate students, conditionally classified graduate students or classified post-baccalaureate students and must meet the minimum academic qualification standards for student office holders.

4. Terms of office for student members shall begin on October 1 and end on September 30, or upon completion of any hearing in progress as of that date.

5. The two-year terms of office for faculty members shall begin and end in the same time frame established for Faculty Senate committees.

6. In the event a member is unable to complete the term of office, a replacement shall be appointed to complete the un-expired term, following the original appointment procedures.

7. The panel is encouraged to establish a weekly time at which hearings would be scheduled.

#### Section 4:

Within ten (10) working days of initiating selection of the Hearing Committee, the Vice President of Academic Affairs, or designee, shall meet with the student who is appealing and with the instructor of record.\* At this meeting, the student and the instructor separately shall rank names from the roster of the Academic Grievance Panel. The names of three (3) faculty and two students having the highest-ranking scores at this meeting will comprise the Hearing Committee. The five names shall constitute the members of the Hearing Committee and there shall be no further challenges.

1. If the student who is appealing chooses not to sign the release of information section of the Student Academic Grievance Form, the Hearing Committee shall have no student members and the size of the Hearing Committee shall be reduced accordingly.

2. If the student who is appealing is an undergraduate, the names of the graduate students automatically shall be deleted from the roster of the Academic Grievance Panel. If the student who is appealing is a post-baccalaureate student, the names of the undergraduate students automatically shall be deleted from the roster of the Academic Grievance Panel.

\*If the instructor of record is on leave of absence or is no longer at the University, the Chair of the Academic Department shall represent the instructor throughout these procedures.

#### Section 5:

The Vice President of Academic Affairs or designee shall designate one of the faculty members selected to serve on the Hearing Committee as convener of the Hearing

Committee. The names of the other members of the Hearing Committee and the Student Academic Grievance Form shall be forwarded to the convener.

Section 6:

The faculty member designated to do so shall convene the Hearing Committee within fifteen (15) working days. The Hearing Committee then shall select its own Chair from among the faculty members on the Hearing Committee. It should be noted that students and faculty members on the Hearing Committee are not available during the summer.

Section 7:

Deliberating in private, and based solely upon review of the Student Academic Grievance Form, the Hearing Committee shall determine whether or not to approve the request for a hearing.

1. In order to approve the request for a hearing, the material submitted by the student must persuade the Hearing Committee that a hearing is warranted. The Hearing Committee shall be guided by the CSUSB policy that the grade awarded by the instructor and academic decisions made by departments and colleges are presumed to be correct unless the student, upon whom the burden of proof falls, is able to demonstrate otherwise in the material and documentation he/she has submitted.

Mere protestations of capriciousness or prejudice, unsupported by substantive information or argument, shall not be persuasive.

2. If the request for a hearing is denied, the grievance shall be terminated and the Chair of the Hearing Committee shall so notify the student, the instructor, and College Dean. The records shall be deposited and retained in the Office of the Vice President of Academic Affairs or designee.

3. If the request for a hearing is approved, the Hearing Committee shall schedule the hearing within fifteen (15) working days, and reach its decision within no more than five (5) working days after the hearing. The Chair shall notify the student and the instructor of the date, time and place of the hearing.

Section 8:

The hearing shall be conducted in accordance with the following guidelines:

1. The hearing shall be closed and only the following persons may be present:

- a) The members of the Hearing Committee, and
- b) The student who is appealing and a non-legal representative if any, and
- c) The instructor and a non-legal representative if any, and
- d) Witnesses, while presenting evidence.

\*In addition, students who have a verified disability, as determined by Services to Students with Disabilities, and require accommodation(s) to participate in the hearing shall be provided with the accommodation(s) (e.g., American Sign Language interpreters).

2. A recording of the Hearing shall not be made unless requested by either party.

3. Any document received into evidence shall be preserved and shall be attached to the report form of the Hearing Committee. Both the student and the instructor shall have the opportunity to have a reasonable opportunity to challenge or to rebut the evidence. At the discretion of the Hearing Committee, copies may be given to either parties.

4. All persons present at the hearing shall be advised by the Chair that the proceedings are confidential, that all evidence submitted is required to be accurate and truthful, that all parties present are required to comport themselves in an orderly fashion, and that any violations of these requirements may be cause for University disciplinary action. Witnesses will be advised as to these requirements before presenting testimony.

5. The proceeding will not be bound by formal rules of evidence or trial-like procedures. Rather, the procedures will be those that reasonable persons customarily use in the conduct of serious affairs.

a) The chair shall rule upon all procedural issues.

b) If procedural issues arise which require external assistance, the Chair may delay or recess the proceedings pending submission of the issue to the Vice President of Academic Affairs or designee for resolution. The decision of the Vice President of Academic Affairs or designee shall be final.

6. Evidence or testimony shall be limited to that which is relevant to the issue(s). Irrelevant or unduly repetitious evidence or testimony may be ruled out of order.

7. The burden of proof to sustain a grievance rests with the student, and the student first will present his/her case.

a) If the student fails to appear at the time and place of the hearing without advance notice and/or reasonable explanation, the grievance shall be considered to have been withdrawn and these proceedings shall be terminated. The Chair shall so notify the student and the instructor and shall submit a report to the Vice President of Academic Affairs or designee.

b) If the instructor fails to appear at the time and place scheduled for the hearing, without advance notice and/or reasonable explanation, the hearing shall proceed to its conclusion as though the instructor was present.

c) If it is determined by the Hearing Committee Chair that either the student or the instructor failed to appear because of circumstances beyond his/her control, the Hearing Committee may take whatever action it deems appropriate to ensure fairness.

8. The Hearing Committee shall consider only the issues and evidence submitted during the hearing. The Hearing Committee may request either party to present additional evidence or testimony during the hearing which would assist the Hearing Committee in arriving at a fair and impartial conclusion.

9. Both the student and the instructor shall have the following rights:

a) To be present during the hearing.

b) To be confronted with all evidence received by the Hearing Committee, whether oral or documentary.

c) The opportunity to challenge or to rebut such evidence.

d) To submit evidence on behalf of their own position.

e) The opportunity to submit a summary argument and to respond to the argument of the opposing party.

Section 9:

Upon conclusion of the hearing, the Hearing Committee shall deliberate in private and shall arrive at a decision by majority vote. There is a presumption that the grade assigned by the instructor of record or the academic decision made by the department,

college or university is correct. Thus the burden of proof to the contrary rests with the student who is appealing. In order to find in favor of the student, the Hearing Committee must reach a conclusion that the original grade was incorrectly or improperly assigned OR that the original academic decision was based on inconsistent, unfair, or inequitable application of existing university procedures and policies.

#### Section 10:

In the event the Hearing Committee concludes that a change of grade should be effected, or there is a finding under EO-1097 that EO-1097 has been violated under the separate procedures for that executive order, the faculty members on the Hearing Committee shall arrive at a decision to what grade should be assigned. (To see how to form this committee, see section 4 above.) In arriving at a grade change decision, the Hearing Committee may consult with qualified faculty. \* If the grade change requires a reevaluation of the student's course work, then the Hearing Committee must consult with qualified faculty. Qualified faculty will have 30 working days to reevaluate the student's coursework.

- 1.The student members of the Hearing Committee shall not participate in the assignment of grades.
2. Both faculty and students may participate in reaching conclusion for other types of academic decisions which have been appealed.

\*'Qualified faculty' means one or more persons with academic training comparable to the instructor of record who are presently on the faculty at the campus.

#### Section 11:

The Chair of the Hearing Committee shall notify the Vice President of Academic Affairs or designee in writing of the decision within five (5) working days following the Hearing Committee's decision. All written records pertaining to the Hearing Committee's decision shall be deposited and retained in the Office of the Vice President of Academic Affairs or designee.

- 1.The Vice President of Academic Affairs or designee shall notify the student, the instructor, and College Dean of the decision of the Hearing Committee.
- 2.In the event the decision of the committee is to change the assigned grade, and the instructor of record is unwilling or unable to assign the new grade, the faculty members

on the Hearing Committee shall complete and sign the change of grade form. The Vice President for Academic Affairs or designee shall ensure that the grade on the student's permanent record is changed.

Section 12:

1. Either the student or the instructor may appeal the decision of the Hearing Committee to the University President. The sole basis of such an appeal shall be that the Hearing Committee so substantially departed from the guidelines and procedures set forth herein as to have seriously prejudiced the outcome.

2. The President may:

a) reject the appeal; or

b) direct the Hearing Committee to reconsider the case, correct the prior error, and submit a report to the President.

3. If no procedural error exists, the decision of the Hearing Committee shall be final.

4. If reconsideration does not remove the error or results in other errors the university level procedures shall be initiated anew.

Section 13:

The Office of the Vice President of Academic Affairs or designee shall retain the records of the grade appeal hearing for a period of three (3) calendar years.

Section 14:

The Academic Grievance Panel shall report annually to the President of the University and to the Faculty Senate on the number of grade appeal hearings requested and the disposition of each case.

ARTICLE IV

All persons involved in the proceedings are required to maintain confidentiality, to be accurate and truthful in all statements and evidence submitted, and to comport themselves in an orderly fashion. Any violation of these requirements shall constitute grounds for University disciplinary action.

**CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO**

**STUDENT ACADEMIC GRIEVANCE FORM**

*(Please prepare two copies)*

Name \_\_\_\_\_ Telephone \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

**I. FOR FILING A GRADE GRIEVANCE**

Department \_\_\_\_\_ Course No. \_\_\_\_\_ Course Title \_\_\_\_\_

Instructor \_\_\_\_\_ Term Course Was Taken \_\_\_\_\_

**II. FOR APPEAL OF OTHER ACADEMIC DECISION**

Nature of decision under appeal:

Date of decision: \_\_\_\_\_ Person Making the Decision: \_\_\_\_\_

Title or Position: \_\_\_\_\_

*Student's Statement*

1. *Following provisions of the Student Academic Grievance Procedures (FSD 69\_41)*

*I believe I should have received the following grade or decision:*

*The basis for my grievance*

*is 1):* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Date Signed* \_\_\_\_\_ *Student's Signature* \_\_\_\_\_

2. *(OPTIONAL) I hereby authorize student members of the Student Academic*

*Grievance Hearing Committee to have access to information and materials contained in my University records, following provisions of FSD 69\_41.*

*Date Signed* \_\_\_\_\_ *Student's Signature* \_\_\_\_\_

3. *Is an EO-1097 grievance (see page one of the Student Academic Grievance Procedures) being filed concurrently with this grade or academic grievance?*

**Yes**

**No**

**FOR OFFICE USE (Retention in College Dean's Office, three years)**

*Date this form was filed in the Office of the College Dean:*

*Date grade recorded in the Records Office:*

COLLEGE-LEVEL APPEAL (Not required if an EO 1097 grievance was filed.)

*Instructor's or other decision maker's Review*

*Date Submitted for Review:* \_\_\_\_\_

*Results of the Instructor or other Decision Maker's review:*

*Review Date* \_\_\_\_\_

*Instructor/Decision Maker's Signature* \_\_\_\_\_

I request a meeting with the instructor or decision maker, the Department Chair, and the College Dean (or designee).

\*\*\*\*\*

*College Dean's Review*

*Date Submitted for Review:* \_\_\_\_\_

*Results of the Dean's review:*

*Review Date* \_\_\_\_\_

*College Dean's or Designee's Signature* \_\_\_\_\_

UNIVERSITY-LEVEL APPEAL

Student signature to initiate university-level appeal: \_\_\_\_\_

If an EO-1097 grievance was filed, was there a finding that EO-1097 was violated?

Yes

No

Signature of Title IX or DHR Coordinator: \_\_\_\_\_

Date Grade Posted \_\_\_\_\_

Date Grievance Filed in Office of the College Dean (Not required if an EO 1097 grievance was filed.) \_\_\_\_\_

Date Filed with Vice President for Academic Affairs/Provost or designee (Not required if an EO 1097 grievance was filed.): \_\_\_\_\_

By: \_\_\_\_\_

Committee Selection Date: \_\_\_\_\_

By: \_\_\_\_\_

Committee Members and Convener: \_\_\_\_\_

\_\_\_\_\_

---

Hearing request \_\_\_\_denied or \_\_\_\_approved (Cite reason if hearing is denied and inform College Dean) (Not required if an EO 1097 grievance was filed.):

Date of Hearing (Not required if an EO 1097 grievance was filed.):

Committee Decision:

---

Date Committee Chair and College Dean notified of final disposition of this appeal:

By \_\_\_\_\_ Date \_\_\_\_\_