PREAMBLE

The policy and procedures herein specified 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 dishonesty issues including cheating and plagiarism, academic probation, suspension or dismissal from major or from the university. These procedures are NOT intended to deal with non-academic complaints as those involving sexual harassment, discrimination, or inappropriate social conduct except as those matters relate to a specific academic decision. These Non-academic complaints should be referred to the Vice President for Student Affairs.

Students may obtain information and assistance regarding academic grievance procedures and guidelines from the Office of Undergraduate Studies. 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 between October 1 and May 31 ** and within no more than forty (40) working days after the grade is officially recorded, normally a week after the deadline for submitting grades. Other types of Academic Grievances also should 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. The
procedure is initiated by securing the "Student Academic Grievance Form" (available in the College Office) and by submitting the completed cover sheet, which must be date-stamped by the College and left on file in that Office.

Section 2:

For Grade Grievances the student then must seek redress directly from the instructor. Following discussion, the instructor shall complete the instructor's section of the Student Academic Grievance Form in duplicate and note the conclusion reached. One copy must be returned to the student and one copy to the College office. This process shall be completed within fourteen (14) working days after the grievance procedures have been initiated (i.e., within fourteen working days after the cover sheet has been date-stamped).

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

**For grades awarded at the end of the spring term or during summer sessions, grievances may be initiated the following fall term (but by no later than November 1).

A similar process will occur for other types of Academic Grievances and the student should seek redress from the person or official making the decision that the student wishes to appeal. (This might be a Department Chair, Program Coordinator, Dean or other academic official.) Following this discussion and review of the student's request for reconsideration of the decision, the decision maker to whom the student has appealed will complete the College-level Appeal section of the Academic Grievance Form in duplicate and note the conclusion reached. This process should be completed within fourteen (14) working days after the procedures have been initiated.

Section 3:

If the grievance still is unresolved, the student next may seek redress through a meeting with the instructor, 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. 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 and shall return the appropriate copy to the student 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:

Upon receiving the completed form, the Vice President of Academic Affairs, or designee, shall determine whether or not the procedures of Section 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.

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 Sate through it's 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:

The Vice President of Academic Affairs, or designee, shall meet with the student who is appealing and with the instructor of record.* 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 score 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 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 Committee. The names of the other members of the 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 Committee within fifteen (15) working days. The Committee then shall select its own Chair from among the faculty members on the Committee. It should be noted that students and faculty members on the Hearing Panel 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 Committee that a hearing is warranted. The Committee shall be guided by the CSUSB policy that the grade awarded by the instructor and academic decisions made by departments and colleges are is 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 Committee shall schedule the hearing at the earliest possible date. 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, disabled students having a visual, auditory, or communication disability verified by the Office of Disabled Student Services may have a reader-interpreter present to assist the student. Such an assistant must limit his/her participation to the function of an interpreter.

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 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 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 nor trial-like procedures. Rather, the procedures will be those upon which reasonable persons customarily would rely 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 Committee Chair that either the student or the instructor failed to appear because of circumstances beyond his/her control, the Committee may take whatever action it deems appropriate to ensure fairness.

8. The Committee shall consider only the issues and evidence submitted during the hearing. The Committee may request either party to present additional evidence or testimony during the hearing which would assist the 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 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 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 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 Committee concludes that a change of grade should be effected, the faculty members on the Committee shall arrive at a decision to what grade should be assigned. In arriving at a grade change decision, the Committee may consult with qualified faculty. * If the grade change requires a reevaluation of the student's course work, then the Committee must consult with qualified faculty.

1. The student members of the 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 and reason the hearing is denied within five (5)
instructional days following conclusion of the Hearing. All records pertaining to the Hearing 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 Committee so substantially departed from the guidelines and procedures set forth herein as to have seriously prejudiced the outcome of the hearing.

2. The President may:

   a) Reject the appeal; or

   b) Direct the Hearing Committee to reconsider the case, correcting 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 annually shall report 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.

Rev. I approved by the Faculty Senate 5/125/71
Rev. II approved by the Faculty Senate 12/14/71
Rev. II reviewed by the Academic Council 12/20/71
Rev. III approved w/editorial changes by the Faculty Senate 5/21/74
Rev. III reviewed by the Academic Council 5/30/74
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Rev. IV reviewed by the Academic Council 5/19/80
Rev. V approved by the Faculty Senate April 2, 1985
Rev. V reviewed by the Council of Academic Deans 4/16/85
Rev. VI reviewed by Faculty Senate 6/1/99
Rev. VI reviewed by the Council of Academic Affairs Council 12/9/99

FSD 69-41.86

FSD 69 41.86.R7

Approved by the Faculty Senate

______________________________  __________________________
Dorothy Chen-Maynard, Chair  Date

Reviewed by the Academic Affairs Council

______________________________  __________________________
Louis Fernández, Provost and  Date
Vice President for Academic Affairs

Approved by the President

______________________________  __________________________
Albert K. Karnig  Date
CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

STUDENT ACADEMIC GRIEVANCE FORM

(Please prepare two copies)

Name_________________________________Telephone__________________________
Street Address_________________________City________________________ Zip____

I. FOR LODGING 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 appeal is (see Article 1, Section 1)

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 ____________________________

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

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 ____________________________

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

Date Grade Posted___________________

Date Grievance Filed in Office of the College Dean______________________________

Date filed with Associate Dean of Undergraduate Studies:________________________

By:________________________________________

Committee selection date:_________________________

By:_________________________________

Committee members and convener:_________________________________________

________________________________________

Hearing request ___denied or _____approved (Cite reason if hearing is denied and inform College Dean):

Date of Hearing:

Committee Hearing Results:

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

By________________________Date___________