MEMORANDUM

TO: Willie J. Hagan
   President

FROM: Ellen Junn
   Provost and Vice President for Academic Affairs

DATE: August 29, 2014

SUBJECT: Student Grade Appeals (EPC/FPC 12-12)

Attached is the Academic Senate Resolution (EPC/FPC 12-12) regarding Student Grade Appeals as approved by the Academic Senate. It is requested that a new Presidential Memorandum (PM) is issued to supersede PM 96-02.

The original resolution was passed by the Academic Senate in September of 2012. There was then a Sense of the Senate in December of 2013, where there was discussion and a vote in favor of the Academic Affairs response (also attached) with a change allowing 30 days to resolve. The final revision was in July 2014 whereby responsibility for the management of the Grade Appeal process was moved from the AVP of Faculty Affairs to the Vice Provost of Student Academic Success.

I concur with these revisions and request that you review and approve by signature below.

Please feel free to contact me with any questions or concerns.

Approved by:

[Signature]
Willie J. Hagan
President

cc: Mitch Maki, Vice Provost
    Jerry Moore, Chair, Academic Senate
    Susanne Walker, Administrative Assistant, Academic Senate
Memo

July 17, 2014

To:    President Willie Hagan, California State University Dominguez Hills

From:  Jerry Moore, Chair, CSUDH Academic Senate

Re:    Academic Senate Approval of Final Change to Student Grade Appeals Policy

cc:     Provost Ellen Junn
        Associate Vice-President Clare Weber

The Academic Senate Executive Committee met on July 16, 2014 and approved the final changes to the "Student Grade Appeals" policy.

The original resolution (EPC/FPC 12-12) was approved by a Sense of the Senate vote on December 4, 2013. The recent policy change was a simple administrative substitution, with the student grade appeals review process to be administered by the Vice Provost for Student Academic Success rather than the Associate Vice President for Faculty Affairs, a non-voting position.

Given the importance of having a student grade appeals process in place before the academic year begins, the Executive Committee endorsed this change on behalf of the CSUDH Academic Senate and in accordance with Senate bylaws.
STUDENT GRADE APPEALS

1.0. REFERENCE

This policy supersedes Presidential Memorandum 96-02.

2.0 POLICY

A Student Grade Appeals Board ("Board") is hereby established by the University and is charged with responsibility for processing grade appeals submitted by students at California State University, Dominguez Hills in accordance with these appeal procedures.

3.0. PURPOSE

3.1 The applicable evidentiary standard for student grade appeals is preponderance of the evidence, and the established presumption is that grades assigned by faculty members are correct. The burden of proof rests with student appellants. Students may appeal undergraduate or graduate grades which they believe were conferred contrary to procedures established in course syllabi; were prejudicial or capricious; or were the result of instructor, computational, or clerical error.

3.2 Student grade appeal procedures may be revised from time to time with the concurrence of the Provost/Vice President for Academic Affairs and the Academic Senate. Copies of approved revisions shall be forwarded to the Academic Senate, University President, Vice President for Enrollment Management and Student Affairs, Provost/Vice President for Academic Affairs, Associate Vice President for Faculty Affairs, College Deans, the University Registrar, and Associated Students, Inc.

3.3 Grade appeal procedures may not be used to review University student disciplinary decisions. Nor may grade appeal procedures be used to challenge culminating activities in graduate programs, such as comprehensive examinations or theses.

4.0. RESPONSIBILITIES

4.1 The Board shall be comprised as follows: Six (6) academic members and three (3) student members.

4.2 The academic members of the Board must be tenured faculty and shall be elected by the Academic Senate in accordance with established election procedures. One (1) Board member will be elected from the College of Natural and Behavioral Sciences; the College of Arts and Humanities: the

4.3 Student members shall be appointed in accordance with procedures established by the Executive Board of Associated Students Incorporated. Student members must be full-time students and have and maintain at least a 2.5 cumulative GPA.

4.4 The selection of members of the Board shall be concluded before the conclusion of each spring semester by the Academic Senate and Associated Students, Incorporated. The new Board shall not be convened until the beginning of the following fall semester.

4.5 Members of the Board shall serve one-year terms. Members are eligible for reelection to the Board.

4.6 In the event a vacancy is caused by a member’s resignation, inability to serve, or other cause, the replacement of an academic member shall be by appointment by the Academic Senate Executive Committee. The replacement of a student member shall be by appointment by the Executive Board of Associated Students, Incorporated.

4.7 The Provost/Vice President for Academic Affairs (or designee) is authorized to make decisions on grade appeals and appeal-related issues arising during summer sessions. Grade appeals and appeal-related issues that are not resolved by the Provost/Vice President for Academic Affairs during summer sessions shall be referred to the new Board at the beginning of the following fall semester.

5.0. PROCEDURES

5.1 Initiation of a Grade Appeal

5.1.1 Before initiating a formal grade appeal, students shall first seek informal resolution with the instructor of record or Department Chair. Informal resolution requires student appellants to meet with the faculty member or Department Chair no later than 30 calendar days immediately following the assignment of the original grade. This time line may be extended if the student appellant requests and receives an extension from the College Dean (or designee) or can demonstrate extenuating circumstances for the submission of a grade appeal beyond 30 calendar days following the assignment of the original grade.

5.1.2 In the event that the grade appeal is not informally resolved with the instructor of record or Department Chair, the student may submit a formal grade appeal, in writing, to the Dean of the College (or designee) within 21 calendar days after receiving the decision of the instructor of record or
Department Chair. The student’s written formal grade appeal shall contain the following:

- A clear and concise statement summarizing the problem or dispute;
- A specific remedy; and
- All relevant documentation (e.g., course syllabus) and arguments supporting the student’s claims and a justification for the requested remedy.

Student appellants shall also submit their student identification number as well as contact information.

5.1.3 The College Dean (or designee) shall forward copies of the student’s formal grade appeal to the instructor of record and Department Chair and request written responses of their respective positions and other relevant comments. After receiving separate responses from the instructor of record and the Department Chair, the Dean (or designee) shall attempt to resolve the appeal within 21 calendar days. If there is no mutually agreed upon resolution, the Dean (or designee) shall forward the formal grade appeal file to the Chair of the Board via the office of the Vice Provost for Student Academic Success. The case file shall include the recommendation of the Dean (or designee), the student’s written statement, written responses from the instructor of record and the Department Chair, and any other relevant documentation, including the course syllabus. The Dean (or designee) shall provide information copies of their recommendation to the parties.

5.2.0 Determination by Board

5.2.1 Following receipt of the formal grade appeal file from the College Dean (or designee), the Vice Provost for Student Academic Success shall review the file to determine that the appeal has been filed in a timely manner and all necessary information and documentation has been provided. Thereafter, the Vice Provost for Student Academic Success shall notify the Chair of the Board.

5.2.2 The Chair shall assign the formal grade appeal to a panel of two faculty board members and one student board member. Members of the panel shall review the formal grade appeal based on the information contained in the case file and determine by majority vote whether or not cause exists for a grade change.

5.2.3 The panel may, as necessary, call upon qualified faculty members to receive relevant input regarding the grade appeal. A qualified faculty member must be unbiased and have had no prior involvement with the grade dispute.

5.2.4 The panel shall issue a written decision within 21 calendar days, and the panel’s decision shall include a statement summarizing the panel’s final disposition of the grade appeal. The panel shall forward copies of the decision to the student
appellant, instructor of record, Department Chair, College Dean, Chair of the Grade Appeals Board, and the Vice Provost for Student Academic Success.

5.2.5 If the panel by majority vote concludes no cause exists for a grade change, such determination shall conclude the appeal proceedings, and the parties shall be so advised in writing.

5.2.6 If the panel by majority vote concludes that cause exists for a grade change, only the faculty members of the Board shall determine the appropriate grade. The panel shall sustain an appeal only if student appellants meet their burden of proof by a preponderance of the evidence.

5.2.7 Approved grade changes must be implemented within ten (10) working days.

5.2.8 The panel’s decision shall be final and binding on the parties, and all remedies shall be considered to have been exhausted.

5.2.9 Students or members of the faculty involved in a grade appeal who contend appeal procedures were not properly followed may submit a written statement and explanation to the Provost/Vice President for Academic Affairs with a copy to the Chair of the Academic Senate. The Provost/Vice President for Academic Affairs shall render a decision in writing within 21 calendar days.

5.3 Board Report
5.3.1 The Chair of the Board shall submit an annual written report to the Provost/Vice President for Academic Affairs and forward a copy to the Chair of the Academic Senate. The report shall be submitted prior to the end of each academic year after Board business has been completed. The Board’s report shall report the number and disposition of grade appeals.
This is Academic Affairs Response to EPC/FPC 12-12 passed by the Academic Senate on 09/26/12. This response was reviewed and endorsed by the EPC on December 2\textsuperscript{nd} 2013.

POLICY REFERENCE # TBD
October 15, 2013

STUDENT GRADE APPEALS

1.0. REFERENCE
This policy supersedes Presidential Memorandum 96-02.

2.0 POLICY
A Student Grade Appeals Board ("Board") is hereby established by the University and is charged with responsibility for processing grade appeals submitted by students at California State University, Domínguez Hills in accordance with these appeal procedures.

3.0. PURPOSE
3.1 The applicable evidentiary standard for student grade appeals is preponderance of the evidence, and the established presumption is that grades assigned by faculty members are correct. The burden of proof rests with student appellants. Students may appeal undergraduate or graduate grades which they believe were conferred contrary to procedures established in course syllabi; were prejudicial or capricious; or were the result of instructor, computational, or clerical error.

3.2 Student grade appeal procedures may be revised from time to time with the concurrence of the Provost/Vice President for Academic Affairs and the Academic Senate. Copies of approved revisions shall be forwarded to the Academic Senate, University President, Vice President for Enrollment Management and Student Affairs, Provost/Vice President for Academic Affairs, Associate Vice President for Faculty Affairs, College Deans, the University Registrar, and Associated Students, Inc.

3.3 Grade appeal procedures may not be used to review University student disciplinary decisions. Nor may grade appeal procedures be used to challenge culminating activities in graduate programs, such as comprehensive examinations or theses.

4.0. RESPONSIBILITIES
4.1 The Board shall be comprised as follows: Six (6) academic members and three (3) student members.

4.2 The academic members of the Board must be tenured faculty and shall be elected by the Academic Senate in accordance with established election procedures. One (1) Board member will be elected from the College of Natural and Behavioral Sciences; the College of Arts and


- All relevant documentation (e.g., course syllabus) and arguments supporting the student’s claims and a justification for the requested remedy. Student appellants shall also submit their student identification number as well as contact information.

5.1.3 The College Dean (or designee) shall forward copies of the student’s formal grade appeal to the instructor of record and Department Chair and request written responses of their respective positions and other relevant comments. After receiving separate responses from the instructor of record and the Department Chair, the Dean (or designee) shall attempt to resolve the appeal within 21 calendar days. If there is no mutually agreed upon resolution, the Dean (or designee) shall forward the formal grade appeal file to the Chair of the Board via the Office of Faculty Affairs. The case file shall include the recommendation of the Dean (or designee), the student’s written statement, written responses from the instructor of record and the Department Chair, and any other relevant documentation, including the course syllabus. The Dean (or designee) shall provide information copies of their recommendation to the parties.

5.2 Determination by Board
5.2.1 Following receipt of the formal grade appeal file from the College Dean (or designee), the Associate Vice President for Faculty Affairs shall review the file to determine that the appeal has been filed in a timely manner and all necessary information and documentation has been provided. Thereafter, the Associate Vice President for Faculty Affairs shall notify the Chair of the Board.

5.2.2 The Chair shall assign the formal grade appeal to a panel of two faculty board members and one student board member. Members of the panel shall review the formal grade appeal based on the information contained in the case file and determine by majority vote whether or not cause exists for a grade change.

5.2.3 The panel may, as necessary, call upon qualified faculty members to receive relevant input regarding the grade appeal. A qualified faculty member must be unbiased and have had no prior involvement with the grade dispute.

5.2.4 The panel shall issue a written decision within 21 calendar days, and the panel’s decision shall include a statement summarizing the panel’s final disposition of the grade appeal. The panel shall forward copies of the decision to the student appellant, instructor of record, Department Chair, College Dean, Chair of the Grade Appeals Board, and the Associate Vice President for Faculty Affairs.

5.2.5 If the panel by majority vote concludes no cause exists for a grade change, such determination shall conclude the appeal proceedings, and the parties shall be so advised in writing.

5.2.6 If the panel by majority vote concludes that cause exists for a grade change, only the faculty members of the Board shall determine the appropriate grade. The panel shall sustain an appeal
Second Reading

California State University Dominguez Hills
Academic Senate Resolution
Revised Student Grade Appeals Policy
EPC/FPC 12-12

STUDENT GRADE APPEALS

1.0. REFERENCE

This policy supersedes Presidential Memorandum 96-02.

2.0 POLICY

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3.0. PURPOSE

3.1 The applicable evidentiary standard for student grade appeals is preponderance of the evidence, and the established presumption is that grades assigned by faculty members are correct. The burden of proof rests with student appellants. Students may appeal undergraduate or graduate grades which they believe were conferred contrary to procedures established in course syllabi; were prejudicial or capricious; or were the result of instructor, computational, or clerical error.

3.2 Student grade appeal procedures may be revised from time to time with the concurrence of the Provost/Vice President for Academic Affairs and the Academic Senate. Copies of approved revisions shall be forwarded to the Academic Senate, University President, Vice President for Enrollment Management and Student Affairs, Provost/Vice President for Academic Affairs, Associate Vice President for Faculty Affairs, College Deans, the University Registrar, and Associated Students, Inc.

3.3 Grade appeal procedures may not be used to review University student disciplinary decisions. Nor may grade appeal procedures be used to challenge culminating activities in graduate programs, such as comprehensive examinations or theses.

4.0. RESPONSIBILITIES

4.1 The Board shall be comprised as follows: Two academic members from each
College and three student members.

4.2 The academic members of the Board must be tenured faculty. Each College shall elect two (2) Board members.

4.3 Student members shall be appointed in accordance with procedures established by the Executive Board of Associated Students Incorporated. Student members must be full-time students and have and maintain at least a 2.5 cumulative GPA.

4.4 The election of members of the Board shall take place before the conclusion of each Spring semester by the Academic Senate and Associated Students, Incorporated. The new Board shall not be convened until the beginning of the following Fall semester, at which time a Chair is elected.

4.5 Members of the Board shall serve one-year terms. Members are eligible for reappointment to the Board.

4.6 In the event a vacancy is caused by a member’s resignation, inability to serve, or other cause, the replacement of an academic member shall be by appointment by the Academic Senate Executive Committee. The replacement of a student member shall be by appointment by the Executive Board of Associated Students, Incorporated.

4.7 A quorum of the Board shall consist of 50% or greater of members. The number of members needed for a quorum is calculated based on the number of filled positions on the Board.

4.8 Preliminary Investigators (see 5.2 below) for appeals that are submitted to the Board will be selected from among Board members (excluding the Chair) on a rotating basis. PI's, however, must be from a College other than the College from which the appeal originates. The Board member who serves as PI does not participate in Board deliberations (see 5.3 below), in the Formal Hearing (see 5.4 below), or in the Board Decision (see 5.5 below).

4.9 The Provost/Vice President for Academic Affairs, in consultation with the College Dean for the College from which the appeal originates, is authorized to make decisions on grade appeals and appeal-related issues that arise during Summer sessions, and must be resolved before Fall. Grade appeals and appeal-related issues which are not resolved by the Provost/Vice President for Academic Affairs during Summer sessions shall be referred to the new Board at the beginning of the following Fall semester.

5.0 PROCEDURES

5.1 Initiation of a Grade Appeal
5.1.1 Students initiating a grade appeal shall first seek informal resolution with the instructor of record no later than the academic semester immediately following the assignment of the original grade. If the instructor of record is unavailable (is away from campus or is no longer on campus and cannot be reached) or if the instructor of record does not respond within 10 working days, normally two calendar weeks, the student shall seek informal resolution with the Department Chair. Department Chair refers herein to a head of a department, a director of a program and/or a coordinator of a program. This one-semester informal procedure may be extended if the student appellant requests and receives an extension from the College Dean (or designee) or can demonstrate extenuating circumstances for the submission of a grade appeal beyond one (1) academic semester following the assignment of the original grade.

5.1.2 If informal resolution between the student appellant and instructor of record is unsuccessful, the student shall meet with the Department Chair to explain the basis for the appeal. The Department Chair may then either convene a meeting with the student and instructor of record or inform the student that the next step is to begin a formal appeal with the Dean’s Office. The Department Chair may not change a grade without the consent of the instructor of record unless the instructor of record is unavailable or does not respond (as described in 5.1.1).

5.1.3 If informal resolution at the Department level is unsuccessful, the student may submit a formal grade appeal, in writing, to the Dean of the College (or designee) within 15 working days (normally three (3) calendar weeks) after receiving the decision of the instructor of record or Department Chair. Normally, student appellants must submit a written grade appeal in the form of a letter or memorandum no later than the academic semester immediately following the assignment of the original grade. A copy of the written grade appeal must be filed simultaneously by the student with the Associate Vice President for Faculty Affairs in the Office of Faculty Affairs. The student’s written statement shall contain at least the following:

- A clear and concise statement of the problem or dispute;
- A specific remedy; and
- Relevant documentation (e.g., course syllabus) and arguments to support the student’s requested remedy.

Student appellants shall also submit their student identification number as well as contact information.

5.1.4 The College Dean (or designee) shall forward copies of the student’s written statement to the instructor of record and Department Chair and request written responses of their respective positions and other relevant comments. After receiving separate responses from the instructor of record and the Department Chair, the Dean (or designee) shall attempt to resolve the appeal within 15 working days (normally three (3) calendar weeks), in coordination with the parties.
If there is no resolution, the Dean (or designee) shall forward the grade appeal file to the Chair of the Board via the Office of Faculty Affairs. Along with the recommendation of the Dean (or designee), the case file shall include the student’s written statement, written responses from the instructor of record and the Department Chair, and other relevant documentation, including the course syllabus. The Dean (or designee) shall provide information copies of their recommendation to the parties.

5.2 Preliminary Investigation

5.2.1 Upon receipt of the grade appeal file, the Chair of the Student Grade Appeals Board will appoint a Board member to serve as preliminary investigator (PI). The PI must be from a College other than the College from which the appeal originated.

5.2.2 The PI shall confer with the student appellant, the faculty member, the Department Chair, and the College Dean to investigate the facts alleged by the student. Each party will have an opportunity to clarify in writing for the PI their earlier written statements of their positions.

5.2.3 Within 15 working days (three weeks) of their appointment, the PI shall submit to the Chair of the Board a full written report of the extent and conclusions of the investigation. The written statements (described in 5.2.2) of the parties will be attached to the report.

5.2.4 In making the written report, the PI will remember that there is a presumption that faculty members act correctly in assigning grades, and in otherwise managing students and classes, and the burden of proof must be met by the student appellant to show that the conduct by the faculty member was contrary to procedures, arbitrary, unreasonable, prejudiced, capricious, or the result of computational or clerical error. A faculty member’s action is not to be reversed if the action resulted from the exercise of reasonable judgment.

5.3 Initial Determination by Board

5.3.1 The PI shall indicate in the report whether there appears to be cause for a grade appeal, whether there is substantial evidence to support the complaint, and if so, the nature of the evidence, and whether the grade appeal should either be dropped or proceed to a formal hearing by the entire Board.

5.3.2 The Chair shall convene the Board without delay after receiving the report of the PI. The Board shall determine by majority vote whether apparent cause for a grade appeal exists. Such determination by the Board shall be final and binding.
5.3.3 If the Board by majority vote concludes that there is no cause for a grade appeal, such determination shall conclude the proceedings, and the parties will be so advised in writing.

5.3.4.1 If there is a tie vote on the initial determination by the Board, the actions of the faculty member shall be sustained. Such determination by the Board shall be final and binding.

5.3.5 If the Board by majority vote concludes that cause exists for a grade appeal, the Board may sustain the grade appeal, and the parties shall be so advised in writing. Such determination by the Board shall be final and binding. If, at this stage, the grade appeal is sustained, the procedures described in 5.5.1.1, 5.5.3, and 5.5.3.1 shall be followed.

5.3.6 If the Board by majority vote concludes that cause for a grade appeal exists and that a formal hearing is necessary and appropriate, the Board shall proceed as indicated in Section 5.4 et seq. below.

5.4 Formal Hearing

5.4.1 If the Board concludes that a formal hearing is necessary and appropriate, the Chair of the Board shall schedule hearings in a timely manner and notify student appellants and instructors of record of the time and place of the hearing.

5.4.2 The hearing shall be closed, informal in nature, and conducted in a spirit of mediation and conciliation. Both the student and faculty member shall be afforded an opportunity to testify, present witnesses, and introduce evidence relevant to the grade appeal. The Board may establish appropriate and reasonable rules to ensure the orderly conduct of the hearing.

5.4.2.1 Hearings may be opened to the public if both the student appellant and instructor of record agree.

5.4.2.2 Student appellants and instructors of record may invite up to two (2) advisors or assistants to attend the hearing. Neither party may be assisted or represented by an attorney who is a member of the Bar of the State of California.

5.4.2.3 At a closed hearing, attendance shall be limited to:

- Members of the Board;
- Student appellants and advisor(s), if any;
- Instructors of record and advisor(s), if any; and
- Witnesses while giving testimony.

5.4.2.4 Closed hearings shall be confidential and proceedings shall be disclosed
only to the extent necessary for the Board to make its final decision.

5.4.2.5 The Board may on its own initiative call one or more qualified faculty to testify and receive from them relevant testimony of fact or opinion. A qualified faculty member who gives opinion testimony must be unbiased and have had no prior involvement with the grade dispute.

5.4.2.6 Student appellants have the burden of proof and shall present their case first. Instructors of record shall then present their case.

5.4.2.7 The hearing shall not be recorded electronically or by other means. Cameras are not permitted at the hearing.

5.5 Board Decision

5.5.1 At the conclusion of a hearing, Board members shall meet privately to consider evidence and testimony of witnesses, reach a decision, and prepare a written decision. The Board shall issue a written decision within 15 working days (normally within three (3) calendar weeks), and shall include findings of fact, conclusions, and the Board’s disposition of the grade appeal. The Board shall sustain an appeal only if student appellants meet their burden of proof by a preponderance of the evidence.

5.5.1.1. If a majority of the Board concludes that the grade under appeal should be changed, only the faculty members of the Board shall determine the appropriate grade. A grade may be lowered as well as raised.

5.5.2 The Board’s final decision must be determined by a majority vote of the Board. In the event of a tie vote, the grade appeal shall be denied. A minority position may be written either as a section in the Board’s decision, or as a separate written document.

5.5.3 The Board shall forward copies of the decision to the student appellant, instructor of record, Department Chair, College Dean, and the Associate Vice President for Faculty Affairs.

5.5.3.1 Approved grade changes must be implemented within ten (10) working days.

5.5.4 The Board’s decision shall be final and binding on the parties, and all remedies shall be considered to have been exhausted.

5.5.5 Students or members of the faculty involved in a grade appeal who contend appeal procedures were not properly followed may submit a written statement and explanation to the Provost/Vice President for Academic Affairs with a copy to the Chair of the Academic Senate. The Provost/Vice President for Academic Affairs
shall render a decision in writing within fifteen (15) working days.

5.6 Board Report

5.6.1 The Chair of the Board shall submit an annual written report to the Provost/Vice President for Academic Affairs and forward a copy to the Chair of the Academic Senate. The report shall be submitted prior to the end of each academic year after Board business has been completed. The Board’s report shall report the number and disposition of grade appeals.

Approved: ___________________________ Date: ____________

Rationale: The current Student Grade Appeals Policy, as specified in PM 96-02, has increasingly become impossible to carry out due to a lack of faculty who are willing to volunteer to serve as Preliminary Investigators (PI). To remedy this problem, Provost Vogel and later Acting Provost Maki made a number of proposed modifications to the policy in a document called AAP006.001. A significant change was to eliminate the PI from the process. At the May 9, 2012, Senate meeting, faculty voiced serious concerns with this change. As a result, further revisions have been made to re-introduce PIs to the process by increasing the size of the Student Grade Appeals Board, and having the academic members of the Board serve as PIs on a rotating basis. Other changes include taking additional steps at the Departmental level to resolve grade disputes, and allowing the Provost, in consultation with the appropriate Dean, to resolve grade disputes during the summer months if resolution of the dispute cannot be postponed until the fall semester.