STUDENT GRADE APPEALS POLICY

Effective Date: 10/16/2009

Definition
Provides a means for students to seek redress of complaints regarding grades.

Authority
Cal State San Marcos Academic Freedom Statement, the Cal State San Marcos Interim Student Rights and Responsibilities Policy, and Executive Order 792.

Scope
The purpose of the Student Grade Appeal Policy and Procedures shall be to enable students to seek redress of complaints about grades (hereafter referred to as "grade appeals"). A grade appeal arises when circumstances prevent assignment of an earned grade or cause an assigned grade to be questioned by a student. This procedure shall also be available for the resolution of grade appeals alleging inappropriate application to the student of any other rules or policies of CSU San Marcos. The burden of proof shall rest with the student.

Karen S. Haynes, President
Approval Date: 7/14/09

Emily F. Carter, Provost and VP for Academic Affairs
Approval Date: July 8, 2009

Second Revision: 10/16/2009
First Revision: 09/2/2004
Implemented: 03/21/2002

Approved by the Academic Senate 04/08/2009
I. Preamble

The Cal State San Marcos Student Grade Appeal Policy acknowledges the rights of students and faculty as expressed in "Joint Statement of Rights and Freedoms of Students" drafted by the American Association of University Professors, the United States National Student Association, the Association of American Colleges, the National Association of Student Personnel Administrators, and National Association of Women Deans and Counselors in 1967, the rights of all members of the campus as outlined in the Cal State San Marcos Academic Freedom Statement, the Cal State San Marcos Interim Student Rights and Responsibilities Policy and of faculty as expressed in Executive Order 792. Executive Order 792 states that "faculty have the sole right and responsibility to provide careful evaluation and timely assignment of appropriate grades" and that, "in the absence of compelling reasons, such as instructor or clerical error, prejudice or capriciousness, the grade assigned by the instructor of record is to be considered final.” (p. 5).

II. Purpose

The purpose of the Student Grade Appeal Policy and Procedures shall be to enable students to seek redress of complaints about grades (hereafter referred to as "grade appeals). A grade appeal arises when circumstances prevent assignment of an earned grade or cause an assigned grade to be questioned by a student. This procedure shall also be available for the resolution of grade appeals alleging inappropriate application to the student of any other rules or policies of CSU San Marcos.

III. Terms and Definitions

Throughout this document, the words, “shall,” “will,” and “must” refer to mandatory (required) actions. The words, “may” and “should” refer to discretionary actions (i.e., recommended or voluntary, but not required). The word “dean” refers to the dean or his/her designee. The word “principals” refers to the student appellant and the instructor respondent.

IV. Jurisdiction

This policy applies solely to students' appeals of assigned grades. Separate grievance policies and procedures have been established for discrimination and harassment grievances. Students wishing to initiate a grievance against an administrator, faculty or staff member because of discrimination on the basis of sex, race, color, national origin, age, disability, veteran status, religion, or sexual orientation are advised to obtain written instructions on the filing of such grievances from the Office of Human Resources and Equal Opportunity or the Office of the Dean of Students.

Separate policies and guidelines also exist for complaints involving Greek social service organizations or individual members of a Greek Organization. These policies and guidelines may be found in the Greek Handbook available in the Office of Student and Residential Life.

1 Moved to Section V.B. ("Formal Process")
V. Membership

A. Committee Structure

Membership of the Student Grade Appeals Committee (SGAC) shall consist of:

- Three students (two undergraduate, one graduate) to be named under procedures established by the Associated Students Incorporated (ASI). Student members serving on this committee must be regular students in good standing, as determined under the same regulations imposed for ASI Board members. Student alternates will be named as needed; see section IV.E.

- Four faculty members and four faculty member alternates selected by the Academic Senate. All faculty members of the committee and all faculty alternates must hold tenured appointments.

- The Chair shall be elected yearly from the faculty membership of the committee.

B. Chair's Duties

The Chair is non-voting except in cases of a tied vote. The Chair shall be the administrative officer of the committee. The duties of the office shall include arranging for appropriate times and places of committee meetings and hearings; informing committee members of the committee's standing meeting time and place, and the time and place of any hearings; informing in writing all interested parties of the times and places of committee meetings or hearings which they are requested to attend and supplying them with a statement of alleged grievances; informing all other interested parties that an appeal is pending; securing and distributing to the committee written material appropriate for its consideration; arranging for the recording of committee proceedings; maintaining committee records; and informing in writing all interested parties of the recommendations of the committee.

C. Service of Alternates

Alternates shall be called upon as necessary to fill permanent or temporary vacancies (see section IV.E., "Vacancies."). Alternates shall serve on the committee as full voting members for grade appeal grievances.

D. Terms of Service and Continuation

The term of service on the Student Grade Appeals Committee shall run from June 1 to May 31. All committee members/alternates shall serve two-year staggered terms, from June to May. All student members shall serve one year terms. Committee members may serve consecutive terms of service.
The members who begin hearing an appeal shall continue as a panel for that appeal until it reaches resolution, unless a member is unable to continue or is no longer eligible to serve. In the event that a particular grade appeal extends beyond May 31, the members hearing that particular grade appeal shall continue with that appeal until the committee's decision is rendered.

E. Vacancies

1. Permanent vacancies - When a permanent vacancy on the committee occurs mid-term, the Chair of the committee shall request a replacement by one of the faculty alternates or, in the case of students, through an appointment made by ASI. The replacement shall have full voting rights for the remaining term of office of the original committee member.

2. Temporary vacancies - If a member of the committee is from the same immediate department or program or has a close personal relationship with the student making the appeal, that member shall not participate in the appeal process for that specific grievance. When, for good cause, a committee member cannot consider a particular grade appeal, or if the committee identifies a conflict of interest, an alternate, with full voting rights, shall be appointed to serve in his/her place for the specific grievance. In addition, a student appellant shall have the right to have one member of the committee replaced with an alternate member for any reason within two academic days prior to the committee's first review of the appeal. An alternate faculty member shall be selected by the Chair of the committee. An alternate student member shall be appointed by ASI.

F. Quorum and Voting

The quorum (which must include at least one student member) for holding meetings and making grade appeal recommendations shall be a majority of the seated members of the Student Grade Appeals Committee. A majority of members in attendance, including at least two faculty members, is required to make a grade appeal recommendation. Only members of the committee who have reviewed the documents submitted and heard all testimony elicited during the hearing on a grade appeal may vote on the grade appeal.

G. Confidentiality

To protect all parties involved, all participants shall maintain confidentiality to the maximum extent possible at every level of the appeal process. A breach of confidentiality is a breach of ethics, code of conduct, and FERPA.

No member of the committee shall discuss personal and/or pertinent information relating to a specific grade appeal with any persons who are non-committee members except at the request of the committee as part of the hearing processes defined in this document. This shall not preclude notification of proper authorities by the Student.
Grade Appeal Committee in the event that the committee perceives the safety of any person or property to be in jeopardy.

No member of the committee shall discuss personal and/or pertinent information relating to a specific grievance with any of the principals throughout the course of the investigation and following the recommendation of the committee except at the request of the committee and/or at a hearing.

Communication Guidelines: All written documentation and recommendations relating to individual grade appeals shall be marked and handled "confidential," and are only for the use of those directly involved in the grade appeal (interested parties). All documents, tapes, etc., relevant to an individual grade appeal shall be appropriately maintained for three years in locked file drawers located in the Academic Senate Office and then shredded. Members of the committee shall not discuss the facts of any grade appeal through electronic mail.

VI. Grade Appeal Process

Information and assistance for students who wish to avail themselves of the grade appeal process may obtain information and assistance from the Office of the Dean of Students or from the Associated Students Peer Advisor Program. Consultants may assist with:

1) defining the basis of the appeal using the criteria specified in this procedure;
2) explaining the options available to the student for resolving the grade dispute;
3) suggesting steps toward informal resolution;
4) completing the grade appeal form (advice and critique) and compiling supporting documentation.

Consultants are expressly prohibited from writing students' grade appeals or supporting documentation.

A. Informal Process Deadlines

The deadlines for completing the informal appeal process shall be as follows:

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<th>For courses taken during:</th>
<th>Deadline for completion:</th>
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<tr>
<td>Previous fall semester</td>
<td>March 15</td>
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<tr>
<td>Previous spring and summer semester</td>
<td>October 15</td>
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A good faith effort to settle a dispute must be made before filing a formal grade appeal. Even after an appeal is filed, efforts to resolve the dispute by informal means should continue.

In order to seek resolution before the formal grade appeal filing deadline, students should begin the informal resolution process as soon as possible. Any grade appeal policy and procedure of a college or department is considered part of the informal
Informal Resolution Process

The informal process consists of three steps. In order to file a formal appeal, the student shall be required to submit a log of contacts, appointments (both requested and granted), and outcomes documenting his or her attempts to achieve informal resolution at each step.

1. Step 1: The student must consult with the faculty member(s) involved to try to reach an agreement. If the faculty member does not respond or if the student is unable to reach agreement in a reasonable length of time, keeping in mind the filing deadline, then the student shall proceed to step 2.

2. Step 2: The student shall consult with the person at the next level of supervision if Step 1 does not result in a satisfactory agreement. If the parties do not respond or reach agreement in a reasonable length of time, the student shall proceed to step 3.

3. Step 3: The process shall continue at the level of dean, or the administrative director of equivalent rank. If the dean does not respond or an agreement is not reached and the student wishes to pursue the appeal process, the student shall file a formal grade appeal.

NOTE: Grade appeals involving administrators who have served as the instructor for the course should be directed to the Student Grade Appeals Committee after Step 1.

C. Formal Process

If a student decides to file a formal grade appeal, the grade appeal must be postmarked or stamped as received by the University’s Academic Senate Office no later than March 15 (for courses taken during the previous Fall semester) or October 15 (for Spring and Summer semesters). In the event of extenuating circumstances, the Provost or designee shall be able to waive the deadline.

1. Basic Guidelines for Grade Appeals
   a. The SGAC presumes that grades assigned are correct. It is the responsibility of the student appealing an assigned grade to demonstrate otherwise. (See CSU Exec Order 792, p.5)

   b. Students may only appeal grade assignments on the following bases:
      1) an instructor refuses to (or cannot) assign a grade;
      2) the instructor is not available to review possible computational error;
3) the student believes the grade assigned is inequitable or capricious, unreflective of course performance, or inconsistent with other grade assignments in the course.

c. The SGAC shall only recommend grade changes when a preponderance of the evidence supports the student's claim that the grade was improperly assigned, based on appeal grounds listed in paragraph (b), above.

d. The burden of proof shall lie with the student.

2. How to File

Where informal resolution fails, the student may file a formal grade appeal in writing to the Student Grade Appeals Committee (SGAC), stating the specific allegations and the desired remedy, accompanied by available documentary evidence. The grade appeal must be submitted by completing the Formal Notice of Student Grade Appeal form (Appendix A). Students may obtain a formal grade appeal form at the following locations:

Office of Associated Students Incorporated
Office of the Dean of Students

3. Filing Deadline

The written grade appeal must be postmarked or stamped as received no later than March 15 for the prior fall session or October 15 for the prior Spring/Summer session. In the event of extenuating circumstances, the Provost or designee shall be able to waive the deadline.

4. Withdrawal and Termination of Formal Process

A student has the right to withdraw his/her grade appeal at any stage of the proceedings, in which case the proceedings shall terminate immediately. Efforts to resolve the dispute by informal means may continue throughout the formal process. Written notification by the complainant to the Student Grade Appeals Committee is required to terminate the proceedings. The Student Grade Appeals Committee address is:

Student Grade Appeals Committee
c/o Academic Senate Office
Cal State San Marcos
San Marcos, CA 92096-0001

5. Preliminary Screening
Upon receipt of the written grade appeal, the Chair of the Student Grade Appeal Committee will review the grade appeal to determine if:

1) the Student Grade Appeals Committee has jurisdiction (See section "Purpose" and "Jurisdiction" page 1.); and
2) the filing deadline has been met; and
3) the informal process, steps 1 through 3 has been completed.

If the above conditions have not been met, the Chair of the Student Grade Appeals Committee shall respond in writing to the complainant stating which condition(s) has not been met and terminating the appeal.

If the above conditions have been met, the Chair shall send written notice of receipt of a grade appeal within seven (7) calendar days to all parties involved in the informal process. The Chair shall also provide the instructor (the person responsible for assigning the student’s grade) with a complete copy of documents submitted by the student, and request that the instructor provide a written response and relevant documentation, including the course syllabus and grade roster, to the committee within ten (10) calendar days.

If the instructor identified in the appeal cannot be contacted through reasonable efforts because he/she is no longer in residence or is on leave or vacation, the committee shall provide an additional notification period not exceeding one semester. If the instructor cannot be contacted by the end of one semester it is the responsibility of other qualified faculty to review the grade (CSU Executive Order 792, p.5).

6. Consideration of Grade Appeals

Upon review of documentation from the instructor and the student, the committee Chair shall establish and distribute to the principals a timeline for resolution of the appeal. If additional information is needed, the committee shall use appropriate means to collect relevant data. Any party within the University community who is contacted by the Student Grade Appeals Committee Chair for information relevant to a specific appeal shall cooperate and provide full disclosure of information. This may include, but is not limited to, requesting that the instructor(s) provide academic records such as grade roster, graded materials in his/her possession and other documents such as syllabi and assignments that may be pertinent to the appeal.

The SGAC may establish and consult with a panel of 2-3 faculty members knowledgeable about grading practices, teaching strategies, or classroom management. This panel of experts shall include at least one individual from the general academic discipline or area of the course in which the disputed grade(s) occurred.
a. The SGAC shall select the panel from a pool of faculty willing to serve as consultants, submitted by the chairs, program directors, or center directors of appropriate academic units.

b. The panel shall not include a faculty member objected to by either the student or faculty member involved in the dispute.

c. The SGAC shall make its recommendation in the grade appeal based on information received during its fact-finding, including information provided by the panel of faculty.

7. Hearing Process

The committee shall attempt to make its recommendation on the basis of the documentation provided by the student, the instructor, and any other parties from whom it has requested information. If, by a majority vote, the committee determines a need for a hearing, the hearing process will proceed as follows:

- The committee shall determine who will be involved in the hearing process.
- The committee may seek advice from a "panel of experts" from the appropriate area as noted above.
- The committee may invite persons having information related to the grade appeal to testify in the hearing.

The committee Chair shall reserve the appropriate facility and notify all parties involved of the hearing date(s) and location.

The hearing shall be conducted according to the following standards:

- The hearing is a fact-finding/information gathering proceeding, not a judicial process.
- There shall be no confrontation or cross-examination of witnesses by instructor and the student.
- Only the committee and those currently providing information shall be present during that portion of the hearing.
- The Chair shall preside at the hearing.
- Only the committee members, including the Chair, shall ask questions.
- All hearings will be tape-recorded. Tape recordings will be available for review by the student, the instructor, and committee members in a specially supervised place. Recordings of hearings shall only be copied for Student Grade Appeal Committee record-keeping purposes.

Once all information has been received, including information obtained through hearings, the committee will issue a recommendation.
8. Recommendation

The SGAC shall recommend one of two courses of action: that (a) the original grade was properly assigned and should therefore remain on the student's record or (b) the original grade was improperly assigned and the student's work should therefore be reevaluated. The committee shall not evaluate the student's performance nor shall it recommend a new grade.

The SGAC recommendation shall go to the instructor of record, the student, the instructor's Department Chair or Program Director, the Dean of the college offering the course, the Provost, and the Office of Enrollment Services if a grade change is recommended. The recommendation will be transmitted within twenty-one calendar days of the completion of the committee's information gathering procedures.

The recommendation shall not be subject to appeal.

If a grade change is recommended the instructor of record shall promptly notify the Student Grade Appeals Committee of the course of action taken.

CSU Executive Order 792, p. 5 specifies that: "If the instructor of record does not assign a grade, or if he/she does not change an assigned grade when the necessity to do so has been established by appropriate campus procedure..." (i.e. SGAC recommendation), "it is the responsibility of other qualified faculty to do so."

Executive Order 792 further specifies that "Qualified faculty" means one or more persons with academic training comparable to the instructor of record who are presently on the faculty at Cal State San Marcos.

VII. Annual Reports

The SGAC Chair shall report to the President of Cal State San Marcos and Academic Senate by September 1 the number and disposition of cases heard the previous academic year. (See CSU Exec Order 792, p.7).

VIII. Revisions to the Student Grade Appeal Policy and Procedure

The Student Grade Appeals Committee, through a recommendation to the Executive Committee of the Academic Senate, may initiate revisions to the Student Grade Appeals Policy and Procedures.
Appendix A
California State University, San Marcos

Formal Notice of Student Grade Appeal

Instructions
Before completing this form, please take the time to carefully read the Student Grade Appeal Policy and Procedure, paying particular attention to the basic guidelines for grade appeals (Section V.B.1.b). After reading the policy and procedures, complete this form as thoroughly as possible. You may request assistance to complete this form from the Office of the Dean of Students.

Confidentiality will be maintained in accordance with Student Grade Appeals Policy and Procedures, "Confidentiality," Section IV.G.

Once you have completed this form, place in a sealed envelope and send it to:

Student Grade Appeals Committee
C/O Office of the Academic Senate
California State University, San Marcos
San Marcos, CA 92096-0001

Please type or print clearly

Date: ____________________________

STUDENT INFORMATION

Name: ____________________________ Student ID Number: ____________________________
Current Address: ____________________________ Street ____________________________
                                      City ____________________________ State ____________________________ ZIP ____________________________
Home Phone: ____________________________ Message Phone: ____________________________
Expected Graduation: ____________________________ E-Mail Address: ____________________________
CLASS INFORMATION

Class: ___________________________ Semester: ___________________________

Title: ___________________________

Instructor(s): ___________________________

BASIS FOR GRADE APPEAL
Check all that apply and provide evidence and documentation for each basis checked.

☐ The instructor refuses to (or cannot) assign a grade

☐ The instructor is not available to review possible computational error.

☐ The grade assigned is:
  ☐ Inequitable or capricious
  ☐ Unreflective of course performance
  ☐ Inconsistent with other grade assignments in the course

NARRATIVE
Please provide a brief chronological description of the events and actions leading to the assignment of your grade. Please be sure to include the names of any individuals who may have relevant information. If the space provided here is insufficient, please append the entire narrative on separate, typed pages.
EXPLANATION OF THE APPEAL

For each box checked under “Basis for Appeal” please provide a brief explanation showing how the events and actions cited in your narrative compel a change in your grade. Explain each basis separately, even if this requires citing the same events more than once. If the space provided here is insufficient, please append the entire explanation on separate, typed pages.
DOCUMENTARY EVIDENCE

Please append any documents that support your appeal (e.g., copies of your work, copies of correspondence with your instructor or other individuals involved with your appeal). In the space below, please list the documents you have appended.

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REMEDY SOUGHT
ACKNOWLEDGEMENT AND RELEASE
I have received and read the Student Grade Appeals Policy and Procedures and understand what I am required to do in the Formal Grade Appeals Procedures.

Initials ____________

I hereby release to the Student Grade Appeals Committee all documents, including my academic records, that may be pertinent to the Committee's investigation.

Initials ____________

I certify that, to the best of my knowledge, the information I have provided is accurate and the circumstances surrounding the problem are as I have described them.

____________________________________  ______________________
Signature                                           Date