

STUDENT APPEALS and GRIEVANCES POLICY AND PROCEDURES¹

(Approved by SOE Governance Community -5/08/08)

PART I: POLICY – Student Appeals and Grievances

PURPOSE

The purpose of this policy and procedure is to: (1) define the parameters of the work of the SoE Personnel and Student Appeals Committee (PSAC) related to appeals; and (2) outline the steps to ensure due process for candidates² as they seek to address a perceived injustice. The PSAC shall hear appeals by candidates regarding: (1) grades, (2) grievances concerning administrator/faculty/staff interaction, and (3) program disqualification.³

DEFINITIONS and CRITERIA:

1. Grade Appeal

"Faculty have the sole right and responsibility to provide careful evaluation and timely assignment of appropriate grades. There is the presumption that grades assigned by the faculty member are correct. It is the responsibility of the [candidate] to demonstrate otherwise."⁴ The fundamental decision points for the committee to consider are:

- a. Was the faculty member's grading decision based on incomplete or erroneous information? (The term "incomplete" does not apply when referred to as work that has not been completed and submitted in the timeframe stipulated in the course outline.)
- b. In awarding the contested grade, did the faculty member act in an arbitrary or capricious manner? Did the faculty member:
 - i. Fail to inform candidates of the grading procedure and standards for the course, or
 - ii. Fail to adhere to the procedures and standards for the course, or
 - iii. Apply the standards in an inconsistent fashion, or
 - iv. Address any unexpected contingencies in an unreasonable manner (i.e. did the faculty member fail to provide a reasonable rationale or apply it in an unfair or inconsistent fashion?)

If the answer to any of the questions is "yes," and if the committee additionally finds that the faculty member's error or failure resulted in an inappropriate grade being assigned, then and only then should the committee consider making a recommendation to make a change in favor of the candidate.⁵

¹ Issues regarding violations of the CSUSM Student Code of Conduct are referred directly to the Dean of Students office for adjudication.

² Students in the School of Education are referred to as "candidates" (teacher candidates, administrator candidates, etc.) This differentiates university students from the K-12 students they serve.

³ Matters of racism, sexual harassment and discrimination involving faculty members should be reported to the Associate Vice President for Academic Resources; all others should be filed with Human Resources and Equal Opportunity.

⁴ California State University Executive Order 792 – p. 5, #2

⁵ The SoE committee may only recommend to the faculty member that a grade change be made. The committee does NOT have the power to change grades.

2. Program Disqualification Appeal

Program disqualification includes both the aspects of a grade appeal and those of a grievance. Because program disqualification uses performance recorded as grades in coursework as well as field work or clinical practice to determine candidate performance in meeting program standards, the appeal requires meeting the criteria for both the grade appeal and the grievance processes.

- a. Program disqualification will occur if:
 - i. A candidate fails to achieve a GPA of 3.0 or better with a minimum grade of C+ in all professional coursework including "credit" in all C/NC courses, or
 - ii. A candidate fails to meet the program standards as specified by the California Commission on Teacher Credentialing.
- b. The combined criteria for appealing program disqualification includes:
 - i. Grades Element [see (1) above for more details]
 1. Was the faculty member's grading decision based on incomplete or erroneous information?
 2. In awarding the contested grade, did the faculty member act in an arbitrary or capricious manner?
 3. Address any unexpected contingencies in an unreasonable manner (that is, did the faculty member fail to provide a reasonable rationale or apply it in an unfair, inconsistent fashion?
 - ii. Grievance Element [See (3) below for more details] – Typically, the category of proving that the disqualification is unjustified is the primary element of concern.

3. Grievance Against Administrator, Faculty, or Staff Member

A grievance is "... a complaint arising out of any alleged unauthorized or unjustified act or decision, other than a grade appeal, by a member of the faculty, administration, or staff that in any way adversely affects the status, rights, or privileges of a member of the student body.

The burden of proof shall lie with the complainant.⁶ The burden of proof for a grievance lies in the following terms:

- a. Unauthorized – Did the individual who made the decision which adversely affected the student have the authority to do so?
- b. Unjustified – Was there substantial and compelling evidence to make the decision that affected the student? Did agreements, contractual and/or professional, exist that required the decision? Were professional standards used as the basis for the decision?

COMMITTEE COMPOSITION

For all types of student appeals, a subcommittee of no fewer than three representatives of the PSAC will be selected by the Chair of the committee and will include at least one tenure line faculty member, and the Distinguished Teacher in Residence (DTiR) and staff member of the committee. If either the DTiR or staff member cannot attend, the Chair will appoint an alternate. In addition, a student representative will be requested from CSUSM's Associated Students. If a student appeal involves a committee member, that member shall not serve on the subcommittee.

PROCESS FACILITATION

The Associate Dean's Office shall facilitate the process including initial interaction with candidates, notifying the committee, reporting the results of deliberations, and housing all official files related to appeals and grievances.

⁶ CSUSM Student Grievance Policy: www.csusm.edu/policies/active/documents/student_grievance_policy.html

TYPE OF APPEAL

Candidates are advised to read the definitions and criteria carefully before filing an appeal or grievance. The type of appeal filed defines the steps to be followed and the associated timelines. Administrators, faculty, staff members involved in an appeal or grievance are advised to read and follow the procedures very carefully.

PART II: Grade Appeal Procedure

DEFINITION/CRITERIA FOR GRADE APPEAL

"Faculty have the sole right and responsibility to provide careful evaluation and timely assignment of appropriate grades. There is the presumption that grades assigned by the faculty member are correct.

It is the responsibility of the [candidate] to demonstrate otherwise."⁷ The fundamental decision points for the committee to consider are:

- a. Was the faculty member's grading decision based on incomplete or erroneous information? (The term "incomplete" does not apply when referred to as work that has not been completed and submitted in the timeframe stipulated in the course outline.)
- b. In awarding the contested grade, did the faculty member act in an arbitrary or capricious manner? Did the faculty member:
 - i. Fail to inform candidates of the grading procedure and standards for the course, or
 - ii. Fail to adhere to the procedures and standards for the course, or
 - iii. Apply the standards in an inconsistent fashion, or
 - iii. Address any unexpected contingencies in an unreasonable manner. (i.e., Did the faculty member fail to provide a reasonable rationale or apply it in an unfair or inconsistent fashion?)

GRADE APPEAL PROCESS

1. **Good Faith Effort at Resolution** - Before initiating the appeals process, the candidate must have attempted to work with the faculty member to resolve the issue. Candidates who have not made a good faith effort to inform the faculty member and attempt a resolution will be directed back to the faculty member. The candidate should retain evidence that an effort was made.
2. **Filing Deadline** - If the candidate is not able to resolve the issue with the faculty member, a written letter of appeal must be **submitted no later than the 4th week of the semester following the semester in which the grade was recorded**. Any requests received after that date will not be considered.⁸
3. **Content of Appeal Request Letter** - The letter must clearly outline how the request for appeal fits within the definition above. The candidate should attach all relevant evidence supporting the appeal to each copy of the letter.
4. **Notifying the Committee** - Four (4) copies of the letter of appeal with supporting documentation must be submitted to the Associate Dean's Office for distribution to the committee. One copy resides in the Associate Dean's office; three copies are forwarded to the Chair of PSAC for distribution to the subcommittee. The Associate Dean will notify the faculty/staff involved of the filing of the appeal request and provide a copy of the letter and documentation provided by the candidate.
5. **Timeline** – During the academic year, the committee will meet within two weeks of the filing of the appeal to set a calendar to consider the request. The timeline for hearing the appeal and arriving at a decision shall be communicated to the candidate and the affected faculty member. Summer requests may be held over to the fall semester depending on the availability of the committee.

⁷ California State University Executive Order 792 – p. 5, #2

⁸ This deadline is necessary in order to meet the filing deadline of March 15/October 15 for the university process should a higher level of appeal be desired by the student.

6. **Committee Decision Options** – At the school level of the process, the committee’s decision options are limited to⁹:
 - i. No action - Insufficient evidence provided to proceed with the appeal – This decision is rendered when the candidate fails to provide adequate supporting documentation for the committee to consider the appeal.
 - ii. Support Original Grade - Sufficient evidence provided but does not support meeting the criteria outlined in 1a or 1b (p. 1).
 - iii. Sufficient evidence provided that supports meeting one or more of the criteria outlined in 1a or 1b (p. 1). In this case, the faculty member will be advised of recommended changes and, if appropriate, may receive feedback for consideration in future circumstances.
7. **Notifying the Candidate** – Following deliberations, the committee shall forward a memorandum to the faculty member and the Associate Dean outlining the decision and the rationale supporting the decision. The Associate Dean shall summarize the decision in a letter to the candidate. If there is no response from or resolution with the faculty member prior to the university deadline, the candidate may move the appeal forward to the university level.
8. **Further Appeal** - Should the candidate chose to appeal the decision of the committee, the candidate is responsible for meeting the university deadlines and providing all documentation to the university committee.

PART III: Program Disqualification Procedure

APPEAL OF PROGRAM DISQUALIFICATION

Program disqualification includes both the aspects of a grade appeal and those of a grievance. Because program disqualification uses academic performance recorded as grades in coursework as well as performance in field work or clinical practice to determine candidate competence in meeting program standards, the appeal requires meeting the criteria for both the grade appeal and the grievance processes.

Program disqualification will occur if:

- a. A candidate fails to achieve a GPA of 3.0 or better with a minimum grade of C+ in all professional coursework including “credit” in all C/NC courses. [See Grade Appeals Process for additional reference.]
- b. A candidate fails to meet the standards specified by the California Commission on Teacher Credentialing or program-specified standards if CTC standards are not applicable.

The combined criteria for appealing program disqualification includes:

- a. Grades Element [see #1 (p. 1) for more details]
 - i. Was the faculty member's grading decision based on incomplete or erroneous information?
 - ii. In awarding the contested grade, did the faculty member act in an arbitrary or capricious manner?
 - iii. Address any unexpected contingencies in an unreasonable manner (that is, did the faculty member fail to provide a reasonable rationale or apply it in an unfair, inconsistent fashion?
- b. Grievance Element [See #3 (p. 2) for more details] – Typically, the category of proving that the disqualification is unjustified is the primary element of concern.

⁹ The SoE committee may only recommend to the faculty member that a grade change be made. The committee does NOT have the power to change grades.

PROGRAM DISQUALIFICATION PROCESS

1. **Good Faith Effort at Resolution** – A good faith effort to resolve a program disqualification usually takes place in consultation with the program coordinator in an effort to mitigate the challenges encountered by the candidate. Records of meetings, action plans, and performance contracts resulting from Statements of Concern, and other documentation become part of the record to determine the legitimacy of the appeal.
2. **Filing the Appeal** – If the candidate is not able to resolve the issue with the program coordinator, a written letter of appeal must be **submitted no later than the 10th week following the semester in which the incident occurred.**²⁰ The letter must clearly outline how the request for appeal fits within the definition described above. Candidates must attach all relevant supporting evidence to the letter of appeal.

Candidates are advised to file the appeal as soon as possible; waiting to initiate the appeal process prolongs arriving at a timely resolution.

3. **Notifying the Committee** – Four (4) copies of the letter of appeal and supporting evidence must be submitted to the Associate Dean's Office for distribution to the committee. One copy resides in the Associate Dean's office; three copies are forwarded to the Chair of PSAC for distribution to the subcommittee. The Associate Dean will notify the program coordinator involved in the appeal and be provide a copy of the documentation presented by the candidate. The program coordinator shall be requested to provide to the committee, all documentation that resulted in the program disqualification. Should the candidate request, a copy of the program coordinator's information, it shall be made available to the candidate in a timely manner.
4. **Timeline** – During the academic year, the committee will meet within two weeks of the filing of the appeal to set a calendar to consider the request. The timeline for hearing the appeal and arriving at a decision shall be communicated to the candidate and the program coordinator. Summer requests may be held over to the fall semester depending on the availability of the committee.
5. **Committee Decision Options** – The committee's deliberations may produce one of the following decisions:
 - a. Case is closed due to insufficient grounds for consideration, or
 - b. The decision of program disqualification is upheld based on the evidence provided.
 - c. The decision of program disqualification is referred back to the program coordinator for reconsideration with a rationale provided. In this case, the committee may meet with the program coordinator to consult on reinstatement options including a performance contract for the candidate.
6. **Notifying the Candidate** – Following deliberations, the committee shall forward a memorandum to the program coordinator and the Associate Dean outlining the decision, recommendations, and supporting rationale. The Associate Dean shall summarize the decision in a letter to the candidate. Should reinstatement be recommended, the Associate Dean shall participate in development of the candidate performance contract.
7. **Further Appeal** - Should the candidate chose to appeal the decision of the committee, the candidate is responsible for meeting the university deadlines and providing all documentation to the university committee.

²⁰ This timeline is necessary in order to meet the filing deadline of the last day of the semester as specified in the university process should a higher level of appeal be desired by the student.

PART IV: Grievance Procedure

DEFINITION/CRITERIA FOR GRIEVANCE AGAINST AN ADMINISTRATOR, FACULTY, OR STAFF MEMBER

A grievance is "... a complaint arising out of any alleged unauthorized or unjustified act or decision, other than a grade appeal, by a member of the faculty, administration, or staff that in any way adversely affects the status, rights, or privileges of a member of the student body. The burden of proof shall lie with the complainant."¹¹ The burden of proof for a grievance lies in the following terms:

- a. Unauthorized – Did the individual who made the decision which adversely affected the student have the authority to do so?
- b. Unjustified – Was there substantial and compelling evidence to make the decision that affected the student? Did agreements, contractual and/or professional, exist that required the decision? Were professional standards used as the basis for the decision?

GRIEVANCE PROCESS

1. **Good Faith Effort at Resolution** - Before initiating the appeals process, the candidate must have attempted to work with the administrator/faculty/staff member to resolve the issue. Candidates who have not made a good faith effort to inform the administrator/faculty/staff member and attempted a resolution will be directed back to the administrator/faculty/staff member. The candidates should retain evidence that an effort was made.
2. **Filing the Appeal** – If the candidate is not able to resolve the issue with the administrator/faculty/staff member, a written letter of appeal must be **submitted no later than the 10th week following the semester in which the incident occurred.**¹² The letter must clearly outline how the request for appeal fits within the definition above. The candidate should attach all relevant evidence supporting the appeal to each copy of the letter. The letter should include:
 - a. What alleged transgression transpired – What happened?
 - b. When the transgression took place – When did it happen?
 - c. What redress is being sought – What is the expected outcome?

Candidates are advised to file the appeal as soon as possible; waiting to initiate the appeal prolongs arriving at a timely resolution.

3. **Notifying the Committee** – Four (4) copies of the letter of appeal and supporting documentation must be submitted to the Associate Dean's Office for distribution to the committee. One copy resides in the Associate Dean's office; three copies are forwarded to the Chair of PSAC for distribution to the subcommittee. The Associate Dean will notify the administrator/faculty/staff involved of the filing of the appeal request and provide a copy of the documentation presented by the candidate. The administrator/faculty/staff member shall be requested to provide a response to the appeal for committee consideration.
4. **Timeline** – During the academic year, the committee will meet within two weeks of the filing of the appeal to set a calendar to consider the request. The timeline for hearing the appeal and arriving at a decision shall be communicated to the candidate. Summer requests may be held over to the fall semester depending on the availability of the committee.
5. **Committee Decision Options** – At the school level, the committee shall make recommendations to administrator/faculty/staff member and the college Dean for resolution. The committee's deliberations may produce one of the following decisions:

¹¹ CSUSM Student Grievance Policy: www.csusm.edu/policies/active/documents/student_grievance_policy.html

¹² This timeline is necessary in order to meet the filing deadline of the last day of the semester as specified in the university process should a higher level of appeal be desired by the student. Appeals will not be accepted after the 10th week of the semester.

- a. No action - Insufficient grounds provided for consideration, or
 - b. Continued Consideration - Parties involved will be consulted as to the possibility of correcting the situation. If a hearing/meeting is required, the parties involved will be informed of a time and place.
 - c. Recommendation to the Dean of the college for action – When sufficient grounds for action has been determined and resolution cannot be reached through consultation with the administrator/faculty/staff member, a recommendation will be forwarded to the Dean of the college for resolution.
6. **Notifying the Candidate** – Following deliberations, the committee shall forward a memorandum to the administrator/faculty/staff member and the Associate Dean outlining the decision, recommendations, and supporting rationale. The Associate Dean shall summarize the decision in a letter to the candidate. Should corrective action be recommended, the Associate Dean shall forward the recommendation to the college Dean for consideration and implementation.
7. **Further Appeal** - Should the candidate chose to appeal the decision of the committee; the candidate is responsible for meeting the university deadlines and providing all documentation to the university committee.