

STUDENT ACADEMIC GRIEVANCE PROCEDURES FAM 803.65

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Purpose and Scope

The policy and procedures specified herein deal with student grievances related to faculty evaluation of student work, academic decisions made by departments and colleges, or university decisions such as admission to majors and programs, academic probation,

suspension or dismissal from major or from the university.

This policy does not deal with all cases of academic grievance. The following cases are handled elsewhere:

1. Non-academic complaints such as those involving sexual harassment, discrimination, or inappropriate social conduct unless those matters relate to a specific academic decision. Non-academic complaints should be referred to the Vice President for Student Affairs. See Student Non-Academic Grievance Policy and Procedures. See: <https://www.csusb.edu/policies/student-non-academic-grievance-policy-and-procedures>
2. Academic grievances that allege Discrimination, Harassment or Retaliation, as defined by Executive Order 1097; see <https://calstate.policystat.com/policy/8453516/latest/>
3. Academic grievances involving the grade of "W" (withdrawal from a class) .

If a student has filed a grievance using the procedures that apply under Executive Order 1097, the Campus grade appeal procedure shall be placed in abeyance until such time as any appeal processes under Executive Order 1097 (Article VI and/or VII) have concluded. In cases where the EO-1097 investigation determines that EO-1097 was violated, then:

- For a grade grievance the Committee will proceed directly to Section 3.x. of this policy, which authorizes a re-grading of the student's work.
- In cases of other academic decisions, it is presumed that the determination would have been made by the EO-1097 process.

In cases where the EO-1097 investigation does not determine that EO-1097 was violated, students are to be directed to Section 2 of this policy and instructed to complete the grievance form of this policy without seeking to obtain their instructor's (or decision makers) signature.

POLICY STATEMENT

The purpose of this policy is to ensure that careful and equitable processes have been followed in making matriculation and assessment decisions about students. This policy lays out a procedure by which a student may challenge an academic decision the student perceives as capricious.

Definitions

Academic Grievance Panel: The pool of 15 from which the Hearing Committee will be drawn.

Hearing Committee: A committee of 4 drawn from the Academic Grievance Panel who will hear the grievance.

Qualified Faculty: Faculty who are from the department or a closely related discipline of the instructor of record and are presently on the CSUSB faculty.

Procedure and Process

1. Basis and Procedures for Grade Appeal or Other Academic Grievance

a. Basis for Appeal:

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 when a student believes there has been any of the following:

- i. Clerical error
- ii. Capricious or prejudicial evaluation
- iii. 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.

b. Types of Academic Appeal in Addition to Grade Grievances:

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

- i. Denial of Admission to or Dismissal from a course, major or program
- ii. Placement on Academic Probation
- iii. 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 based on a disagreement with the standards and procedures themselves will be denied a hearing.

c. Informal Resolution of Academic Grievances:

Every effort should be made to settle the disagreement informally. This document is not intended to limit a student, faculty member, or department from resolving a problem in any informal way they find satisfactory. However; the college level appeal procedures outlined in Section 2 must be exhausted before a student may initiate the University-level procedures described in Section 3.

d. Extension of Time Limits:

Time limits cited in these procedures may be extended up to 80 days when extenuating circumstances exist (e.g., the student is incapacitated in an accident). The Provost/Vice President of Academic Affairs or designee will make such determinations upon consultation with the department chair or director.

2. College-Level Appeal Procedures

a. Informal Resolution and Initiation of the Formal Process:

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

- For grade grievances that occur in the Fall semester, the formal grievance must be filed by the last business day of the sixth week of the Spring semester.
- For grade grievances that occur in the Winter intersession, the formal grievance must be filed by the last business day of the seventh week of the Spring semester.
- For grade grievances that occur in the Spring semester, the formal grievance must be filed by the last business day of the sixth week of the Fall semester.
- For grade grievances that occur during any summer session (I, II, full), the formal

grievance must be filed by the last business day of the seventh week of the Fall semester.

Grade grievances involving a change of grade from an incomplete must be lodged within fifty (50) calendar days of notification of the grade change.

Other types of Academic Grievances must be lodged within fifty (50) 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. Prior to filing a formal grade appeal or other academic grievance, the student shall seek redress directly from the instructor, or for other academic grievances, the decision maker. If the instructor is no longer at the University, the student should contact the Department Chair or Director to attempt to resolve the issue.

If, after consultation with the Department Chair or Director, the student is not satisfied and wishes to pursue the matter further, the student shall complete pages one and two of the Student Academic Grievance Form, which is also available in hard copy in each college office. The student will then submit the form to the college office who will date-stamp the form. Submission and acceptance of this form officially initiates the procedure.

The form shall then be sent to the instructor of record, or for other academic grievances the decision maker within three working days for the instructor's written comments, which must be returned to the college office within 14 working days of the date of receipt by the instructor. The college office shall then furnish a copy of the grievance form with the instructor's comments to the student within five (5) working days of receiving it.

b. College Level:

If, after informal conversations, the grievance is unresolved, the student next may seek redress through a meeting with the instructor, the Department Chair, and the College Dean (or designee). In this meeting, only the involved parties shall be present. The student must request the meeting within seven (7) working days from the date the process under Section 1 is concluded. The meeting shall be convened by the College Dean or designee as soon as possible, but within no more than twenty (20) working days. In cases involving a grade appeal, the Department Chair or Director and College Dean will consult with the instructor of record, who has the sole discretion to change a grade at this stage, consistent with this policy. The College Dean or designee shall note the conclusion reached on the College's and student's copy of the Student Academic Grievance Form, return the appropriate copy to the student and instructor, and retain the College copy on file.

3. University-Level Appeal Procedures

a. Submission of a University-Level Appeal:

If dissatisfied with the outcome of the College level procedure (Section 2), a student may initiate University-level appeal procedures by requesting that the previously completed Student Academic Grievance Form be submitted to the Office of the Provost and Vice President of Academic Affairs or designee. The Office of the Provost and Vice President of Academic Affairs will provide the student a time-stamped copy of the submitted form. The request must be filed within fifteen (15) working days (excluding time between terms) following completion of the College- level procedures.

b. University-Level Procedural Review:

Within (10) working days of the filing of this request, the Provost and Vice President of Academic Affairs, or designee, shall determine whether the procedures of Section 2 have taken place. If all efforts to resolve the matter without a hearing have been completed, the Provost and Vice President of Academic Affairs or designee shall initiate selection of a Hearing Committee. The Hearing Committee shall then be selected within (10) working days.

c. University-Level Review:

There shall be a standing Academic Grievance Panel of fifteen (15) members: five (5) tenured faculty (one from each college), five (5) undergraduate students, and five (5) graduate students.

- i. The five tenured faculty members shall be elected by the faculty of their colleges, using the established procedures of the Faculty Senate 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. Faculty eligible to serve shall not have had an academic grievance upheld against them within the prior two years and shall not be party to any current grade grievance.
- ii. The five undergraduate students shall be appointed to one year terms by the Board of Directors of the Associated Students, Incorporated (ASI) through its established procedures for appointments to faculty-affiliated

committees with the following additional criteria: To be eligible to serve, the students must have a minimum overall GPA of 3.0, no disciplinary actions on record, including no violations of academic integrity, have attained junior class standing, and have been matriculated as a student at CSUSB for at least one term.

- iii. The five graduate students shall be appointed to one-year terms by the Board of Directors of the Associated Students, Incorporated through its established procedures for appointments to faculty-affiliated committees. To be eligible to serve, the students must be classified graduate students, conditionally classified graduate students or classified post-baccalaureate students, and must have a minimum overall GPA of 3.0, have no disciplinary actions on record, including no violations of academic integrity, and have been matriculated as a student at CSUSB for at least one term.
- iv. 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.
- v. The two-year terms of office for faculty members shall begin and end in the same time frame established for Faculty Senate committees.
- vi. In the event a member is unable to complete the term of office, a replacement shall be elected or appointed to complete the unexpired term, following the original appointment procedures.

d. Selection of the Grievance Hearing Committee

Within ten (10) working days of initiating selection of the Hearing Committee, the Provost and Vice President of Academic Affairs, or designee, shall meet with the student who is appealing and with the instructor of record. If the instructor of record is on leave of absence or is no longer at the University, the Chair or Director of the Academic Department (or designee) shall represent the instructor throughout these procedures.

Two (2) faculty and two (2) student names shall be drawn at random from the roster of the Academic Grievance Panel. Either the appealing student or the instructor may veto one of the names drawn. Another name will be drawn at random from the representative panel pool to replace the excluded member. No more than one exclusion is permitted for either the student or the faculty member. The four representatives shall

constitute the Hearing Committee and there shall be no further challenges.

i. If the student who is appealing chooses not to sign the release of information section of the Student Academic Grievance Form, the Hearing Committee shall have no student members and the size of the Hearing Committee shall be reduced accordingly. Student members of the Hearing Committee will be required to complete the Confidentiality Agreement, stating that they will hold all aspects of the proceedings in confidence (see form at end of this policy).

ii. If the student who is appealing is an undergraduate, only the undergraduate students on the roster of the Academic Grievance Panel are eligible to serve on the Committee. If the student who is appealing is a post-baccalaureate student, only the graduate and post-baccalaureate students on the roster of the Academic Grievance Panel are eligible to serve on the Hearing Committee.

e. Selection of Convener of the Hearing Committee

The Vice President of Academic Affairs or designee shall designate one of the faculty members selected to serve on the Hearing Committee as convener of the Hearing Committee. The names of the other members of the Hearing Committee and the Student Academic Grievance Form shall be forwarded to the convener.

f. Convening the Hearing Committee

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

g. Approving Request

Deliberating in private and based solely upon review of the Student Academic Grievance Form, the Hearing Committee shall determine whether to approve the request for a hearing.

To approve the request for a hearing, the material submitted by the student must persuade the Hearing Committee that a hearing is warranted. The Hearing Committee shall be guided by the CSUSB policy that the grade awarded by the instructor and academic decisions made by departments and colleges are presumed to be correct unless the

student, upon whom the burden of proof falls, is able to demonstrate otherwise in the material and documentation submitted.

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

i. If the request for a hearing is denied, the grievance shall be terminated, and the Chair of the Hearing Committee shall 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.

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

h. Conducting the Hearing

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

i. 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.

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

Instructors who have a verified disability, as determined by the Americans with Disabilities Act), who require accommodation(s) to participate in the hearing, shall be provided appropriate accommodation(s).

- ii. A recording of the Hearing shall not be made unless requested by either party.
- iii. Any document received into evidence shall be preserved and shall be attached to the report form of the Hearing Committee. Both the student and the instructor shall have the opportunity to have a reasonable opportunity to challenge or to rebut the evidence. At the discretion of the Hearing Committee, copies may be given to either parties.
- iv. 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, with unruly behavior cause for removal from the Hearing. Witnesses will be advised as to these requirements before presenting testimony.
- v. The proceeding will not be bound by formal rules of evidence or trial-like procedures. Rather, the procedures will be those that reasonable persons customarily use in the conduct of serious affairs.
 - a. The chair shall rule upon all procedural issues.
 - b. If procedural issues arise which require external assistance, the Chair may delay or recess the proceedings pending submission of the issue to the Vice President of Academic Affairs or designee for resolution. The decision of the Vice President of Academic Affairs or designee shall be final.
- vi. 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. 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 notify the student and the instructor and shall submit a report to the Vice President of Academic Affairs or designee.

- b. If the instructor fails to appear at the time and place scheduled for the hearing, without advance notice and/or reasonable explanation, the hearing shall proceed to its conclusion as though the instructor was present.
- c. If it is determined by the Hearing Committee Chair that either the student or the instructor failed to appear because of circumstances beyond his/her control, the Hearing Committee may take whatever action it deems appropriate to ensure fairness.
- vii. The Hearing Committee shall consider only the issues and evidence submitted during the hearing. The Hearing Committee may request either party to present additional evidence or testimony during the hearing which would assist the Hearing Committee in arriving at a fair and impartial conclusion.
- viii. Both the student and the instructor shall have the following rights:
 - a) To be present during the hearing.
 - b) To be confronted with all evidence received by the Hearing Committee, whether oral or documentary.
 - c) The opportunity to challenge or to rebut such evidence.
 - d) To submit evidence on behalf of their own position.
 - e) The opportunity to submit a summary argument and to respond to the argument of the opposing party.
- ix. Hearing Committee Deliberations

Upon conclusion of the hearing, the Hearing Committee shall deliberate in private. For the filed grievance to succeed, a majority of the Hearing Committee members must agree to sustain the grievance. 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. To find in favor of the student, the Hearing Committee must reach a conclusion that the original grade was incorrectly or improperly assigned OR that the original academic decision was

based on inconsistent, unfair, or inequitable application of existing university procedures and policies.

x. Assigning Grades

In the event the Hearing Committee concludes that a change of grade should be effected, the faculty members on the Hearing Committee shall arrive at a decision as to what grade should be assigned. (For policy on how to form this committee, see Section 3c.)

In the event there is a finding under EO-1097 that EO-1097 has been violated under the separate procedures for that executive order, the faculty members on the Hearing Committee shall arrive at a decision to what grade should be assigned. (Please see EO-1097 for guidance on pursuing a grievance under EO-1097; a EO-1097 grievance can be filed concurrently with an academic grievance filed under this FAM).

In arriving at a grade change decision or if the grade change requires a re-evaluation of the student's course work, the Hearing Committee may consult with qualified faculty. Qualified faculty will have 30 working days to re-evaluate the student's coursework.

- i. Student members of the Hearing Committee shall not participate in the assignment of grades.
- ii. Both faculty and students may participate in reaching conclusions for other types of academic decisions which have been appealed.

xi. Notification of Decision and Disposition

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

- i. The Provost and Vice President of Academic Affairs or designee shall notify the student, the instructor, and College Dean of the decision of the Hearing Committee.
- ii. 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 Provost and Vice President for Academic Affairs or designee shall ensure that the grade on the student's permanent record is changed.

xii. Appeals

- i. Either the student or the instructor may appeal the decision of the Hearing Committee to the Provost and Vice President for Academic Affairs or designee. The sole basis of such an appeal shall be that the Hearing Committee so substantially departed from the guidelines and procedures set forth herein as to have seriously prejudiced the outcome.
- ii. The Provost and Vice President for Academic Affairs or designee may:
 - a. reject the appeal, in which case the decision of the Hearing Committee shall be final, or.
 - b. meet with the Hearing Committee to re-evaluate the procedures that were followed; if it is determined that there was a procedural error, the Hearing Committee reconsiders the grievance, and submits a decision to the Provost and Vice President for Academic Affairs or designee. This decision is final

xiii. Retention of Records

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

xiv. Annual Report of Case Dispositions

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

4. Expectations and Consequences for Violation of Requirements Described Herein

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.

Approvals

Approved by the Faculty Senate on April 13, 2021

Approved by the President on _____

History

First created by EPRC:

Revised by EPRC: 2021

Approved by the CSUSB Faculty Senate on

April 13, 2021

Signed and dated by



May 5, 2021

Beth A. Steffel (Senate Chair)

Date



8/23/2021

Tomás Morales (President)

Date

CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

STUDENT ACADEMIC GRIEVANCE FORM

(Please prepare two copies)

Name _____ Telephone _____

Street Address _____ City _____ Zip _____

I. FOR FILING A GRADE GRIEVANCE

Department _____ Course No. _____ Course Title _____

Instructor _____ Term Course Was Taken _____

II. FOR APPEAL OF OTHER ACADEMIC DECISION

Nature of decision under appeal:

Date of decision: _____ Person Making the Decision: _____

Title or Position: _____

Student's Statement

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

should have received the following grade or decision:

The basis for my grievance

is1): _____

Date Signed _____ Student's Signature _____

(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 as they pertain to this case, following provisions of FSD 69_41.

Date Signed _____ Student's Signature _____

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

Yes

No

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

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

Date grade recorded in the Records Office:

COLLEGE-LEVEL APPEAL FORM

(Not required if an EO 1097 grievance was filed.)

Instructor's Review

Date Submitted for Review: _____

Results of the Instructor review:

Review Date _____

Instructor's Signature _____

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

College Dean's Review

Date Submitted for Review: _____

Results of the Dean's review:

Review Date _____

College Dean's or Designee's Signature _____

CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

UNIVERSITY-LEVEL APPEAL FORM

I request that my Academic Student Academic Grievance Form filed at the College be submitted for an University-Level Appeal

Student signature to initiate university-level appeal: _____

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

Yes

No

Signature of Title IX or DHR Coordinator: _____

Date Grade Posted _____

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

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

By: _____

Committee Selection Date: _____

By: _____

Committee Members and Convener: _____

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

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

Committee Decision:

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

By _____ Date _____

CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

CONFIDENTIALITY AGREEMENT FOR STUDENT MEMBER OF

THE HEARING COMMITTEE

I agree that all proceedings and any records or documents provided for the purpose of the academic grievance in which I participate will be held in confidence throughout and after the hearing. I understand that a failure to do so could subject me to disciplinary action.

Name (Printed): _____

Signature: _____

Date: _____

CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

STUDENT REQUEST FOR AN EXTENSION OF TIME TO FILE A
GRIEVANCE

I am requesting an extension to file an academic grievance in accordance with FAM policy 803.65.

The reason I am requesting this extension (please specify): _____

I am requesting an extension until--specify a date that is no more than 80 calendar days after the grade or other decision is recorded (or the next working day if the campus is closed) _____ :

Name (Printed): _____

Signature: _____

Today's Date: _____

Action of VPAA

Approve extension

Deny extension

Signature of VPAA/Provost: _____

FLOW CHART OF GRIEVANCE PROCESS is attached

FAM 803.65 Flowchart for Academic Grievance, FAM 803.65

