

Grade Appeals/Academic Grievance Policy

(Senate: 6/1/10, 6/4/13, 7/13/13 [EA]; President: 6/21/10, 7/25/13)

Governing Document: Executive Order 1037 and 1074

I. Introduction

The purpose of this policy is to establish fair and equitable means by which matriculated students may appeal assigned course grades and other Academic decisions. Non-Academic grievances filed by matriculated students should follow the procedures outlined in the [Student Grievance Procedures](#). Charges of [discrimination](#), [harassment](#), or retaliation filed by students or applicants for admission to the University are addressed in a separate policy.

Faculty members at Cal State LA have the sole right and responsibility to assign grades. It is assumed that the grades assigned by faculty members are free from error, prejudice, or capriciousness. In the absence of compelling reasons to believe that one of these criteria is missing, the grade assigned by the instructor of record is to be considered final and correct. It is the responsibility of anyone appealing a grade to demonstrate otherwise.

Throughout this policy, the terms 'day' and 'days' shall refer to academic work days (i.e., any day, Monday through Friday, on which the University is open for business and faculty are on duty). Academic work days do not include holidays or term breaks.

II. Basis for Appeal

It is presumed that the assignment of final course grades and other academic decisions result from consistent, fair, and equitable application of clearly articulated standards and procedures. Students appealing such decisions must demonstrate that the standards and procedures were not clearly stated or that they were not applied in a consistent, fair and equitable manner. An appeal may *not* be based on a disagreement with the standards and procedures themselves. Further, an instructor's evaluation of a student's work and performance in that instructor's course must not be over-ridden merely because of a difference of opinion or evaluative judgment, provided it is formed in accordance with the generally accepted canons of the relevant discipline and of the University and the Department/Division/School wherein said course is offered.

An appeal may be initiated only on a claim that the decision/final grade was based on:

- (1) Clerical error;
- (2) Capricious or prejudicial evaluation;
- (3) Inconsistent or inequitably applied standards for evaluation; or
- (4) A finding of academic dishonesty that the student disputes.

The burden of proof in the appeal of a grade or other academic decision is on the student. In every appeal, the student must present evidence that the grade/decision being appealed was based on one of the first three conditions articulated above, or (in the case of the fourth possible basis), evidence that the allegation of academic dishonesty was not warranted.

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. Students who believe that individual exams and/or assignments demonstrate evidence of prejudicial, capricious, or arbitrary grading may appeal the grade assigned in individual assignments only insofar as those grades had direct bearing on the final grade. In every case, the student must attempt to resolve a grade dispute informally before filing a formal Grade Appeal.

Students may also appeal other types of academic decisions. These include, but are not limited to: the decision to refuse admission to or to disqualify a matriculated student from a major or program; academic consequences (in addition to course grades) that result from accusations of academic dishonesty; and academic probation, suspension, or disqualification.

III. Process

Before a student may initiate a formal Grade Appeal based on a clerical error, capricious or prejudicial evaluation, inconsistent or inequitably applied evaluation standards, he or she must attempt to resolve the issue informally. All other Academic appeals, including findings of academic dishonesty, shall proceed immediately to the Formal Appeal Process, outlined in Section B, below.

A. Informal Process

Students who believe that they have a basis for a grade appeal (as outlined in Section II) should notify the course instructor in writing, within twenty (20) days of the beginning of the term (excluding summer) immediately following the formal posting of the grade. If the instructor is not responsive or is unavailable to respond to a student's good faith efforts to contact him/her, the student should contact the department/division chair or school director (hereafter the chair) in which the course was offered. In the event that the instructor is not available to discuss informal resolution of the Grade Dispute with the student even with the intervention of the chair, the Formal Appeal process may be initiated.

If the student and instructor are not able to resolve the problem to the satisfaction of both parties, the student should discuss the assigned grade with the chair or other appropriate supervisor. This discussion is a prerequisite to proceeding to the Formal Appeal Process. However, if the chair is the instructor against whom the student wishes to file the Grade Appeal, the student may bypass this step of the informal resolution process and either request mediation by the college Dean or proceed directly to the Formal Appeal Process.

The chair shall reasonably attempt to facilitate a resolution to the grade dispute. The involved parties are strongly encouraged to participate and cooperate with the chair's attempt to resolve the dispute. The chair may consult an appropriate department/division/school committee to hear Grade Appeals or other Academic Grievances. This department/division/school committee shall recommend a resolution to the chair, who will share this information with the student and the instructor.

If the grade dispute cannot be informally resolved within the department/division/school, any of parties may request mediation from the dean or designee.

If the grade dispute is informally resolved to the mutual satisfaction of the two parties and the resolution is that the final course grade is to be changed, the instructor shall complete a Change of Grade form within three (3) academic days of resolving the matter. No further action under this policy need be taken. If the grade dispute cannot be informally resolved or is not completed by the end of the term during which it was initiated, the student may elect to proceed to the formal grade appeal process.

If at any point in the informal process a student makes an allegation of discrimination, harassment, or retaliation based on age, disability, sex, gender, gender identity, gender expression, genetic information, nationality, race or ethnicity, religion, sexual orientation, veteran status, or any other protected status by state or federal law, the student should be referred to the director of the Office for Equity and Diversity and provided with a copy of Executive Order 1074.

B. Formal Appeal Process

A formal appeal of a course grade or other academic decision must be initiated no later than the end of the academic term (excluding summer) following formal notification to the student of the decision or grade. For the purposes of this policy, the posting of course grades constitutes formal notification to students of course grades. For all other decisions, formal notification will normally be in the form of written correspondence from the appropriate university, college, or department/division/school authority.

A formal appeal is to be filed in the office of the Provost and Vice President for Academic Affairs (hereafter, the Provost). A formal appeal must include (1) the Academic Grievance Appeal Form (2) a copy of the grade report (for grade appeals) or notification of the decision being appealed (for all other academic appeals); (3) a written statement clearly presenting the basis for the appeal; and (4) any documentation that supports the appeal (such as the course syllabus, exams, papers, assignments, or other corroborating documents).

The University Academic Appeals Board shall review all appeals. The Board shall determine, within twenty (20) days of receipt of the written request, whether or not the grievance or appeal warrants further review. If the Board determines that the case does not warrant further review, the board shall notify the student of this decision, in writing. With the exception of appeals as described in Section V, below, this decision shall be final and binding.

If the Board determines that a hearing is warranted, the chair of the Board shall notify, in writing, both the student and the respondent of this determination; notice to the respondent shall invite a written response prior to the date of the hearing.

When the appeal concerns a course grade, the respondent shall be the instructor of record for the course. When an appeal concerns the grade on a comprehensive exam or a thesis or project, the respondent shall be the chair of the exam, thesis, or project committee. For all other academic appeals, the respondent shall be the person upon whose authority the decision was rendered (e.g., the chair if the decision was to disqualify the appellant from the program or major). In the event that an instructor is not available to participate in the formal process, the department/division chair or school director shall appoint another instructor whose area of expertise most closely approximates that of the instructor of record (and/or that most closely matches the material covered in the course), to represent the interests of the instructor of record. Where the respondent is not clearly identified, the dean of the college or the Provost shall designate the appropriate party to respond on behalf of the college or the University, respectively.

The notification shall specify the proposed date and time of the hearing and shall invite both parties to appear at that time, if they wish to present testimony or further evidence not already included in the written record. The Board shall appoint, from among its membership, a Hearing Committee consisting of two faculty members and one student member (if the student appellant has authorized student participation in the hearing). In no case shall a member of a hearing committee be from the same department/division/school from which the appeal originated.

The Hearing Committee shall convene and, if necessary, hold any hearing(s) within twenty (20) days of the determination that a hearing is warranted. The committee shall consider the documentation submitted by the appellant, as well as any written response submitted by the respondent. The committee may call witnesses before them, if they determine that such witnesses could provide relevant information not available in the written documents before them. If a student is given a hearing before the committee, the respondent must also be offered the opportunity to be heard by the committee.

Although in grade appeals the presumption is that the assigned grade is correct, should the Hearing Committee find (after conducting a hearing) that the evidence indicates otherwise, the Hearing Committee may determine that the grade should be changed. Similarly, the presumption is that the academic decisions are made fairly, equitably, and in good faith; however, should the evidence indicate otherwise (after a hearing has been conducted), the Hearing Committee may determine that a decision should be reversed. In all cases, the Appeal Board's authority (as well as that of convened Hearing Committees) is limited to actions consistent with the policies of the California State University system and those of California State University, Los Angeles.

The Hearing Committee's deliberations and decision(s) in Academic Appeals shall be limited to the following issues: (1) whether, in fact, the evidence presented establishes that the grade assigned or the academic decision in question was erroneous, capricious, or prejudicial, or involved the inconsistent or inequitable

application of standards for evaluation; and if it is judged that the evidence does establish that one of these conditions was operative, (2) the appropriate academic remedy.

Student members of the Hearing Committee shall be limited to discussion of (1). Only faculty members of the committee shall establish the answer to (2). In every case, the committee's decision shall be bound by any other relevant campus or CSU system policies.

The Hearing Committee shall deliberate on the case and issue a finding within ten (10) days of the conclusion of the hearing(s) related to the case. The Hearing Committee's decision shall be formalized in writing and addressed to the appellant, with copies to the respondent, the college dean, and the Provost (or designee, as the executive secretary of the Academic Appeals Board), and shall include a summary of their findings, the final decision, and the reason(s) for this decision. A copy of the Hearing Committee's findings shall be placed in a file in the Provost's office. At the subsequent meeting of the Academic Appeals Board, the executive secretary shall report on all matters resolved by the Hearing Committee(s) convened since the previous meeting.

In the event that the Hearing Committee finds in the appellant's favor, the Provost or designee shall ensure that within ten (10) academic days of receipt of the committee's finding a Change of Grade form is completed or other remedy initiated. In cases in which the instructor of record of a course refuses to sign the change of grade form, the college dean shall complete the form in his/her place.

Grade appeals that allege discrimination, harassment or retaliation based on age, disability, sex, gender, gender identity, gender expression, genetic information, nationality, race or ethnicity, religion, sexual orientation, veteran status, or any other protected status by state or federal law, shall proceed concurrently (I) under this grade grievance/academic appeals policy, and (II) under Executive Order 1074, as mediated by the Office for Equity and Diversity. However, the grade appeal procedure shall be placed in abeyance until such time as an investigation by the Office of Equity and Diversity (and any related appeals) into the allegation of discrimination, harassment or retaliation is completed. The final determination regarding whether discrimination, harassment or retaliation occurred, will be provided to the University Academic Appeals Board. The Board shall be bound by such determination, with respect to whether discrimination, harassment or retaliation occurred, when considering the grade appeal request under Executive Order 1037. Any finding of discrimination, harassment or retaliation may be relevant to the issue of the grade appeal.

IV. Confidentiality

All discussions and deliberations of the Academic Appeals Board and of Hearing Committees shall be held in strict confidentiality. Confidentiality shall be maintained unless a legitimate need to know is established by the Hearing Committee chair or in order for the committee members to

complete their deliberations in the matter at hand or as required by any legal action, and in a manner consistent with the Family Educational Rights and Privacy Act (FERPA) (Student Records Administration - 011, Sec 5.8) and any other applicable law. The Hearing Committee chair may consult with or request documentation of a student's history of academic dishonesty from the Judicial Affairs Officer, and may apprise Hearing Committee members of such information only on a strict need to know basis.

No student member of the Academic Appeals Board or a Hearing Committee may be apprised of any academic information concerning another student (including grades or other confidential information) unless that student has expressly permitted such disclosure by signing the disclosure statement on the formal Academic Appeals Form.

V. Finality of Hearing Committee Decisions and Conditions under which Appeals are Allowed

The Hearing Committee's decision is final and binding on all parties. However, any party to the dispute (either the student or the respondent) may appeal a committee decision *on grounds of procedural violations*. If either party alleges that the procedures outlined in this policy were violated, they must present a written appeal to the President outlining their allegations within ten (10) days of notification of the decision. The President (or designee) shall then investigate only the issue as to whether there were procedural violations in the handling of the appeal; if there is a finding of procedural violations, the President shall send the case back to the first step of the formal appeal (outlined in Section **III B**, above) to begin again.

VI. Annual Reports and Record Retention

The Provost shall retain for a period of three years after the appeal has been exhausted each appeal that has been filed with the Academic Appeals Board, and a copy of all documentation submitted initially as well as at any time during the proceedings. After three years, the file shall be destroyed.

Annually, at the end of each academic year, the Provost shall report to the President and to the Academic Senate the number of formal academic appeals received, as well as the nature and resolution of each appeal.

VII. Timelines

The timelines in this policy may be extended by the Provost, if the appellant can present documentation of extenuating circumstances that prevented a timely filing of the appeal (or a timely response at a later stage) or if the Appeals Board or Hearing Committee provides compelling reasons that warrant such an extension