

R5 ***Procedures for the Appeal of Grades (En 5 May 77)***

- R5.1** If a student believes that non-academic criteria have been used in determining his/her grade, he/she shall attempt to resolve the grievance with the instructor in the course through written appeal to the instructor via the Chairperson of the department. If the grievance is not resolved to the student's satisfaction at the departmental level, the student may file a complaint with the Dean of the college or school having jurisdiction over the course, or with the Dean of the Graduate Division, if he/she is a graduate student. If such a complaint is filed, these procedures shall be followed. In these procedures the term department shall be read to understand: department and/or program. Non-academic criteria shall be understood, in the sense of the Faculty Code of Conduct, as criteria not directly reflective of class performance, such as discrimination on political grounds, or for reasons of race, religion, sex or ethnic origin or for other arbitrary or personal reasons.
- R5.1.1** In challenging a grade that a student believes to have been awarded on the basis of non-academic criteria, the student shall present to the Dean of the college or school having jurisdiction over the course, or to the Dean of the Graduate Division, in the case of graduate students, a written brief stating the nature of the grievance, including any and all documents supporting the grievance, immediately after the alleged use of non-academic criteria, or no later than six weeks after the beginning of the subsequent quarter. (For these procedures, Summer Session is not considered a quarter.) Upon receipt of the brief, the Dean shall, immediately, forward a copy of the brief and of all attached documents to the instructor. (Am 23 May 91)
- R5.1.2** The Dean, after having determined that all other avenues of adjudication have been exhausted, shall, without evaluating the merits of the case, submit the brief and all attached documents to the Executive Committee of the college or school, or to the Graduate Council if the complainant is a graduate student.
- R5.1.3** The Executive Committee or the Graduate Council shall review the brief to determine if there is evidence that non-academic criteria were used. If the Executive Committee or the Graduate Council decides the allegations are without substance, it shall serve written notification of its findings to the complainant and to the instructor. Within one week of receipt of such notification, the complainant or the instructor shall have the opportunity to respond to the findings. If, after such response, the Executive Committee or the Graduate Council sustains its decision, the decision is final. The Executive Committee or the Graduate Council shall, then, forward written notification of the decision to the complainant and to the instructor. The student shall have no further recourse for filing the same grievance.

- R5.1.4** If there is evidence that non-academic criteria were used, the Executive Committee or the Graduate Council may review the case to arrive at a decision, or it may appoint, within one week, an *ad hoc* Review Committee to review and adjudicate the case. The Review Committee shall consist of one Senate member of the department of which the instructor is a member whose knowledge of the discipline, or sub-discipline, qualifies him/her to evaluate all documents relevant to the case; one Senate member of the same department, or another department, in a related discipline or sub-discipline; and one Senate member from an unrelated department and discipline. In the event that an Officer of Instruction (Acting Assistant Professor, Adjunct Professor, Lecturer, etc.) may be the most qualified to evaluate the brief, the Executive Committee or the Graduate Council may make such an appointment to the *ad hoc* Review Committee. Neither Chairpersons of departments nor members of the Executive Committees or the Graduate Council are eligible for service on review committees.
- R5.1.5** The reviewing committee shall interview any individual whose testimony might facilitate resolution of the case, and shall have access to any and all documents, papers and records in the possession of the complainant, the instructor or the department, which might facilitate the resolution of the case. The complainant and the instructor shall be interviewed. At the conclusion of the case all documents shall be returned to the source from which they were obtained.
- R5.1.6** The reviewing committee shall complete its deliberations and arrive at a decision within two weeks of receipt of the brief.
- R5.1.6.1** If the allegations of the complainant are not upheld, the Executive Committee or the Graduate Council shall so notify the complainant and the instructor in writing. Within one week of such notification, the complainant and the instructor shall have the opportunity to respond to the findings and the decision of the committee. If after such response the reviewing committee sustains its decision, the Executive Committee or the Graduate Council shall so notify the complainant and the instructor in writing. The student shall have no further recourse in filing the same grievance.
- R5.1.6.2** If the allegations of the complainant are upheld, the reviewing committee shall decide that the grade be changed from letter to letter, from letter to S, from NC to letter or to S. Alternatively, the reviewing committee may, with the approval of the complainant, decide that the grade be struck from the record of the complainant and that the grade points, if any, be deducted from the cumulative Grade Point Average.

- R5.1.6.3** The reviewing committee shall, then, serve written notification of its findings and its decision to the complainant and the instructor. Within one week of such notification, the complainant and the instructor shall have the opportunity to respond to the findings and the decision of the committee. If after such response, the reviewing committee sustains its decision, it shall so notify the instructor to provide him/her the opportunity to comply with the decision. Upon refusal of the instructor to so comply, the Executive Committee or the Graduate Council shall notify the Registrar, in writing, with copies to the complainant and the instructor, that the grade be changed.
- R5.1.7** If the case was reviewed by an *ad hoc* Review Committee, the Executive Committee or the Graduate Council shall review the findings and the decision of the Review Committee to assure that due process has been followed, but not to reassess the evidence.
- R5.1.8** If the findings, under Section R5.1.6, are positive, no punitive actions are implied, or may be taken, against the instructor as a consequence of these procedures. Neither the filing of charges nor the final disposition of the case shall, under any circumstances, become a part of the Personnel file of the instructor. These procedures are designed to effect a change of grade when it has been determined that non-academic criteria have been used in assigning that grade.
- R5.1.9** If the findings in Section R5.1.3 or R5.1.6 are negative, no punitive actions are implied, or may be taken, against the complainant as a consequence of these procedures. Neither the filing of charges nor the final disposition of the case shall, under any circumstances, become a part of the complainant's file.
- R5.1.10** The use of non-academic criteria in assigning a grade is in violation of the Faculty Code of Conduct. Sanctions against an instructor for violation of the Faculty Code, if sought, must be through the committees of the Academic Senate (Charges and Privilege and Tenure) upon referral by the Chancellor. The instructor may, if he/she feels that his record has been impugned by false or unfounded charges, file charges against the complainant through the Office of the Vice Chancellor--Student Services.
- R5.2** If the Student Conduct Committee has found that allegations of cheating or plagiarism against a student have not been proven, and if the student believes that the instructor has notwithstanding assigned a grade based upon the non-academic criterion of prejudicial suspicion of cheating, the student has the right of appeal as defined in sections R5.1 through R5.1.10 above. (En 4 Feb 88)