

**Office of the President
California State University, Chico**



Executive Memorandum 20-012

May 11, 2020

From: Gayle E. Hutchinson, President

Subject: Grade Appeal Policy

Upon the recommendation of the Academic Senate and the concurrence of the Provost, I approve the Grade Appeal Policy, effective immediately.

Policy Title:	EM 20-012 Grade Appeal Policy
Contact:	Student Conduct, Rights, and Responsibilities
Supersedes:	
Revision:	
Enabling Legislation or Executive Order:	

Grade Appeal Policy

The purpose of this policy is to set forth the guidelines and standards for appeal by a student of a final course grade; it has been established with the intent that appeals be addressed in a prompt, fair, and timely manner. This policy reflects the University's commitment to the educational ideals of California State University, Chico (CSU, Chico).

SCOPE

This policy applies to all students currently enrolled at CSU, Chico or previously enrolled at the time the grade in dispute was recorded.

POLICY

I. Responsibility for Grading

It is the understanding of CSU, Chico that the instructor of record has sole responsibility over grades, which includes the responsibility of providing clear grading criteria, careful evaluation, and timely

feedback. There is a presumption that assigned grades are correct and it is the responsibility of the student to demonstrate otherwise.

II. Student Right to a Review

Students shall have the right to review the final course grade issued by an instructor if the student has reason to believe the grade was based on any of the grounds described in Section III of this policy. Grades assigned due to student conduct matters (i.e. academic integrity) are not eligible for appeal, consistent with Title 5 of the California Code of Regulations.

III. Grounds for Review

The course grade assigned by the instructor of record is to be considered final. Students may only appeal a final grade for the following reasons and only after every attempt has been made to resolve the dispute through the Department and College Level Review described in Section IV of this policy:

- The final grade issued is based on instructor or clerical error
- The final grade was based on arbitrary or capricious actions
- The final grade is not in alignment with established grading criteria in the course syllabus

Allegations of discrimination, harassment, and/or retaliation affecting grade assignments shall be referred to the campus Discrimination, Harassment, and Retaliation (DHR) Administrator and be processed in accordance with CSU Executive Order 1097, which states:

...the Campus grade appeal process shall be placed in abeyance until such time as the Campus investigation and any appeal process under Article IV of this Executive Order have concluded. The final determination under this Executive Order regarding whether a violation occurred shall be provided to the Campus grade appeal committee. The Committee shall be bound by such determination when considering the grade appeal request under Executive Order 1037.

IV. Department and College Level Review

- a. Within ten instructional days of the commencement of the semester immediately subsequent to the semester in which the student received the grade in question, the student must file a Notice of Dispute with Student Conduct, Rights, and Responsibilities (SCRR), who, for the purpose of this policy, serves solely as a facilitating body, advising on process and procedure. Upon receipt of the Notice of Dispute, SCRR will communicate with the student to ensure understanding of process and procedure. After this meeting, SCRR will notify the instructor of record of the complaint. This notification serves as the commencement of the timeline for the Department and College Level Review, described in detail below.
- b. Within fifteen instructional days of submission of the Notice of Dispute, the student shall contact all necessary and relevant parties beginning with the instructor of record and attempt to bring resolution to the grade dispute. If resolution is not accomplished in meeting with the

instructor of record, the student shall seek assistance from the Department Chair and College Dean or designee. However, if by the end of the 15th day of instruction following the submission of the Notice of Dispute, the student is unable to reach resolution of the grade dispute at the department and college level, the student may submit an appeal of the grade to SCRR, which initiates the Formal Grade Appeal Process, as described in Section V of this policy. Submission of all appeals shall be done within two instructional days of failing to resolve the grade dispute at the department and college level.

At the time of any and all appointments at the department and college level, the student shall be prepared to submit any and all evidence in support of their claim.

V. The Formal Grade Appeal Process

a. Pre-Hearing Proceedings

Upon receipt of the Request for a Formal Grade Appeal Hearing, the Director of SCRR will transmit copies to the instructor of record, Department Chair, and the College Dean or designee. At any point in the Formal Grade Appeal Process, the student may withdraw their dispute.

1. Within five instructional days of receiving the Request for a Formal Grade Appeal Hearing, the College Dean or designee must notify the Director in writing whether the Department and College Level Review Process was fulfilled.
2. Within five instructional days of receiving the Request for a Formal Grade Appeal Hearing, the instructor of record will provide the Director with a written response to the dispute and subsequent request for a hearing. If a written response is not received within five instructional days, the Director shall notify the College Dean. The Formal Grade Appeal Process may continue with no written response.
3. After receiving notification from the College Dean that all requirements for the Department and College Level Review process were fulfilled, and after receiving a written response, if any, from the instructor of record, the Director shall, within five instructional days, forward all materials to the facilitator.
4. Upon receipt of all materials by the facilitator, an empaneling session will be scheduled by the Director and shall consist of the student, instructor of record, the facilitator, the Director, and support staff from SCRR. The empaneling session shall accomplish the following four matters:
 - a. The facilitator, in conjunction with all parties, will select a hearing date.

- b. The facilitator will inform the student and instructor of record of their right to have a representative or support person accompany them to the hearing. The name of any representatives must be provided to the facilitator at this empaneling session and the representative may not be an attorney.
- c. If witnesses are to be called during the hearing, the student and instructor of record must provide the names of any witnesses and their signed statements of their willingness to testify at the hearing, along with a brief statement of what their testimony will consist of.

The facilitator will inform the parties that every effort should be made to ensure the witnesses appear in person at the hearing. The facilitator may also approve an electronic appearance. However, if the witness cannot be present, written evidence must be submitted as a signed statement. Failure to sign the above statement will render it inadmissible.

Witnesses presenting evidence in person at the hearing must submit to the facilitator, at least five instructional days prior to the hearing, any written evidence they may be submitting.

- d. The Formal Grade Appeal Hearing Committee shall be selected by the facilitator, the Director, instructor of record, and student. Each party to the appeal is permitted to exercise challenges for cause to the proposed committee membership and the facilitator shall grant or deny the challenge. The following persons cannot serve on the Formal Grade Appeal Hearing Committee:
 - 1. Friends of either party
 - 2. Persons involved with the dispute
 - 3. Any person who is serving as an advocate for faculty, staff, students, or administration (i.e. Ombuds, CFA Representative)

b. Formal Grade Appeal Hearing

- 1. Formal Grade Appeal Hearings are closed, and limited to the student, the instructor of record, and their respective representatives if any, witnesses while providing testimony, the facilitator, the Formal Grade Appeal Hearing Committee, and support staff from SCRR. The content of the proceedings and committee recommendations resulting therefrom are confidential, and shall not be made public by any hearing participant.
- 2. The Formal Grade Appeal Hearing Committee consists of four members, two faculty and two students. In order for a Formal Grade Appeal Hearing to proceed, a quorum consisting of two faculty members and one student must be present. Selection of the Hearing Committee is discussed in Section VI of this policy.
- 3. No less than two instructional days prior to the hearing, committee members will be provided with all necessary written material, including the Notice of Dispute and Request for a Formal Grade Appeal Hearing.

4. At the hearing, the facilitator chairs the hearing and makes rulings on procedural matters. The facilitator shall be responsible for conducting the hearing in such a manner that observes the rights of the student and instructor of record. Each party shall have an opportunity to present their case, including the presentation of witnesses and evidence. As this is an administrative process, the hearing shall not be conducted according to technical legal rules relating to evidence and witnesses or rigid procedural guidelines. The facilitator shall admit evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, but shall exclude evidence that is irrelevant, inappropriate, or unduly repetitious.
5. In the hearing, the burden of proof is on the student, and they must show they have been adversely affected by the given grade. They must also show that the remedy sought, in grade appeal cases, a change in grade, will not effectively result in either (1) special favoritism toward the student and/or (2) prejudice against others.

If the action of the instructor of record follows a written policy or syllabus, the student must demonstrate that either the policy or syllabus constitutes a material abuse of discretion or was not generally or specifically authorized by the instructor of record.

c. Committee Deliberation

The facilitator will dismiss the student and instructor of record following the presentation of their cases. Deliberation then occurs among committee members only, who must consider the case based solely on the evidence admitted. The facilitator must be present for consultation. Committee members may seek procedural advice only from the facilitator, who must not allow unreasonable coercion of any member of the committee by another member. After deliberation, the Committee will determine findings and by secret ballot, take a vote regarding the resolution of the appeal. The vote may authorize the entry of a change, where appropriate, to the final course grade in the student's academic record. In the case of a tie vote, the facilitator then casts a vote.

Within ten instructional days, a report of the hearing, including the evidence, the findings, vote, and recommendation of the committee will be prepared by the facilitator and submitted to the Provost or designee.

d. Decision of the Provost

Within ten instructional days from receipt of the recommendation, the Provost shall make a written decision on the appeal and notify the Director of SCRR. This decision is final and there is no further right to appeal. In the case that a grade change has been recommended, the Provost will then replace the instructor of record as the initiator of the change of grade form. The grade change procedure will then continue as noted in Section 9, Subsection 5 of The Grading Policy, EM 10-018. The Director will immediately notify the student and the instructor of record of the final decision in writing and the matter shall be considered closed. SCRR will maintain records of the proceedings in accordance with relevant records and retention policies.

VI. Formal Grade Appeal Hearing Committee and Facilitator Selection Process

Formal Grade Appeal Hearing Committee Pool

The Formal Grade Appeal Hearing Committee Pool (the Pool) will consist of twenty-eight members; a total of fourteen faculty including two representatives from each college, and fourteen students selected from the most recent five percent random sample who have completed twenty-four units at CSU, Chico and who are in good academic and disciplinary standing. The Pool shall be selected at the beginning of each academic year, and members shall be notified by the Director of their responsibilities in the event they are selected to serve at a hearing. Four faculty members of the pool will act as facilitators to be selected for duty in a rotating fashion for that academic year. The Formal Grade Appeal Hearing Committee will be a permanent committee of the Academic Senate which will help ensure consistency in the committee for university level service.

VII. Maintenance of Records

SCRR shall be responsible for maintaining all records and materials developed in the course of the Formal Grade Appeal Process, including the hearing and final decision of the Provost. These files are confidential and shall be kept for a period of time in accordance with applicable records and retention policies

VIII. Annual Report

Each fall, the Director shall report the number and disposition of appeals heard in the previous academic year to the President of California State University, Chico and the Academic Senate.

VIX. Continuous Renewal

This policy shall be reviewed in ten years from its effective date to determine its ongoing efficacy. It may be revised prior to that time as needed.

RESPONSIBILITIES

In conjunction with the Division of Academic Affairs, Student Conduct, Rights, and Responsibilities maintains responsibility for the implementation of this policy.

APPENDICES

[EM 10-018](#), Grading Policies, Revised

[EO 1037](#), Grading Symbols, Minimum Standards Governing the Assignment of Grades, Policies on the Repetition of Courses, Policies on Academic Renewal, and Grade Appeals