Students, faculty and staff participating in grade appeals in any capacity are advised to study this document and seek guidance from the Student Issues Coordinator in the Office of Academic Affairs before taking action.

Students wondering whether to appeal a grade should study carefully Sections I (Grades That May Be Appealed By This Process), II (Grounds For Appeal And Burden Of Proof), III (Appeal Of Grades Assigned For Cheating Or Plagiarism), IV (Presumption Of Reasonable Grading – Rebuttal Of), VII.B (Grade Appeal Procedures – Informal Process), VII.C.1 (Student Grade Appeal Form) and VII.C.5.(1)a-d (Written Submissions to University Grade Appeal Panels – Student’s Submissions – Required Content) of the Process below. They should study as well Section VII.D (Summary of Grade Appeal Deadlines) and act to meet the pertinent deadlines specified there in every case.

An instructor whose grade has been appealed should study carefully Sections I through V with particular emphasis on Section V (Defenses To An Appeal). Instructors should review as well the procedures set forth in Section VII.B (Informal Process) and make every effort to resolve the grade dispute under them. In anticipation of a formal resolution of the dispute, they should review Sections VII.C.5B (Instructor’s Submissions), VII.C.7 (Procedures Following Findings in Support of a Student’s Grade Appeal) and VII.D (Summary of Grade Appeal Deadlines). Instructors should plan to meet each deadline that applies to them.

Department Chairs and staff responsible for managing a department’s part in a grade appeal should study Sections I through VII.C.5.b. These sections specify the contents of advice to be given to the parties to a grade appeal as to grounds of appeal, defenses, definitions and the informal process which is expected to provide resolution of grade disputes in most cases. Particular attention is to be paid to the Chair’s part in the informal resolution of these disputes. Chairs and staff should also study Section VII.C.7 (Procedures Following Findings in Support of a Student’s Grade Appeal) to discover how to manage the department’s response when a disputed grade is disallowed by a grade appeal panel and the student’s work is returned for regrading. Finally, Chairs and staff should study Section VII.D (Summary of Grade Appeal Deadlines) for the sake of accurate advising and judicious enforcement.

To repeat, students, faculty and staff taking any part in a grade appeal are strongly advised to seek the guidance of the Student Issues Coordinator in the Office of Academic Affairs before acting. Department Chairs are expected to review the Process carefully and seek the guidance of the Student Affairs Coordinator to prepare to advise students and instructors involved in a grade dispute. Every effort is to be made by Chairs to secure an informal resolution of grade disputes in the department.
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AMENDMENTS WITHIN THE TEXT OF THE SECTIONS ARE DISPLAYED IN BOLDFACE.

THIS DOCUMENT GIVES EFFECT TO EXECUTIVE ORDER 1037, SECTION D, EFFECTIVE DATE
1 AUGUST 2009, “GRADING SYMBOLS, ASSIGNMENT OF GRADES AND GRADE APPEALS”.

I. GRADES THAT MAY BE APPEALED BY THIS PROCESS

A. University policy strictly limits the substance of grade appeals to claims of irregular
grading as defined in Section II below. Such claims as are allowed by this policy derive
from the act of grading and no other act or acts prior or ancillary to it such as designing
a course or an assignment, presenting material to a student or students, scheduling a
course at a particular hour or any other aspect of course management or leadership.
The act of grading is the act of evaluating student performance or failure to perform. It
includes evaluating particular pieces of student work or particular student
performances after they have been executed and submitted for grading and assigning a
grading symbol to them that expresses the results of the evaluation. It includes as well
assigning a grade for failure to attend class or to submit work, execute performances or
otherwise complete course requirements. The result of the act or acts of grading just
described is a course grade calculated or otherwise derived from an evaluation of the
work submitted and a student’s failures, if any, to satisfy course requirements. Claims
that are founded on or depend on objections to course design or management for their
resolution are beyond the scope of a grade appeal and shall be discouraged by unit
chairs and the Office of Academic Affairs or dismissed at once if they survive to reach a
grade appeal panel.
B. Assigned final letter or Credit/No Credit grades, otherwise known as course grades, may be appealed; but

1. Incompletes may not be appealed until a final letter or Credit/No Credit grade has been assigned.

2. Grades assigned to particular pieces of student work or to particular student performances may not be appealed independently of their influence on the calculation of a course grade.

II. GROUNDS FOR APPEAL AND BURDEN OF PROOF

To convince a grade appeal panel to disallow a grade, a student shall allege and prove by a preponderance of the evidence one or more of the following compelling reasons for disallowing the grade assigned.

A. That the instructor assigned the grade arbitrarily.
   To convince a panel that arbitrary grading has occurred, a student shall allege and prove that the grade being appealed has no basis in reason in the sense that the instructor would not or could not give any reasons for the grade assigned rooted in failure to submit work or attend class or in the substance and form of the work submitted for grading either when that graded work was returned or subsequently in a routine conference to discuss the student's performance before the student had begun to seek any relief from the grade appeal process.

B. That the instructor assigned the grade capriciously.
   To convince a panel that capricious grading has occurred, a student shall allege and prove that the grade assigned was the result of an opinion or action of the instructor proceeding from a whim or an irrational or fanciful notion.

C. That the instructor assigned the grade because of prejudice.
   To convince a panel that a grade has been assigned because of prejudice, the student shall allege and prove that the grade was assigned on the basis of a judgment or opinion conceived before the submitted work had been evaluated or entirely apart from the work or on an unreasonable predilection or objection to the student or the work, especially an opinion or leaning adverse to the student or the work without just grounds or before sufficient knowledge had been obtained to justify that opinion or predilection in reason. Cases of prejudice on the basis of race or sex shall, of course, be included in this category of compelling reasons but shall not exhaust it.

III. APPEAL OF GRADES ASSIGNED FOR CHEATING OR PLAGIARISM

Grade appeal panels shall be limited to deciding claims that grades assigned for cheating or plagiarism are grossly disproportionate to the offense and therefore arbitrary.
A. Grade appeal panels shall not try or retry charges of cheating or plagiarism when hearing grade appeals. Instead they shall be bound by the disposition of those charges made by instructors or the Office of Student Affairs under the California State University, Sacramento Policies and Procedures Regarding Academic Honesty.

B. 1. In any grade appeal that seeks to overturn a grade assigned for cheating or plagiarism because it is disproportionate to the offense and therefore arbitrary, the assigned grade shall be upheld unless the student can allege and prove that the grade assigned as a sanction for cheating is grossly disproportionate to the offense. Gross disproportionality shall be shown by reference to Sections V.A.2 and 3 of the California State University, Sacramento Policies and Procedures Regarding Academic Honesty and a demonstration by the student that the discretion authorized there has been abused. Strict or close proportionality shall not be required of instructors when assigning academic sanctions for cheating or plagiarism.

2. An academic sanction for cheating, including plagiarism, stated in writing in a course syllabus or otherwise widely published as a matter of department policy and applied as stated by an instructor in a case of cheating, including plagiarism, shall give rise to an unrebuttable presumption that it is not grossly disproportionate to the offense and therefore arbitrary whenever that sanction as applied becomes the subject of a grade appeal.

3. All other claims that an academic sanction for cheating is grossly disproportionate and therefore arbitrary shall be decided in favor of the instructor provided the instructor is willing and able to give reasons for the instructor’s choice of sanction in relation to the instructor’s estimate of the gravity or seriousness of the offense. A panel shall not review or revise the instructor’s estimate of the gravity or seriousness of the offense.

4. A department may as a matter of policy estimate the gravity of an offense defined in Section III of the California State University, Sacramento Policies and Procedures Regarding Academic Honesty, prescribe a sanction for it in all cases and publish its estimate and prescribed sanction widely, as for instance on web pages, in the syllabi of its courses or in classrooms, laboratories or passageways frequented by students. Whenever a department does so as a matter of policy, a panel shall give judgment for an instructor subject to a grade appeal under this section provided the instructor has applied the department’s policy as written to the case of cheating giving rise to the grade appeal.

5. An instructor may nevertheless arrive at an estimate of the gravity of the offense that assigns greater but not less seriousness to it than that assigned by a department’s policy and assign a greater sanction. Such an estimate and assignment, being the instructor’s own, shall be subject to review for arbitrariness as provided in paragraph 3 of this section.
IV. PRESUMPTION OF REASONABLE GRADING - REBUTTAL OF

Before a grade appeal panel shall invite an instructor to respond to an allegation and proof of arbitrary, capricious, or prejudicial grading as defined in Section II. A., B. and C. above or an allegation and proof of a grossly disproportionate sanction for cheating as referenced in Section III.B above, the panel shall decide whether the student has made out, by his or her unrebutted argument and evidence, a case convincing enough to overcome the presumption that the grade has been assigned reasonably. A case convincing enough to overcome the presumption is one that states and supports with relevant evidence facts which, if unrebutted, tend to support but do not support conclusively without further consideration the judgment that the disputed grade was assigned either arbitrarily, capriciously, with prejudice or as a grossly disproportionate sanction for cheating. Please see Section VII.C.5.a.(8) below. If the panel decides that the student has made out a case convincing enough to overcome the presumption of a reasonably assigned grade in the mind of its members, it shall invite the instructor to defend the grade assigned and argue that it should be maintained. If the panel decides that the student has not made out a case convincing enough to overcome the presumption, it shall dismiss the appeal at once and conclude the matter.

V. DEFENSES TO AN APPEAL

A. To convince a grade appeal panel to maintain the grade assigned, an instructor defending a disputed grade shall show by a preponderance of the evidence that the disputed grade was assigned reasonably.

B. A reasonably assigned grade is one that results from a careful evaluation of the work submitted for grading or as a consequence of a failure to submit required work or to attend class as required or some combination of these alternatives embodied in a grade report submitted to the Registrar in a timely manner. Work has been carefully evaluated (1) if the purpose of the evaluation has been to ascertain from the substance and form of the work itself the relative quality of the work submitted, (2) if the means of evaluation are reasonably related to achieving that purpose and (3) if the means of expressing that evaluation include some explanation of the results of it to enable the student to distinguish the better work from the worse for him- or herself. Grades so assigned are grades reasonably assigned within the meaning of this policy. Note: Means of evaluation are reasonably related to achieving the purpose of evaluation if, in the judgment of a grade appeal panel, they fall within a continuum of conceivable choices of means bounded on the one hand by means plainly or obviously adapted to the purpose and on the other by means not wholly or completely unrelated to it. A panel may not limit the extent of this discretion by substituting its own choice of reasonable means for an instructor's choice, provided the instructor's choice is within the continuum described in this note.

C. Preponderance of the evidence shall be the standard of proof in grade appeals. The preponderance standard requires the grade appeal panel (the panel) to consider or weigh the evidence before it as to quantity, in the sense of enough to support a finding of fact, quality and source and to reach conclusions of fact supported by a preponderance of the evidence before it. Determining preponderance is a matter of judgment, not a calculation of a quantity
of units. It involves considering carefully the knowledge and credibility of witnesses and the kind and quality of physical evidence before the panel. The result of that careful consideration is a determination of the facts that define the grade appeal and either support or refute the student’s allegation that a grade has been assigned arbitrarily, capriciously, with prejudice or as a grossly disproportionate sanction for cheating. A fact has been established by a preponderance of the evidence if the panel judges on the basis of the evidence that it is more likely than not that the fact exists.

VI. MEANING OF TERMS DEFINING DEADLINES – COMPLIANCE TO BE DETERMINED BY COMMON SENSE

Compliance with the deadlines stated throughout this document shall be determined with an eye to substantial justice and common sense. The deadlines shall not be regarded as existing for their own sake but as a means of moving an appeal along expeditiously to a just and reasonable conclusion. For the purposes of determining compliance with deadlines established by this policy, the following definitions shall apply.

A. A week of classes shall normally be a period within a semester of five consecutive business days when classes are held. It shall begin at 8:00 a.m. Monday and end at 5:00 p.m. on the following Friday. A week of classes shall not include a Saturday or a Sunday or both. A week of classes shall not lose its character by being shortened by the presence within it of an academic holiday, such as Labor Day or Thanksgiving and the Friday following it.

B. A business day shall be the period beginning at 8:00 a.m. on a day of a week of classes and ending at 5:00 p.m. of that day. Neither Saturdays, Sundays nor academic holidays shall be accounted as business days.

C. Where the term “day” is distinguished from the term “business day,” the term “day” shall refer to any 24-hour period beginning at 12:00 midnight and concluding subsequently at 12:00 midnight.

D. A semester shall be that period defined by reference to a first day and a last day as published by the University in its academic calendar.

E. Delivery of written submissions by a student or an instructor, parties to a grade appeal, to the Provost’s designee in the Office of Academic Affairs in order to meet a deadline under this policy shall be accomplished when a secretary receiving the submission for the designee has it in hand with knowledge of or the opportunity to know what it is.

VII. GRADE APPEAL PROCEDURES

A. In General

1. Any conflict between the stated provisions of this document and statements or omissions of explanation by a chair or the Provost or the Provost’s designee shall be resolved in favor of the stated provisions of this document.
2. Nothing said or done in the course of informal attempts to resolve a grade dispute shall be admissible as evidence in formal proceedings authorized by this document.

3. Everything said or done in the course of informal attempts to resolve a grade dispute shall remain confidential. Confidentiality shall extend to the terms upon which a grade dispute may be informally resolved. Violations of confidentiality shall be subject to appropriate University action.

4. Students are responsible for the safekeeping of graded work previously returned to them or made available to them for retrieval or both.

5. Instructors are expected to cooperate with students appealing a grade to the extent of returning or making available for review or copying their written work or other material manifestations of performance such as models, paintings, sculptures, recordings, videos or transcripts that survive the performance itself. The instructor in consultation with the unit chair may identify graded work that the student may only review in the presence of the unit chair. The instructor shall make a copy of such work available to the grade appeal panel.

6. An instructor who withholds student work by refusing to return it or to make it available for review or copying in order to prevent or obstruct a grade appeal shall be subject to the disciplinary processes of the University, and the grade appeal panel shall proceed with the process to determine the grade appeal. It may consider the failure to return work in the final determination of the appeal. An otherwise reasonable grade may not be disallowed because of an instructor’s failure to return work.

B. Informal Process.

The following subsections 1-6 specify the steps to be taken by a student, a unit chair, and an instructor to carry out the informal process associated with grade appeals.

1. For the purpose of the informal process, meetings may be conducted in person, by telephone or by other electronic means.

2. At the first meeting between a student who disputes a grade and the chair (program coordinator or director) of the academic unit (division, department or program) in which the grade was assigned, the chair shall provide a copy of this document to the student. This meeting may take place before or after the meeting between student and instructor provided below depending upon the way the student begins to question the disputed grade. At this meeting the chair shall explain the grade appeal process including presumptions, time lines, grounds for appeal and the content of the student’s written submissions to the panel described in Section VII.C.5.a.(I)(a)-(d) below. At the same time the chair shall provide the Student Grade Appeal Form to the student and advise the student how to file it if he or she wishes to proceed with a formal appeal. The filing procedure is set forth in Section VII.C.I.a of this document.
3. Students who believe that they have not received a reasonably assigned grade shall seek to resolve, in good faith, the matter informally with the instructor who assigned the grade. This shall be done as soon as possible, but no later than the end of the second week of classes of the semester following the semester in which the grade was assigned.

If the instructor cannot or will not attempt to resolve the matter informally by at least meeting with the student for a discussion of it before the end of the second week and the student has made a good faith effort, subject to verification, to secure an informal resolution by having a meeting with the instructor, the student shall at once notify the Chair as provided in Section VII.B.4 below, and the appeal shall go forward without further delay.

4. If the informal meeting between student and instructor does not result in a solution of the grade dispute satisfactory to the student, the student shall so notify the chair of the academic unit in which the grade was assigned. Such notification shall be given to the chair or to the academic unit’s secretary to give to the chair no later than the end of the last business day of the third week of classes of the semester following the semester in which the grade was assigned. A student’s failure to meet this deadline shall end the grade appeal.

5. Upon being notified of the failure of the meeting between the student and instructor to produce a satisfactory result, the chair shall act as directed by Section VII.B.2 above unless he or she has so acted before the student met with the instructor. The chair shall so act before the end of the last business day of the fourth week of classes.

6. During the interval between being notified of the failure of the meeting between the student and the instructor and the end of the last business day of the fourth week of classes, the chair shall seek an informal resolution of the grade dispute that is agreeable to both parties. If the Chair's effort to produce an informal settlement fails, the Chair shall attest that fact by signature on the Grade Appeal Form. If the Chair's effort produces an informal settlement, the Chair shall confirm the settlement by memorandum to the parties and declare the grade dispute ended. A copy of the memorandum shall be sent to Academic Affairs.

C. Formal Procedures

1. Student Grade Appeal Form

   a. Students wishing to initiate a formal grade appeal shall fill out the Student Grade Appeal Form (see attached) and submit four (4) copies of it to the Provost or the Provost's designee in the Office of Academic Affairs by the end of the last business day of the fifth week of classes of the semester following the semester in which the disputed grade was assigned. Failure to meet this deadline shall conclude the appeal.

   b. Having received the four (4) copies, Academic Affairs shall forward one to the unit, and one to the instructor. One copy shall be held for the file in Academic
2. Formation of University Grade Appeal Panels

a. Grade Appeal Manager

The Provost shall establish in the Office of Academic Affairs the function of grade appeal manager and shall designate a tenured member of the full-time instructional faculty to perform that function. The faculty member so designated shall serve at the pleasure of the Provost. The faculty member shall remain a member of Bargaining Unit III throughout his or her term of service. The Provost may assign other functions not directly related to grade appeals to the faculty member serving as grade appeal manager. The grade appeal manager shall serve as the Provost’s designee as provided in this document. The Provost may arrange the reporting relationships between the designee and other members of the Provost’s office as the Provost thinks fit.

b. Composition of Grade Appeal Panels

The Provost or Provost’s designee in Academic Affairs (hereinafter Academic Affairs) shall establish and maintain three University grade appeal panels. Each panel shall consist of two full-time tenured or probationary faculty members who shall normally serve for three academic years or until their successors are appointed and one student member who shall normally serve for one academic year. Panel members shall be eligible for reappointment without limit to serve successive terms. The student member shall be a currently registered undergraduate student who has completed at least sixty (60) units of work or a classified graduate student. Each student member shall be in good standing at the time of appointment and throughout the student's service on a panel. Academic Affairs shall select a faculty panel member to convene the first meeting of a panel. Having been convened, each panel shall select its Chair from between the two faculty members of the panel. A student shall not serve as Chair. The Chair of a panel shall serve at the pleasure of the panel. The panel may assign the duties of Chair to each of its faculty members in rotation in order to distribute the work load of managing successive appeals equitably between them.

c. Selection of Faculty Members

(1) Each year, the Faculty Senate and the Provost’s designee shall encourage law trained faculty to apply to serve on a University grade appeal panel. The Faculty Senate shall also include in its annual survey of faculty an invitation of interest in serving on a University grade appeal panel. That invitation shall be addressed to all probationary and tenured faculty. Before the end of each Spring semester, the Senate, acting on the nomination of its Executive Committee, shall recommend to the President or designee for appointment qualified faculty in sufficient
numbers to fill up as many vacancies in the grade appeal panels as may be about to be created or may have been created by the expiration of terms of service, resignation or incapacity to serve. When recommending, the Senate shall prefer tenured members of the full-time instructional faculty if available and willing to serve. Whenever possible, the Senate shall recommend enough law trained faculty for appointment to enable Academic Affairs to assign no more than one law trained faculty member to each panel and at least one law trained faculty member to the pool of alternates. The President or President’s designee shall make the appointment.

(2) Academic Affairs shall maintain whenever possible during each academic year a pool of nine full-time tenured or probationary faculty. Whenever possible the pool shall contain at least one member from each college and at least four law trained faculty. Academic Affairs shall routinely ask the Senate for recommendations to fill vacancies that maintain a pool containing whenever possible at least one member from each college and at least four law trained faculty.

d. Selection of Student Members

The Provost or designee in Academic Affairs shall see to the annual selection of student members in a timely manner. Selection shall be accomplished as follows

(1) Academic Affairs shall direct each college to select and recommend to Associated Students, Inc. (ASI) three students qualified to serve as panel members who agree to serve throughout the following academic year. Each recommended student shall be enrolled in a program (major, minor, concentration or certificate program) offered by a department or area of the college. At least one of the students shall be a classified graduate student. Students enrolled in programs offered by the College of Continuing Education without reference to another college in the University shall be ineligible to serve.

(2) ASI shall select from among the nominees from each college, one student from that college to be recommended to the President or designee for appointment to the pool of seven (7) students from which Academic Affairs shall assign students to grade appeal panels. No more than two of the students selected shall be classified graduate students. If one or more of the colleges cannot or will not nominate students to serve on grade appeal panels, ASI shall recommend one or more students up to the number of seven (7) from the students nominated by the colleges that submit names. In that case ASI shall not recommend a second student from a college until it has first recommended one student from every college that nominates students. Nor shall ASI recommend a third student from a college until it has recommended two students from every college that submits nominations.
(3) If ASI cannot or will not act by the end of the preceding Spring term to recommend students for appointment to serve during a subsequent academic year, Academic Affairs shall see to the selection of student members of the description specified above by means that seem to it fair, reasonable and transparent. Academic Affairs shall consult the Faculty Senate or the Senate Executive Committee acting for it during the summer as to the design of such means. Academic Affairs shall notify ASI of its decision to seek alternative means of selecting the student members.

e. Creation of Panels

Upon first assuming responsibility for establishing grade appeal panels and having, if possible, a pool of nine (9) faculty and seven (7) student members appointed as provided above, the Provost’s designee shall select enough qualified faculty and student members to constitute three grade appeal panels. Each panel shall consist of two faculty members, one of whom shall serve initially for three (3) years and one of whom shall serve initially for two (2) years. The length of each term of service shall be decided by random chance. Thereafter each faculty member shall serve for a term of three years. Each panel shall consist as well of a student member who shall serve for a term of one (1) year. Whenever possible, no two members of a panel shall be from the same college. Whenever law trained faculty are available, one of the two faculty members of a panel shall be law trained. The Faculty Senate shall be informed of the selections.

f. Alternate Panel Members

If a panel member is unwilling or unable to serve on a panel in a particular case, the Provost’s designee shall randomly select an alternate to serve during the member’s absence from the panel in that case. Selection of an alternate faculty member shall be made from the faculty members not assigned at the time to membership on a panel. Selection of a student alternate shall be made from the students not assigned at the time to panel membership. If no faculty or student appointees are available to serve as alternates, the Provost’s designee shall act within the limits of this policy to invite a faculty or student member from another panel to fill a faculty or student vacancy on a panel. If none is to be had within a reasonable period, the panel shall proceed to decide the appeal with a quorum of two qualified members.

g. Panel Members Are Judges

Once a grade appeal panel has been formally constituted, members of the panel shall regard themselves as triers of fact, not advocates of the parties or representatives of a college or a section of the student body. They shall therefore approach the matter before them impartially and shall manage it judiciously.
h. Quorum

A quorum of two qualified panel members shall be sufficient to enable a panel of three members to act. A tie vote shall prevent action on the motion or proposal on which a panel is evenly divided. A tie vote shall not be taken to authorize action that is contrary to or contradicts a proposal on which a panel is evenly divided. Any action taken by a panel shall be authorized by no less than the affirmative votes of a majority of the panel. Please see Section VII.C.3.a below for the quorum requirement in the unlikely event that a panel of five members must decide a grade appeal.

i. Vacancies

A vacancy in the office of panel member created by expiration of a term of service shall be filled by appointment and selection as provided above. A vacancy created by resignation during the semester or incapacity to serve likely to extend beyond the end of the semester in which it occurs may be filled by a qualified member of the pool of alternates willing to serve throughout the unexpired term. If no qualified alternate is able or willing to fill such a vacancy, the vacancy shall be filled by alternates as needed on a case by case basis until a qualified member can be appointed and selected to fill the vacancy and complete the unexpired term. An appointment and selection made to complete an unexpired term shall not extend beyond the end of that term.

3. Operations of University Grade Appeal Panels

a. Assignment of Grade Appeals to Panels

The Provost’s designee in Academic Affairs shall assign a formal grade appeal to each panel in rotation. Appeals shall be assigned in the order in which students file them with Academic Affairs. A subsequent appeal shall not be assigned to a panel until an appeal has been assigned to each of the other panels in turn. An appeal filed by a graduate student shall be assigned to a panel composed in part of a graduate student. An appeal filed by an undergraduate student shall be assigned to a panel composed in part of an undergraduate student. If the next panel to receive an appeal in rotation does not include a student qualified by membership in the relevant section of the student body, Academic Affairs shall recruit a qualified student, preferably from the pool of alternates or if necessary from another panel, to sit in place of the student member of that panel. In the unlikely event that an undergraduate and a graduate student or students jointly file a grade appeal, the panel receiving the appeal in rotation shall be augmented by the addition of a third faculty member and a second student qualified to hear the appeal. Such an extraordinary panel shall be composed of three faculty, one undergraduate student and one graduate student. A quorum of three qualified members shall be sufficient to enable a panel of five members to act.
b. Prompt Action by a Panel

Within five (5) business days following the assignment of a grade appeal to a panel together with the delivery of all of the submissions to it pertaining to the appeal or as soon thereafter as may be convenient, the panel shall meet to consider and decide it. If the panel has not yet selected a Chair from among the faculty members of it, Academic Affairs shall designate a faculty member to convene the initial meeting. The panel shall then select its own Chair from among the faculty members at that meeting. The Chair shall be responsible for ensuring that the panel acts in an orderly fashion as promptly as possible to consider and decide the appeal and to dispose of any other pending business before it.

c. Full Disclosure

Before considering a grade appeal, the members of a panel shall disclose to one another fully and without reservation any and all connections they may have to one or both parties or to the circumstances of the appeal. Such disclosure shall be made to inform the other members so that they may weigh in the light of the information disclosed what a panel member says in the course of a panel's deliberations.

d. Motion to Recuse

Motions to recuse shall not be in order. A panel member may, however, decline for just cause to participate in the consideration and decision of a grade appeal. In that event, the panel shall apply at once to Academic Affairs to assign a qualified alternate to consider the appeal. If no qualified alternate is to be had, the panel shall proceed to consider and decide the appeal so long as a quorum of two qualified panel members remains available to do it. Once a panel of two members has begun to deliberate the decision of a grade appeal, an alternate third member having been sought initially and not found, an alternate third member shall not be added to the panel.

e. Change of Panel

As soon as a grade appeal is assigned to a panel, Academic Affairs shall inform each of the parties to the grade appeal of the names and academic affiliation of each member of the panel to which the appeal has been assigned. Within three (3) calendar days of being so informed, either the student or the instructor, parties to the appeal, may request the panel in writing to decline to consider and decide the appeal for just cause. The request for a different panel shall be addressed to the panel via Academic Affairs. The panel shall promptly decide to grant the request for none but just cause or to deny it. If the panel grants the request, Academic Affairs shall promptly assign the grade appeal to the next panel in rotation. The appeal that follows it shall be assigned to the panel that granted the request for a different panel so that the work load is as evenly distributed among the
panels as may be. No more than one motion for a different panel shall be in order from each party. A panel's decision of a request for a different panel shall not be subject to appeal.

f. Convening the Panels in Joint Session

(1) From time to time it may become desirable to convene the several panels in a joint session. Occasions for such a session may be, for example, to provide training or to discuss the general management of grade appeals by the panels. A joint session shall not at any time discuss, deliberate or decide an actual grade appeal so that the rule of confidentiality under which each panel acts may not be violated. A joint session may however consider hypothetical cases to practice finding facts and applying the grade appeal policy defining irregular grading to them.

(2) The faculty member currently serving on a panel who is most senior in point of continuous service on any grade appeal panel constituted by Academic Affairs and available to serve shall preside at a joint session. If two or more faculty members are equally senior in point of continuous service, Academic Affairs shall assign the task of presiding in the alphabetical order of the initial letter of those faculty members' last name.

4. Procedures to Govern Panel Hearings

a. Panels shall decide grade appeals on the written submissions of the student and the instructor, parties to the grade appeal. When reviewing the written submissions of the parties, panels shall rely on the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs but shall exclude evidence that is irrelevant or unduly repetitious. Panels shall not review the submissions of the parties in light of technical rules of evidence or of examining witnesses.

b. Findings of fact by a grade appeal panel shall be supported by substantial evidence in the record before it. They shall be subject to procedural appeal solely for want of substantial evidence to support them. A holding of want of substantial evidence on appeal shall return the matter to the panel for findings supported by substantial evidence in the record. A panel’s determination as to which party to a grade appeal is favored by a preponderance of the evidence in the record shall not be disturbed on appeal.

c. A grade appeal panel shall not make rulings of law. Instead it shall confine itself to deciding whether the facts found by it supported by substantial evidence in the record before it show grading by an instructor that comes within the definitions of arbitrary, capricious or prejudicial grading set forth in Section II. A, B and C above or that amounts to a grossly disproportionate sanction for cheating as referenced in Section III.B above. It shall disallow or
maintain the contested grade based on the facts found. Decisions by a panel shall not have the authority of binding precedent.

d. Appeals from the decision of a grade appeal panel shall be confined to claims of procedural error including claims that the student has failed to state a grade appeal as defined by this policy or that a panel's findings of fact are unsupported by substantial evidence in the record before the panel. (Please see Section VII.C.4.b above and Section VII.C.5.a(7) below. Please see generally Section VIII.B below.)

5. Written submissions to University Grade Appeal Panels

a. Student's Submissions

(1) A student filing a formal grade appeal shall be advised by the Provost or the Provost's designee in Academic Affairs (designee) of his or her right to make a written submission to the panel explaining the appeal and containing at least the following:

(a) A narrative of fact defining the appeal. The narrative shall state clearly and concisely the actions of the instructor giving rise to the appeal and the actions taken by the student at the time of grading or as soon afterward as he or she learned of the grade to make the instructor aware of his or her objection or objections to the grade.

(b) A clear and concise statement of his or her objection or objections to the grade. For example: "The grade was assigned arbitrarily." Or "The grade assigned was grossly disproportionate to the magnitude of the cheating sanctioned by it." In all cases grounds of appeal shall be limited to those stated and defined in Section II.A, B and C or Section III.B of this document and noted by the student on the Student Grade Appeal Form. (attached)

(c) His or her reasons for believing that the narrated facts show that the grade appealed has been assigned arbitrarily, capriciously, with prejudice or as a grossly disproportionate sanction for cheating as those terms are defined in Section II. A., B. and C. or referenced in Section III.B of this document.

(d) The evidence of fact that he or she wishes to put before the panel in support of the claim that the grade being appealed has been assigned arbitrarily, capriciously, with prejudice or as a grossly disproportionate sanction for cheating. This evidence shall include every piece of written work or record, if any, of performance or both directly bearing on the assignment of the disputed grade. This evidence may include written testimony by self or others or physical evidence or both supporting claims of relevant fact made in the student's narrative of fact.

(2) The student shall also be advised by the Provost's designee of his or her right to seek and obtain, on his or her own, assistance to prepare the submissions described
above and below, provided that the source of assistance is not an attorney-at-law currently practicing (that is, in active status).

(3) The student shall also be advised by the Provost’s designee of his or her right to seek the return or the review or the copying of all work submitted for grading to the instructor whose grade is disputed and to have the assistance of Academic Affairs if the instructor cannot or will not return it or make it available for review or copying. (Please see Section VII.A.5.)

(4) The student shall submit to the Provost’s designee in the Office of Academic Affairs the writing described in Section VII.C.5.a.(1)(a)-(d) above and all supporting documentation by the end of the tenth business day following the day of filing the Student Grade Appeal Form. He or she shall deliver to the designee or to a secretary in the Office of Academic Affairs for delivery to the designee five copies of his or her submission together with the physical evidence and written testimony, if any, supporting the submission. (Physical evidence and written testimony not incorporated physically into a written submission need not be supplied in five copies but must be delivered in the original copy to the designee together with the required written submissions to the panel.) Failure to deliver the student’s written submission to the designee or a secretary in Academic Affairs by the end of the tenth business day following the day of filing the Student Grade Appeal Form shall end the appeal.

(5) The Provost’s designee shall distribute to each member of the panel, the instructor whose grade is being appealed, and the designee’s file a copy of the student’s written submission and shall make available for examination by the instructor and the panel in the Office of Academic Affairs all of the physical evidence and written testimony submitted separately by the student.

(6) Before the instructor, party to the appeal, shall be invited to respond in writing to the appeal, the panel shall meet to determine whether the student has stated a grade appeal by (1) alleging and offering to prove one or another of the grounds for appeal prescribed in Section II.A, B and C or Section III.B of this document and (2) submitting in writing the information required by Section VII.C.5.a.(1)(a)-(d) of this document. The panel shall allow students who fail initially to state a grade appeal as provided above to amend their written submission to comply in form and in substance with Section II.A, B and C or Section III.B and Section VII.C.5.a.(1)(a)-(d) of this document. No more than five business days shall be allowed for the amendment of a student’s initial written submission. If in the judgment of the panel a student has not stated a grade appeal in his or her written submission following an opportunity to amend or cannot state a grade appeal because the student is complaining of something about the course that is entirely apart from and has no direct or immediate bearing on assigning a grade to a student performance consequent upon an evaluation of it, the panel shall dismiss the appeal for failure to state a claim of irregular grading. Permission to refile the grade appeal shall not be granted.
(7) A panel’s decision to dismiss or to deny a motion to dismiss a grade appeal for failure to state a claim of irregular grading may be appealed at once by the party to the grade appeal adversely affected by the decision. The appeal shall be made to the Grade Appeal Procedural Appeals Board as provided in Section VIII of this document. The sole ground of appeal to the Board in this instance shall be that the panel’s decision to dismiss the appeal or to deny a motion to dismiss for failure to state a claim of irregular grading is inconsistent with a claim of irregular grading as defined by Section II.A, B, C or Section III.B of this document or is beyond the scope of the action a panel may take to remedy an instance of irregular grading under Section VII.C.7a-g of this document. A decision by the Board to overrule the panel in this instance shall return the grade appeal to the panel with directions to take action consistent with the Board’s decision.

(8) Having before it the statement of a grade appeal that satisfies the requirements of Section II.A, B and C or Section III.B and Section VII.C.5.a.(1)(a)-(d) the panel shall determine next whether the student has overcome the presumption that a grade is reasonable by stating and supporting with relevant evidence facts which, if unrebutted, would tend to support but do not support conclusively without further consideration the judgment that the disputed grade was assigned either arbitrarily, capriciously, with prejudice or as a grossly disproportionate sanction following from a proven charge of cheating.

(9) If the panel finds that the facts stated in the appeal and supported by relevant evidence are insufficient to overcome the presumption, it shall dismiss the appeal at once and so advise the Provost’s designee who shall in turn promptly advise the unit chair and the parties to the appeal. Its dismissal shall conclude the appeal.

(10) If the panel finds that the facts stated and supported by relevant evidence are sufficient to overcome the presumption, it shall so advise the Provost’s designee.

b. Instructor’s Submissions

(1) The Provost’s designee shall in turn advise the instructor whose grade is being appealed of his or her right to submit to the panel a written response to the student’s appeal. That response shall discuss clearly and concisely the several topics specified in Section VII.C.5.a.(1)(a)-(d) above from the instructor’s point of view and offering whatever testimony from self or others or physical evidence or both he or she may have to support his or her claims of fact. It may also set forth an argument for the reasonableness of the disputed grade as provided in Section V of this document. The designee shall also advise the instructor of his or her right to seek and obtain, on his or her own, assistance to prepare the response described in this section and any other writings connected with the appeal, provided the source of assistance is not an attorney-at-law currently practicing (that is, in active status).

(2) Within ten (10) business days of receiving the student's written submission and being informed by the Provost’s designee of the right to respond, the instructor shall
deliver five (5) copies of his or her response, if wishing to make one, together with the physical evidence and written testimony, if any, supporting the response to the Provost’s designee or a secretary in Academic Affairs for delivery to the designee. Failure to deliver the instructor’s written response or a written statement of intent not to respond to the designee or a secretary in Academic Affairs by the end of the tenth business day following the day of receiving the student’s written submission and being informed by the designee of the right to respond shall forfeit the right to respond. The Provost's designee shall distribute to each member of the panel, the student appealing, and the designee's file a copy of the instructor’s written response. The designee shall make available for examination by the student and the panel in the Office of Academic Affairs all of the physical evidence and written testimony submitted separately by the instructor.

(3) If the instructor is unavailable or is unwilling or unable to respond, the grade appeal shall go forward. The Provost's designee shall advise the panel of the circumstances preventing the instructor’s response to the appeal. The panel shall not hold against an instructor the instructor’s decision not to respond but shall decide the appeal solely on the evidence before it.

c. Student’s Rebuttal

(1) If the instructor chooses to defend the grade as provided above, the student shall have five (5) business days from the day of receiving the instructor's response to file five (5) copies of a written rebuttal to it in whole or in part with the Provost’s designee or a secretary in Academic Affairs. The designee shall distribute to each member of the panel, the instructor and the designee's file a copy of the student’s written rebuttal. A student’s failure to deliver the written rebuttal by the end of the fifth business day following the day of receiving the instructor’s submission shall forfeit the right of rebuttal.

(2) The student and the instructor shall each have the right to submit the written statements of others describing their observations of or their part in transactions pertinent to the appeal. These statements shall become part of the written submissions of the party arranging for them to be written. They shall be submitted by the deadlines governing the submissions of the parties and shall be made available to the panel and the other party by the Provost's designee. They shall be subject to response or rebuttal as provided in this policy.

6. Panel Deliberations

a. Within five business days of the last business day on which a rebuttal by the student might have been filed, the panel shall meet to consider the appeal on the basis of the parties' written submissions and evidence.

b. The panel shall decide the grade appeal on the basis of a preponderance of the evidence in the writings before it. (Please see Section V.C above for a discussion of the preponderance standard of proof before proceeding further.)
c. If, in the course of its deliberation, the panel identifies a lack of information controlled by one or the other of the parties to the appeal before it or by those, if any, writing on their behalf, the panel may invite the parties or either of them to supply in writing the information wanted or to secure it, if possible, from one writing on their behalf. If the panel decides to invite more correspondence with it by the parties or either of them or those writing on their behalf, it shall send a copy of its correspondence with the parties or with either of them to each and every other party to the grade appeal before it. Any party responding in writing to the panel’s invitation under this section shall provide a copy of its writing to every member of the panel, the other party to the grade appeal, and the Provost designee’s file in Academic Affairs.

d. Decision of the appeal shall be by simple majority of the panel in a meeting convened for the purpose of deciding the appeal and attended by every member of the panel or by a qualified alternate or alternates, if available, each of whom has studied the submissions of the parties and participated in the panel’s deliberation of the appeal. In the event that a panel member has declined to participate in the decision for just cause and no alternate for that member is available the panel may act with a quorum of duly selected members or their alternates.

e. Within five (5) business days of deciding the appeal, the panel shall provide the Provost’s designee with a written statement of findings to support its decision. The statement shall include the following:

1. A clear and concise narrative of its understanding of the facts defining the appeal based on the evidence and testimony submitted by the parties. Conflicts of fact shall be resolved by a preponderance of the physical evidence and testimony, including the parties’ narratives, before the panel.

2. A clear and concise statement of its understanding of the objections to the disputed grade urged by the student appealing.

3. A clear and concise statement of its decision to accept or reject each objection supported in each instance by a discussion of its reasons for thinking that the facts of the appeal and the text of pertinent University policy support its decision in that instance.

f. The panel shall submit its written decision to the Provost’s designee who shall forward it promptly to the student, the instructor and the unit chair.

7. Procedures Following Findings in Support of a Student’s Grade Appeal

a. Upon notification that the panel has found a disputed grade to have been assigned in violation of this policy, the Provost’s designee shall refer the matter of assigning a reasonable grade first to the instructor who assigned the disputed grade with copies to the unit chair and the student. The referral shall direct the instructor to assign a reasonable grade within the meaning of Section V. B. of this policy but no lower than the disputed grade or grades and to specify the reasons for
it within five business days of the date of the referral. Return of the reasonable grade and reasons for it shall be made to the Provost’s designee with copies to the panel, the unit chair and the student.

b. The panel shall promptly review the grade assigned for reasonableness under Section V. B of this policy. If it finds the grade reasonable and no lower than the disputed grade or grades, it shall so inform the Provost’s designee who shall at once report the grade to the Registrar for entry on the student’s record and inform the instructor, the student and the unit chair of his or her action.

c. If within five (5) business days of being directed to do so by the Provost’s designee, an instructor has not substituted a reasonable grade for one found to have been assigned in violation of this policy and reported the substitution to the designee for the panel’s review, the designee shall promptly refer the matter of grading to the chair of the unit in which the disputed grade was assigned with a copy to the student and the instructor. In turn, the chair shall promptly refer the matter to two (2) faculty members from the unit. The chair shall select the two (2) faculty members. When making the selection, the chair shall limit his or her choice to faculty members “...with academic training comparable to the instructor of record who are presently on the faculty...” [Source: Executive Order 1037, effective date 1 August 2009, “Grading Symbols, Assignment of Grades, and Grade Appeals,” Section D.6.] The chair’s choice of two (2) faculty members under this subsection shall not be subject to appeal.

d. The two faculty members of the unit who become responsible for assigning a reasonable grade in default of an instructor’s doing so shall act promptly to determine the course grade and the reasons for it. The course grade awarded shall be a function of the professional judgment of the faculty members. The faculty members shall confine their assignment of grades to the one or ones successfully appealed and not disturb the others. They shall then assign a course grade consistent with the grades assigned by them and by the instructor where no disturbance of grade was worked by their action. The grade or grades assigned may be different from the grade or grades disputed by the student but in any case shall be reasonable within the meaning of Section V. B of this policy. In no case shall the grade or grades assigned be lower than the grade or grades disputed by the student.

e. Decision of the grade or grades to be awarded in the case of a grading matter referred to two faculty members from the unit shall require the concurrence of the two faculty members.

f. Having determined a reasonable grade, the faculty members shall report their decision with reasons for it to the unit chair for transmittal to the Provost’s designee. The Provost’s designee shall in turn provide copies to the panel, the student and the instructor.

g. Having received the report, the panel shall promptly review the grade assigned for reasonableness under Section V. B of this policy. If it finds the grade reasonable and no lower than the disputed grade or grades, it shall so inform the Provost’s
designee, who shall promptly report the grade to the Registrar for entry on the student’s record and inform the instructor, the student and the unit chair of his or her action.

8. Retention of the Record in Grade Appeals

The Provost’s designee shall preserve a copy of the panel’s decision of the grade appeal, its report of its review for reasonableness of any assignment of grade worked by a successful grade appeal and the Student Grade Appeal Form together with a copy of all correspondence and written submissions pertaining to the formal grade appeal including procedural appeals, if any, in possession of Academic Affairs in a case file devoted to that purpose. Academic Affairs shall retain this file intact until a calendar year has elapsed since the date of the filing of the formal grade appeal with Academic Affairs. Thereafter Academic Affairs may dispose at its discretion of all of the file except the panel’s decision, its report of its review of a grade, if any, for reasonableness, the decision or decisions of procedural appeals, if any, arising out of the grade appeal and the Student Grade Appeal Form. The retention of these documents shall be governed by Executive Order 1031, d. February 27, 2008, “Systemwide Records/Information Retention and Disposition Schedules Implementation”.


A summary report of the number of cases heard, the grounds of appeal in each case and the disposition of each case shall be prepared by the Provost and Vice President for Academic Affairs on an annual basis, and copies forwarded to the President, the Faculty Senate and the Grade Appeal Procedural Appeals Board.

D. Summary of Grade Appeal Deadlines

Compliance with the deadlines stated throughout this document shall be determined with an eye to substantial justice and common sense. The deadlines shall not be regarded as existing for their own sake but as a means of moving an appeal along expeditiously to a just and reasonable conclusion.

1. A grade appeal must be filed in the semester following the semester in which the grade was assigned. By the end of the second week of classes (10 business days) of the semester following the one in which the disputed grade was assigned, the student shall have sought informal resolution of the grade dispute by meeting with the instructor.

2. By the end of the third week of classes (5 business days), the student shall have notified the unit chair of the failure of his or her unassisted efforts to settle the dispute informally, if failure has occurred.

3. Upon notification of failure if not before, the chair shall review the grade appeal process with the student.
4. By the end of the **fourth** week of classes (5 business days), the chair shall have completed the chair’s effort to produce an informal settlement.

5. By the end of the **fifth** week of classes (5 business days), the student **who elects to pursue a formal grade appeal** shall have filed the Student Grade Appeal Form with the Provost or Provost’s designee in Academic Affairs.

6. By the end of the tenth business day following the day of filing the Student Grade Appeal Form, the student shall have delivered his or her written submissions and evidence to Academic Affairs.

7. **Having received the student’s written submissions**, the panel shall meet promptly to decide whether the student has overcome the presumption of reasonable grading by the statements of fact and supporting evidence submitted. If the panel decides that the presumption has been overcome it shall **inform the Provost’s designee**.

8. By the end of the tenth business day following the day of receiving the student’s written submission and being informed by the Provost’s designee of the right to respond, the instructor shall have delivered his or her written response and evidence, if any, to the Provost’s designee.

9. By the end of the fifth business day following the day of receiving the instructor’s response, the student shall have delivered his or her rebuttal, if any, to that response to the Provost’s designee.

10. By the end of the fifth business day following the last business day on which a student’s rebuttal might have been filed, the panel shall have met to **consider** the appeal.

11. By the end of the fifth business day following the day on which the panel shall have decided the appeal, the panel shall have published its decision.

12. Having received the panel’s written decision, the Provost’s designee shall have sent it promptly to the parties and the unit chair.

Note: If every party acts at the last minute, the panel will receive the appeal by the end of the eleventh week of classes. It must begin to deliberate by the end of the twelfth week. It has five business days following the day of making its decision to publish it. **If the decision favors the student, the unit chair has five business days to have the instructor determine a new grade to be submitted to the Provost. If the instructor does not respond, the chair must refer the matter of regrading promptly to two similarly qualified faculty members to determine a reasonable grade to be submitted to the Provost. If the panel judges that the grade submitted is reasonable, the Provost so notifies the student, instructor and unit chair and submits the grade to the Registrar.**
E. Summary of Submissions by Parties

**Student:**

1. Student Grade Appeal Form by the student to the **Provost’s designee in the Office of Academic Affairs**—four (4) copies.

2. Written submission explaining the student’s position in the dispute by the student to the **Provost’s designee** for delivery to each panelist, the instructor, and the **designee’s file**—five (5) copies.

3. Written statements of witnesses gathered at the choice of the student by the student to the **Provost’s designee** to become part of the student’s submission and delivered by the **designee** to each panelist, the instructor and the **designee’s file**—five (5) copies.

4. Written rebuttal of the instructor’s written defense of the disputed grade, if the student chooses to rebut, by the student to the **Provost’s designee** for delivery to each panelist, the instructor and the **designee’s file**—five (5) copies.

**Instructor:**

1. At the panel’s invitation, a written defense of the disputed grade, if the instructor chooses to make one, by the instructor to the **Provost’s designee** for delivery to each panelist, the student and the **designee’s file**—five (5) copies.

2. Written statements of witnesses gathered at the choice of the instructor by the instructor to the **Provost’s designee** to become part of the instructor’s submission for delivery to each panelist, the student and the **designee’s file**—five (5) copies.

At a panel’s request, a party may submit or cause to be submitted by witnesses further written responses to the panel’s request for further information. Five (5) copies of each response to the **Provost’s designee** for delivery to each panelist, the other party and the **designee’s file**.

Each party is required to submit the required number of copies of each document filed by it with the **Provost’s designee**. The **designee** is required to distribute them as indicated in the Grade Appeal Process. Furthermore, the **designee** is required to produce copies of the documents created by **him or her** in the course of the appeal and to distribute them to the several recipients designated by the Grade Appeal Process. **The cost of printing a copy shall be borne by the person who prints it.**
VIII. APPEAL OF VIOLATIONS OF PROCEDURE

A. Procedural Appeals Board

1. A Procedural Appeals Board shall be appointed by the President or the President's designee on the nomination of the Faculty Senate to decide questions of violation of these procedures raised in appeals from final decisions of grade appeal panels. It shall be a continuing body.

2. The Board shall be composed of three tenured members of the full-time instructional faculty. Whenever possible at least one of the members shall be law trained. Each member shall serve for a term of three years or until a successor is appointed. The terms of service shall be staggered so that each year the Senate shall nominate and the President shall appoint a member of the Board to fill an expired three-year term. Each member shall remain eligible for reappointment from term to term.

3. The Board shall elect its own Chair. The Chair shall serve at the pleasure of the Board. Election of a Chair shall be the Board's first order of business on convening for the first time during the year.

4. A member of the Board may decline to consider and decide an appeal for just cause. In that case, the Board shall proceed to consider and decide the appeal with a quorum of two. In case of an evenly divided Board, the decision of the panel giving rise to the appeal shall stand. If the Board cannot proceed for want of a quorum of two, the Faculty Senate shall nominate and the President shall appoint at once alternates up to the number of at least two. The alternate member or members shall join the Board to consider and decide the appeal giving rise to his, her or their appointment and then shall give place to the member or members appointed for three-year terms who declined in that case to act.

5. Vacancies in the membership of the Board shall be filled by nomination and appointment as described in Section VIII.A.1 above. A member appointed to fill a vacancy shall serve for the duration of the vacancy. A vacancy shall not be created by a member's declining to hear and decide an appeal for just cause.

B. Filing, Conduct and Disposition of Procedural Appeals

1. Standard of review of the conduct of grade appeals

University policy recognizes that a procedurally perfect process is impossible to achieve and therefore not required to satisfy due process. It also recognizes that, at root, due process is satisfied by a showing that the University's written procedures and its practice under them produce a final substantive decision by a process that, as a whole, is fundamentally fair. A process, as a whole, is fundamentally fair when each element of it that is analytically critical, basic or essential to fairness is present in a
way that makes for fairness in the course of reaching the final decision from which an appeal is taken.

2. Who May Appeal

Either the student or the instructor, parties to a grade appeal, may appeal procedural violations occurring during the grade appeal process provided that the violations appealed give rise to an actual denial of fundamental fairness in the course of reaching a final decision of a grade appeal adverse to the party appealing.

3. Grounds for Appeal

To prevail on appeal, the party appealing shall allege and show:

a. that the party appealing expressed either verbally or in writing an objection to the policy or action appealed when it occurred or when the party appealing first learned of it or could reasonably be expected to have known of it and had the objection rejected by the chair of the academic unit, the chair of the panel, the Provost’s designee or some or all of them.

b. that the policy or action giving rise to the appeal deprives the grade appeal process as a whole of fundamental fairness as defined in Section VIII.B. 1. above and

c. that the deprivation of fundamental fairness has had an actual and not merely a speculative adverse effect on the final decision of the grade appeal.

4. No Change of Grade Pending Resolution of an Appeal

To preclude the possibility of more than one change of grade arising from the grade appeal process, any change of grade ordered by a grade appeal panel subject to a procedural appeal shall not be executed until the procedural appeal has been concluded by the publication of a final decision of the appeal.

5. When to Appeal

Procedural appeals of the final decision of a grade appeal panel made under the policies and practices defining the grade appeal process as a whole shall be begun no later than five (5) business days from the date on which the party appealing knew or could reasonably be expected to have known of the final decision of the panel. No appeal may be begun before the panel has published its final decision of a grade appeal.

6. Submissions

Each submission to the Procedural Appeals Board or correspondence with its members shall be in hard copy to each member of the Board without exception. Multiple copies shall be at the expense of the party making a
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submission. Failure of the party appealing to supply sufficient copies for distribution as specified below shall end the procedural appeal. Failure of the party responding or rebutting to supply sufficient copies for distribution shall forfeit the right to respond or rebut.

7. Letter of Intent

a. A party wishing to begin an appeal shall file a letter of intent to appeal with the Office of the Provost and Vice President for Academic Affairs, Sacramento Hall, Room 230. **Nine copies shall be submitted.**

b. The Provost’s designee shall deliver to the other party to the grade appeal, the members of the panel whose decision has been appealed, each member of the Procedural Appeals Board, the chair of the unit in which the grade appeal arose and the case file in Academic Affairs a copy of the letter of intent.

c. Having received a letter of intent to appeal, the Provost’s designee shall begin to prepare for delivery to each member of the Procedural Appeals Board a copy of the case file containing a copy of the Grade Appeal Form, the written submissions of the parties and their witnesses, if any, to the panel, the panel's written announcement of its final substantive decision in the case and whatever other writings, exclusive of any associated with informal attempts to resolve the dispute, that may appear in the panel's or the designee's case file. The object of the delivery shall be to provide the Procedural Appeals Board with as complete a record of the transactions before and within the panel as may be had. **The Provost's designee may delay the production of a copy of the case file for each member of the Board until he or she has in hand the letter of appeal described in Section VIII.B.8 below.**

8. Letter of Appeal

a. Within five (5) business days of filing a letter of intent to appeal, a party appealing shall submit **nine (9) copies of** a letter of appeal to the Provost’s designee. **The designee shall deliver a copy of the letter of appeal to (1) each member of the Procedural Appeals Board, (2) the other party, (3) the members of the grade appeal panel, (4) the chair of the unit in which the grade appeal arose and (5) the case file in Academic Affairs. Delivery of the letter of appeal to each member of the Board shall be accompanied by delivery of a copy of the case file as provided in Section VIII.B.7.c above and a mailing list. The mailing list shall specify in each case a campus or home address to which hard copy may be sent. Those listed shall be each member of the panel whose decision is being appealed, the chair of the unit in which the grade appeal has arisen, the student or students who initiated the grade appeal and the instructor whose grade is in question.**
b. The letter of appeal shall contain: (1) a narrative of the facts that in the mind of the writer describe the policies or actions giving cause for a procedural appeal and the action taken by the writer to object to them, 2) the writer's reasons for believing that the policies or actions giving cause for the appeal have actually denied to the writer fundamental fairness as defined in Section VIII.B.1 above, and (3) the writer's reasons for believing that the panel's final decision would have been otherwise but for the procedural violation appealed.

c. The party appealing shall confine the contents of the letter of appeal to the three points specified in Section VIII.B.8. b. (1), (2) and (3) above. He or she shall write to the point.

9. Presumption of Lawful Action and Its Rebuttal

Panels, academic units and the Provost or Provost’s designee are presumed to have acted in a manner consistent with the provisions of the Grade Appeal Process. Therefore a party appealing shall seek first to persuade the Procedural Appeals Board by the contents of the letter of appeal and by the documents submitted with it by the party or by the Provost’s designee to conclude the following:

a. That a panel, the chair of an academic unit or the Provost's designee may have committed the violation or violations of procedure alleged in the letter of appeal;

b. That the alleged violation or violations may have deprived the process as a whole of fundamental fairness; and

c. That the alleged deprivation may have been the sole cause of a decision by the panel adverse to the party appealing.

10. Summary Judgment

Whenever it appears on the face of a letter of appeal that the person appealing has stated a claim of reversible procedural error beyond dispute or failed beyond dispute to state such a claim the Board may decide the appeal or dismiss it at once. Normally, the Board shall exercise this discretion when the plain language of the Grade Appeal Process in and of itself supports or precludes beyond argument the claim being made, as for example when an oral hearing is claimed and the process provides for none but written submissions in the case or when a statement of reasons for a panel's decision is required and none whatever is provided.

11. Ordinary Appeals – Process

a. If the Procedural Appeals Board finds itself unable to discern from the letter of appeal the writer's version of the facts and reasons for appealing or the statement of an appeal consistent with Section VIII.B.1., 2. and 3. a., b. and c. of this document, the Board may return the letter to the writer and invite revisions that
comply with **Section VIII.B.8. b. (1), (2) and (3) above or with the "writing to the point" requirement of Section VIII.B.8. c above.** The Board shall allow up to **five (5) business days** for completion of the revisions. If after reviewing one (1) attempted revision for clarity and pertinence, the Board remains unable to make out a statement of an appeal consistent with this document from the writer's description of it, the Board shall dismiss the appeal without leave to refile it.

b. If the Procedural Appeals Board is able to conclude from the letter of appeal that an appeal as defined by this document has been stated, however clumsily, the Board shall identify and state for the party appealing the issues of practice and policy raised by the letter. It shall schedule written argument on those issues.

(1) The statement of issues, invitation to argue, and schedule of argument shall be addressed to each party to the appeal, the chair of the academic unit's grade appeal panel, (with copies to the members of it) and the chair of the academic unit in which the grade appeal arose.

(2) The Board shall invite the party appealing to argue in writing the issues stated for it by the Board and to submit those written arguments within ten (10) business days of delivery of the invitation to argue to a campus address designated by the party.

(3) In the course of its invitation to argue, the Board shall direct each party to the appeal to provide to the Provost's designee nine (9) copies of each argument or response submitted to the Board. The designee shall promptly distribute one of these copies to each member of the Board, each member of the panel, the Chair of the unit in which the grade appeal arose, the other party to the grade appeal and the designee's case file.

(4) Students appealing may choose to have documents delivered to them in the academic unit's office or the Office of Academic Affairs. If a student cannot arrange to receive documents in the academic unit's office or Academic Affairs between 8:00 a.m. and 5:00 p.m. of a business day, the student shall arrange with the Provost's designee an alternative to delivery at one of those campus addresses. If the student chooses home delivery, the student's time for argument shall be tolled from 5:00 p.m. of the second day following the date of depositing the document in campus mail.

c. Having received the arguments of the party appealing, the party or parties against whom the appeal has been taken may respond in writing. **Nine (9) copies of the response shall be submitted to the Provost's designee.** The written response shall invariably and at a minimum contain each of the following:

(1) a narrative of the facts that in the writer's mind define the appeal, unless one has already been submitted or has been made unnecessary by the existence of a record of fact made by other means or a statement of fact agreed to by the parties to support the appeal, and
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(2) an argument or arguments that the policy or policies, practice or practices set forth in the narrative of fact and in dispute on appeal did not cause an actual denial of fundamental fairness, as defined in Section VIII.B.1. above, or that even if it did, the denial did not adversely affect the final decision of the panel.

d. Responses may confirm or dispute in whole or in part the appealing party’s narrative of fact. They may argue in a way that agrees or disagrees in whole or in part with arguments submitted by another party.

e. Each writing submitted as initial argument or response shall confine itself to the points at issue between the parties as defined in Section VIII.B.8. b. (1), (2) and (3) above. The Procedural Appeals Board may disregard as irrelevant submitted material that is beside the point.

f. The Board shall permit the party appealing to submit a rebuttal to the response or responses submitted by the other parties. The rebuttal shall be confined to the points at issue between the parties as defined in Section VIII.B.8. b. (1), (2) and (3) above. Nine (9) copies of any rebuttal shall be submitted to the Provost’s designee.

g. When scheduling written argument, the Board shall allow ten (10) business days between delivery of its invitation to argue to the party appealing at a campus address and submission of arguments in response to that invitation. It shall allow ten (10) business days between the deadline for submitting initial arguments and submitting responses to them. It shall allow five (5) business days between the deadline for submitting a response and submitting a rebuttal to it by the party appealing. It shall meet to consider the arguments, responses and rebuttals submitted to it five (5) business days after the deadline for filing rebuttals or as soon thereafter as may be convenient. Having determined its schedule for filing initial arguments, responses, rebuttals and meeting, the Board shall publish it to the parties in its invitation to argue as provided in Section VIII.B.11.b.(1) and (2) above.

12. Expedited Appeals

a. If the Procedural Appeals Board is able to discern clearly from the letter of appeal the facts giving rise to the appeal and the writer’s objections for want of fundamental fairness and furthermore, if it is able to conclude that an appeal as defined by this document has been stated and argued, the Board may proceed at once to invite responses from the other party, the chair of the grade appeal panel and the chair of the academic unit in which the grade appeal arose. The Board shall allow ten (10) business days for the submission of a response. Nine (9) copies of any response shall be submitted to the Provost’s designee.

b. Responses shall be confined as described in Section VIII.B. 11. d. and e above.
c. The Board shall invite a rebuttal to the responses and allow five (5) business days for its submission.

d. The duty to provide copies set forth in Section VIII.B.11.b.(3) above shall apply to every submission to the Board by the parties to an expedited appeal.

13. Oral Hearing

The Procedural Appeals Board may hold an oral hearing if, in its judgment, the initial arguments, responses and rebuttals submitted in writing by the parties are insufficient to enable the Board to decide the appeal.

14. Solicitation of Advice

The Board may, as its judgment directs, invite the submission of writings arguing points of University policy or interpretation of University policy pertaining to a question of first instance before the Board by those who are not parties to the dispute, members of the panel, the unit chair or the Provost's designee. These submissions shall be governed by the provisions of this policy pertaining to the submissions of the parties to a procedural appeal.

15. Summary Review

a. When time or other circumstance does not permit an ordinary or expedited appeal under these procedures, a party appealing may apply to the Provost’s designee for summary determination of a procedural appeal arising from a panel's final decision of a grade appeal. If, in the judgment of the Provost’s designee, a summary determination is warranted by time or other circumstance, the designee shall act at once and in consultation and collaboration with the Chair, or convener of the Procedural Appeals Board if a Chair has not yet been chosen, to invoke the jurisdiction of the Procedural Appeals Board, schedule an immediate oral hearing and deliver written notice of intent to appeal to each of the parties together with notice of time and place of hearing. Thereafter the Provost shall support with staff assistance the Board's action to decide the appeal.

b. If the Procedural Appeals Board is unavailable to act in a case of summary determination by reason of the absence of a quorum of two members, the Provost's designee shall immediately ask the Executive Committee of the Faculty Senate to nominate at least two faculty members to decide the appeal summarily after notice to the parties and a hearing of them in one another's presence on the question of a denial of fundamental fairness raised by the appeal. Whenever possible, one of these members shall be law trained.

c. In the absence of a quorum of the Board, no appeal shall be decided.
16. Disposition of Appeals

a. The Procedural Appeals Board shall decide appeals before it in a prompt and expeditious manner.

b. The Board may:

(1) find that a procedural violation amounting to a denial of fundamental fairness did not occur or did not adversely affect the final decision of the grade appeal panel even if it did occur.

(2) find that a procedural violation amounting to a denial of fundamental fairness occurred and adversely affected the final decision of the grade appeal panel.

c. A finding of no violation or no adverse effect shall conclude the appeal; and the panel’s decision shall stand.

d. A finding of a procedural violation amounting to a denial of fundamental fairness and adversely affecting the final decision of the panel (reversible procedural error) shall cause that decision to be set aside.

(1) If in the Board’s judgment, the violation may be remedied adequately by returning the matter to the panel that decided it, the Board shall return it to the panel for action consistent with the Board’s decision.

(2) If in the Board’s judgment, the violation may not be remedied adequately by returning the matter to the panel, perhaps because the panel as constituted when it decided the matter is no longer available or if available is no longer willing or able to act, the Board shall direct that the matter be assigned to another panel and that the grade appeal process or so much of it as shall have been infected by the lack of fundamental fairness found on appeal shall be repeated.

(3) In any case, the Board’s discretion to fashion an adequate remedy shall be limited to the alternatives stated in d(1) and (2) above.

e. Having decided an appeal, the Procedural Appeals Board shall not entertain petitions for rehearing.

f. Apart from memorandum decisions issued by the Board pursuant to Section VIII.B.10 and Section VIII.B.14 of this document, the final decision of appeals by the Board shall be accompanied in every case by an opinion (or opinions in the case of concurrences or dissents) that at a minimum states

(1) a narrative of the facts that gave rise to the procedural appeal.
(2) a statement of each of the appellant's claims of reversible procedural error including, with regard to each claim, how in the opinion of the appellant the claimed procedural error denies fundamental fairness to the process as a whole and how the denial operated as the sole cause of the grade appeal panel's deciding the grade appeal adverse to the party claiming the procedural error.

(3) a statement of the Board's decision of each claimed procedural error supported by a statement and discussion of the Board's understanding of the procedures required by this document bearing on each claim of error and a discussion of the facts that support the Board's conclusions (a) that those requirements have or have not been violated as claimed by the party appealing, (b) that the violation, if any, did or did not amount to a denial of fundamental fairness and (c) in the event of a finding of denial, that the denial was or was not the sole cause of a panel decision adverse to the party appealing.

g. Decisions of the Board shall have the force and effect of precedent binding alike on the Board in the decision of similar cases and on the grade appeal panels subject to the Board's jurisdiction. The Board may overrule itself on a point of policy interpretation if it has sufficient cause to do so. It shall acknowledge its decision to do so expressly and give reasons for doing so in the subsequent case that occasions the decision to overrule. Board decisions shall not be overruled sub silentio.

h. A member of the Board may file an opinion concurring in or dissenting from the judgment or opinion of the Board. Separate opinions shall contain the analysis prescribed in Section VIII.B.14.f above.

i. Apart from memorandum decisions issued by the Board pursuant to Section VIII.B.10 and Section VIII.B.14 of this document, the Provost shall publish the decisions of the Board together with the written statement of reasons supporting them. Publication to the campus at large shall occur as soon as the decisions can be redacted to conform to the requirements of federal and state law protecting privacy. Display on the appropriate campus web site shall satisfy the publication requirement. Publication shall include any separate concurring or dissenting opinions filed by members of the Board in the case. A copy of the decision of the Board together with the record on appeal in each and every procedural appeal shall be retained in the case file as required by Section VII.C.8 of this document.

C. Summary of Procedural Appeal Deadlines

1. All submissions listed below shall be made in hard copy. Electronic submissions shall not be in order. Multiple copies shall be made at the expense of the party submitting them.
2. By the end of the fifth business day following the date on which the party appealing knew or could reasonably be expected to have known the final decision of the unit panel, the party appealing shall file nine (9) copies of a letter of intent to appeal with the Provost’s designee.

3. The Provost’s designee shall promptly deliver the letter of intent to the Procedural Appeals Board and others as specified above.

4. By the end of the fifth business day following the day of delivery of the letter of intent to Academic Affairs, the party appealing shall have delivered to the Provost’s designee nine (9) copies of a letter of appeal explaining the appeal in detail.

5. The Provost’s designee shall promptly deliver a copy of the letter of appeal together with the case file to each member of the Procedural Appeals Board. A copy of the letter without the file shall be delivered to the other party, the members of the grade appeal panel and the chair of the unit in which the appeal arose. A mailing list consisting of the addresses of the student and instructor, parties to the grade appeal, the members of the grade appeal panel and the chair of the unit in which the grade appeal arose shall be delivered to the Chair of the Board at this time.

6. By the end of the period permitted by the Board for revision, if needed, of a letter of appeal for clarity and pertinence, the party appealing shall have delivered a copy of the revision to the Provost’s designee for each member of the Board and each of the other parties to the appeal.

7. By the end of the tenth business day following the day of delivery of the Board’s invitation to argue to a campus address designated by the party appealing, the party appealing shall have submitted a copy of his or her written arguments to the Provost’s designee for each member of the Board and each of the other parties.

8. By the end of the tenth business day following the last day on which the arguments of the party appealing might have been delivered, the party or parties responding, if choosing to make a response, shall have delivered a copy of that response to the Provost’s designee for each member of the Board and each of the other parties.

9. By the end of the fifth business day following the last day for delivering responses, the party appealing, if choosing to make a rebuttal, shall have delivered a copy of it to the Provost’s designee for each member of the Board and each of the other parties.

10. In the case of an expedited appeal, a copy of each response shall have been delivered to the Provost’s designee for each member of the Board and each of the other parties by the end of the tenth business day following the day of delivery of the Board’s invitation to respond to a designated campus address.
11. In the case of an expedited appeal, the copy of each rebuttal shall have been delivered to the Provost’s designee for each member of the Board and each of the other parties by the end of the fifth business day following the day of delivery of the response to the designated campus address of the party appealing.

12. In the case of summary determination of an appeal, relevant deadlines shall be determined and published by agreement of the Provost’s designee and the chair of the Procedural Appeals Board.

13. The Board shall decide appeals in a prompt and expeditious manner and publish its decision as soon after making it as is practical.
**STUDENT GRADE APPEAL PROCESS**  
California State University, Sacramento

**CALIFORNIA STATE UNIVERSITY, SACRAMENTO**

**STUDENT GRADE APPEAL FORM**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Student ID#:</th>
<th>Phone:</th>
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<tbody>
<tr>
<td>Street Address:</td>
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<tr>
<td>City:</td>
<td>State:</td>
<td>Zip:</td>
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<tr>
<th>Course Prefix and Number:</th>
<th>Course Title:</th>
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<tr>
<td>Instructor:</td>
<td>Term Course Was Taken:</td>
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**Student’s Statement**

1. Following the provisions of the Student Grade Appeal Process, I appeal the grade of ______ received in the course cited above.

   I allege and offer to prove that the grade appealed violates the Student Grade Appeal Process in the following particular or particulars: (Check one or more of the following that apply.)

   _____ A. The grade was assigned arbitrarily.
   _____ B. The grade was assigned capriciously.
   _____ C. The grade was assigned with prejudice.
   _____ D. The grade assigned is a grossly disproportionate sanction for cheating, including plagiarism.

   ___________________________                  ________________________
   Student Signature                Date

2. I have followed the informal process outlined in the Student Grade Appeal Process and have been unable to reach a satisfactory resolution of my appeal.

   ___________________________                  ________________________
   Student Signature                Date

3. I have attempted and failed to resolve the grade dispute informally in this case.

   ___________________________                  ________________________
   Department Chair                 Date

Submit this form and four (4) copies of it to the Office of Academic Affairs, Room 230 Sacramento Hall, by the end of the last business day of fifth (5th) week of classes of the semester following the semester in which the disputed grade was assigned. **Failure to meet this deadline shall conclude the appeal.** (California State University, Sacramento Student Grade Appeal Process)