

Student Grade Appeal Process (2017)

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Sacramento State Grade Appeal Policy and Process

I. Introduction

The Grade Appeal Policy and Process (GAPP) allows students to appeal course grades in the semester immediately following the one in which the course was taken and the grade assigned. GAPP is administered by the Grade Appeal Manager in the Office of Academic Affairs (GAM). Students wishing to file a complaint about an Instructor, but not appeal a grade, are encouraged to direct their concerns to chair of the department or division (Chair) in which the Instructor is employed.

While evaluating academic performance and assigning course grades are generally within the responsibility of the Instructor, the University does allow students to appeal such grades when the student believes there is a basis for doing so consistent with the GAPP. The presumption under the GAPP is that assigned grades are an accurate reflection of the student's academic performance and are final. Therefore, the burden of proof under the GAPP is on the student appealing the grade. Students filing a grade appeal must follow the procedures set forth under the GAPP. Student objections to course design or management do not fall within the GAPP. The GAPP is the only process available for a student to appeal a grade and/or make a procedural appeal relating to the GAPP.

II. Definitions

- A. **Preponderance of the Evidence** means the greater weight of the evidence, i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for demonstrating facts and reaching conclusions under the GAPP.
- B. **Instructor** means the Instructor who assigned the grade at issue in the appeal.
- C. **Chair** means the chair of the department or head of the division in which the Instructor is employed.
- D. **Grade Appeal File (GAF)** is the official file of the grade appeal maintained by the GAM.
- E. **Grade Appeal Manager (GAM)** is a tenured member of the full-time faculty designated by the Provost to administer the GAPP.
- F. **Grade Appeal Panel (Panel)** refers to the Panel(s) that review and determine grade appeals under the GAPP.
- G. **Procedural Appeal Board (Board)** refers to the board that reviews and determines appeals relating to alleged procedural violations of the GAPP.
- H. **Business day** excludes any campus holidays, spring break and any other days the campus is closed.

III. Grade Appeal Panels

- A. **Composition:** The GAM establishes a minimum of three Panels, each consisting of two full-time tenured or probationary faculty members and one student in good academic standing. For at least one of the three Panels an undergraduate and a graduate student representative will be assigned, enabling the service of the appropriate student depending on the level of course in which the grade is being appealed (i.e. undergraduate student will be assigned to undergraduate course grade appeals and graduate student will be assigned to graduate course grade appeals). Faculty serve three year terms and are eligible for reappointment. Students serve one year terms and are eligible for reappointment.

Each spring semester the Faculty Senate will designate faculty to serve on Panels based on the responses to the Senate preference poll. Whenever possible, the Panels should be comprised of members who represent a variety of academic units and colleges on campus. The GAM will maintain a pool of nine or more full-time tenured or probationary faculty as alternates and ask the Faculty Senate for recommendations as necessary to fill vacancies in order to maintain the pool.

Each spring semester the GAM will direct ASI to select and recommend four or more undergraduate students and two or more classified graduate students to serve as Panel members who agree to serve throughout the following academic year. The GAM will direct ASI to select students from across the different colleges to ensure broad representation of students. The GAM will direct ASI to find students from specific colleges, if needed. Each recommended student must be enrolled in a program of study at Sacramento State. Graduate student Panelists will be assigned to graduate student appeals, while undergraduate Panelists will deliberate over undergraduate student appeals.

If a Panel member is unwilling or unable to serve on a Panel in a particular case, the GAM will select an alternate to serve in the member's absence. Any allegation that a Panel member has a conflict of interest that should disqualify the member from hearing the appeal must be made by the individual allegedly impacted by the conflict in writing to the GAM within **three business days (3) days of** the assignment of the appeal to the Panel. The GAM will make a determination relating to any alleged conflict of interest of any member of a Panel and that decision will be final.

Members of the Panel will regard themselves as reviewers of fact, not advocates of the parties or representatives of a college or section of the student body. They will approach the matter before them impartially. The Panel should elect a chair at its first meeting who is responsible for convening all meetings and making sure the Panel meets all required deadlines.

- B. **General Procedures:** Incomplete grades may not be appealed until a final letter or Credit/No Credit grade has been assigned. Grades assigned to individual pieces of student work may not be appealed independent of their influence on the final course grade. Grades assigned to performances on comprehensive degree examinations, theses, projects of other culminating experiences may be appealed when they are offered in partial fulfillment of graduate degree requirements. The Panel is bound by

any factual findings and/or findings of a policy violation made by other University officials assigned primary responsibility for making those findings (See Definitions, above). When making grade appeal decisions, Panels will rely solely on written submissions of evidence made by the student and the Instructor. The Panel is to apply the preponderance of the evidence in making its determinations (See Definitions, above).

IV. Informal Process for Grade Appeals

Before initiating an appeal under the GAPP, the student must try to resolve the issue informally with the Instructor. The student shall contact and discuss the disputed grade with the Instructor **no later than the end of the second week of the semester after the disputed grade was assigned.** If the grade remains in dispute after the attempt to informally resolve the matter, the student must notify the Chair of the inability to reach a resolution by the Monday of the 3rd week of classes in the following semester. The Chair will then attempt to resolve the dispute informally **by the end of the third week of classes of the semester following the one in which the disputed grade was assigned.** If the student is unable to reach the Instructor and/or the Instructor is unwilling to discuss the disputed grade with the student, the student must arrange a meeting with the Chair to discuss the student's efforts to informally resolve the issue with the Instructor.

V. Formal Process for Grade Appeals

A. **Grounds for Grade Appeal:** There are four grounds for a grade appeal:

1. **Arbitrary grade assignment:** The Instructor would not or could not provide reasons for the assignment of the grade; and/or the grade was based on random choice without reason.
2. **Capricious grade assignment:** The grade was assigned in an inconsistent and unpredictable manner.
3. **Discriminatory, harassing and/or retaliatory grade assignment (DHR):** The grade was assigned in violation of the *Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking*¹.
4. **Grade assigned in violation of University policy:** The grade was assigned in violation of University policy (other than DHR) including, but not limited to, the Academic Honesty Policy and Procedures, the Faculty Responsibilities to Students in the Instructional Environment Policy, and the Student Excused Absence Policy.²

¹ Executive Order 1097 or its successor <http://www.csus.edu/hr/departments/equal-opportunity/discrimination.html>.

² Academic Honesty Policy and Procedures, <http://www.csus.edu/umannual/student/stu-0100.htm>. Faculty Responsibilities to Students in the Instructional Environment Policy, <http://www.csus.edu/acaf/academic%20resources/policies%20and%20procedures/faculty%20responsibilities%20to%20students%20in%20the%20instructional%20environment.html>. Student Excused Absences Policy, <http://www.csus.edu/acse/Senate-Info/14-15Agendas-Minutes/043015Agendas-Minutes/14-15FS-111ap.pdf>.

- B. **Burden of Proof:** the student appealing bears the burden of proving by a preponderance of the evidence that the grade assigned was arbitrary, capricious, DHR, or in violation of University policy.
- C. **Filing the Grade Appeal:** If the disputed grade is not resolved informally, the student may file a formal grade appeal with the Office of Academic Affairs. The appeal must include the following documents: (1) the Grade Appeal Form, signed by the department Chair (Appendix A); (2) the Grade Appeal Checklist, signed by the student (Appendix B); (3) written narrative; (4) course syllabus; and (4) supporting evidence. **The appeal must be filed by the end of the fourth week of the semester following the semester in which the disputed grade was assigned (e.g., for a grade in spring semester, the deadline is the fourth week of the following fall semester).** If a student fails to submit a copy of a complete submission (as outlined above) by this deadline, the student waives their right to appeal, no further action will be taken with regards to the appeal, and the grade as issued will stand.
1. **Grade Appeal Form and Checklist:** The Chair must sign and date the Grade Appeal Form (See Appendix A), indicating the student has discussed the disputed grade with the Chair and attempted an informal resolution. The student must also complete and submit the Grade Appeal Checklist document (See Appendix B), indicating all required steps have been taken before submitting the formal grade appeal.
 2. **Narrative:** the student must provide a written narrative that identifies one or more of the grounds identified in the GAPP for appealing the grade. The narrative must state the specific facts upon which the student bases the appeal. Such facts should include what the Instructor did or did not do that caused the student to appeal the grade. The student must also explain what the student did in order to informally resolve the dispute. If the student asserts the assignment of the grade violates a university policy (ground number 3 or 4), the student must also state whether the alleged policy violation is the subject of a separate complaint, investigation and/or proceeding and, if so, what university entity is reviewing and/or investigating the alleged violation. Students are allowed to obtain assistance with the written narrative they submit to the Panel. However, the appeal and all proceedings under the GAPP are to be completed by the student. A student may have an advisor, but that advisor may not submit information and/or speak on behalf of the student.
 3. **Evidence to be submitted with narrative:** The student must also submit any and all evidence that supports the appeal. This must include, at a minimum, the course syllabus and all graded course assignments that have been returned to the student, which directly relate to the grade in dispute. Students may (in addition to the narrative above) submit their own written statement, statements from other individuals, a timeline of events, or other evidence that supports the facts set forth in the student's written narrative. Students appealing a grade may request and will be provided access to the coursework he or she submitted in the course in which the grade is disputed that is directly related to the grade appeal. If for some reason the relevant course work cannot be returned to the student directly, the student will be allowed to review the course work. If the Instructor is uncooperative, the student may seek assistance from the GAM to obtain the relevant course work for

review or copying and all timelines under the GAPP will be delayed until such time as the review and/or investigation is completed. The student may submit written statements from other people who have knowledge that is relevant to the appeal. These statements must be submitted by the student with any other evidence offered to support the appeal and within the deadline for submitting an appeal.

D. Initial Review of Appeal:

1. Upon receipt of the appeal the GAM will review the appeal to determine if one of the grounds identified in the appeal is that the assignment of the grade was DHR or violates a university policy (ground number 3 or 4). If so, the GAM will investigate whether the alleged violation is currently under investigation or other review by another university entity (e.g., the Office for Equal Opportunity) and, if not, whether the determination of a policy violation is within the jurisdiction of another University office. If so, the appeal will be held in abeyance until the completion of the investigation and/or review of the alleged policy violation until the other University office concludes its review and/or investigation. The GAM will inform the student, Instructor, Panel and Chair of the abeyance without providing any detailed information relating to the matter. If such an abeyance occurs, all timelines under the GAPP will be delayed until such time as the review and/or investigation is completed. Once the review is completed by the other university entity, if the student still wishes to appeal the grade on that basis, the Panel will need to be informed as to whether it was determined a violation of university policy did or did not occur. Any such findings of other university entities relating to university policies within their jurisdiction must be accepted and not re-examined by the Panel (e.g. finding of violation of campus policy relating to sexual harassment made by the University and/or finding made by hearing officer in a student conduct matter).³
2. If the appeal does not identify DHR or violation of university policy as a ground for the appeal, or if it does and the investigation and/or review of such violation (if any) is completed, the GAM will distribute one copy of the student's complete appeal and make available any original physical evidence that cannot be copied to each member of the Panel, the Instructor, and the Chair. The GAM will communicate this information to the Instructor in writing and confirm receipt of the communication by the Instructor to make sure that the Instructor is on campus

³ EO 1097 states at I.I. **Grade Appeals.** Grade appeals that allege Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking shall proceed concurrently: (i) under Campus procedures per Executive Order 1037 or any superseding executive order; and (ii) under this Executive Order. However, the Campus grade appeal procedure shall be placed in abeyance until such time as the Campus investigation and any appeal process under Article IV of this Executive Order have concluded. The final determination under this Executive Order regarding whether a violation occurred shall be provided to the Campus grade appeal committee. The committee shall be bound by such determination when considering the grade appeal request under Executive Order 1037.

that particular semester. The GAM will simultaneously notify the Instructor that all future communications relating to the appeal will be sent to the Instructor via email, unless the Instructor informs the GAM within **five (5) business days** that an alternate means of delivery would be more effective. Thereafter the GAM does not need to confirm receipt of any materials sent to the Instructor. The Panel will review the appeal and determine whether the student has alleged and offered to prove one or more of the grounds for appeal set forth in the GAPP for appeal. If the student initially fails to identify one or more of the grounds for appeal, the Panel will allow the student **five (5) business days** to amend the appeal in order to comply. Once a student submits an amended appeal, the Panel will determine whether the student has alleged and offered to prove one or more of the grounds for appeal set forth in the GAPP. If the Panel determines the student has failed to do so, the appeal will be denied without further proceedings. Permission to refile the grade appeal will not be granted.

- E. **Review of Evidence:** Once the Panel concludes a student has alleged and offered to prove one or more of the grounds for appeal set forth in the GAPP, the Panel will determine whether the student can meet the burden of proof. This stage of the proceedings will not involve a review of any information from the Instructor. The Panel is to assume for review purposes only that all factual allegations in the appeal are true. Assuming the facts as alleged are true, the Panel will determine if the preponderance of the evidence establishes that one or more grounds for appeal have been established. If the Panel determines that the preponderance of the evidence does not support one or more grounds for the appeal, the appeal will be dismissed without further proceedings. If the Panel finds that the preponderance of the evidence is sufficient to establish one or more grounds for the appeal, the Instructor will be provided with the opportunity to respond to the student's allegations.
- F. **Instructor's Written Response:** The GAM will advise the Instructor of the Instructor's right to submit a written response to the Panel regarding the student's appeal.

The Instructor's written response to the student's appeal must be delivered to the GAM or Receptionist in Academic Affairs no later than **ten (10) business days** of receiving the student's appeal and being informed of his or her right to provide a response. If the Instructor fails to meet this deadline, the Instructor waives his or her right to respond. The response should include a clearly and concisely written narrative regarding the student's assigned grade and offer any statements or evidence that supports the Instructor's factual statements. The Instructor may also present an argument regarding why the grounds set forth by the student for appealing the grade are not supported by the facts. Like students, Instructors are allowed to seek assistance with the preparation of the materials they wish to submit always keeping in mind the limitations placed upon them by the provisions of the federal Family Educational Rights and Privacy Act (FERPA). The Instructor may submit written statements from other people who have knowledge that is relevant to the appeal. These statements must be submitted by the Instructor with any other evidence offered in response to the appeal and within the same deadline.

Upon receipt of a timely written response from the Instructor, the GAM will distribute a copy of the Instructor's written response to each member of the Panel, the student and Chair. If there is any evidence provided by the Instructor that cannot be reduced to writing and copied, the GAM will make it available to the student and Panel for review.

If the Instructor does not submit a response, the GAM will inform the Panel and the Panel will make a determination of the student's appeal based solely on the information provided by the student in the appeal.

- G. **Student's Rebuttal:** If the Instructor submits a timely response to the appeal, the student may submit a rebuttal which shall only address information included in the Instructor's response. The student must submit a rebuttal to the GAM or receptionist in Academic Affairs no later than **five (5) business days** from the day the student was sent a copy of the Instructor's response. The GAM will provide a copy of the rebuttal to each member of the Panel, the Instructor, and the Chair. If the student does not submit a timely rebuttal, the GAM will notify the Panel.
- H. **Panel Deliberations:** The Panel will meet and decide the appeal within **ten (10) business days** after receiving the student's rebuttal, or being informed by the GAM that no timely rebuttal was submitted. If one or more members of the Panel need additional information, the Panel may request in writing such information directly from either the student or Instructor. Copies of the Panel's written request for additional information must be provided by the Panel to the student, Instructor and GAM. A copy of any response provided to the Panel's request must be provided to each Panel member, the student, Instructor and GAM. The Panel is to only consider the information before it in deciding whether the student has established one or more grounds for the appeal by a preponderance of the evidence.
- I. **Panel Decision:** The decision must be in writing and agreed upon by the majority of the Panel. The written decision must be provided by the Panel to the GAM within the 10 business day deliberation period (described in Section V.H.). The written decision must include the following information:
1. A narrative summary of the facts including how the Panel resolved any conflict in the factual allegations of the student and Instructor specifying why a preponderance of the evidence led it to resolve the dispute in a certain manner.
 2. A statement of the grounds upon which the student appealed the grade and the students' objections to the disputed grade.
 3. A clear analysis of how the Panel reached its decision.

The GAM will provide a copy of the Panel's decision to the student, Instructor, and Chair.

VI. Procedures Following a Decision Granting a Student's Grade Appeal

Upon notification that the Panel has found a disputed grade to have been assigned in violation of this policy, the GAM will refer the matter of assigning a new grade that reflects the decision of the Panel first to the Instructor with copies to the Chair and the

student. The referral will direct the Instructor to assign a reasonable grade that is no lower than the disputed grade and to specify the reasons for it within **five (5) business days** of the date of the referral. The Instructor will provide a copy of the proposed grade and reasons for the grade to the GAM. The GAM will distribute a copy to each member of the Panel and the Chair. The Panel will promptly review the newly assigned grade.

If the Panel finds the newly assigned grade reasonable and no lower than the disputed grade, it will inform the GAM who will at once inform the student. The GAM will report the grade change to the Registrar for entry on the student's record and inform the Instructor, student, and Chair of this action. If, in the opinion of the Panel, the Instructor has not substituted a newly assigned grade that the Panel considers reasonable, the Instructor will be provided with one more opportunity to submit a new grade. The second submitted grade must be submitted within **five (5) business days** of the date of the referral.

If the Instructor fails to submit the first newly assigned grade within **five (5) business days**, or the second submitted grade is also judged to be unreasonable, the GAM will refer the matter to the Chair. The Chair will then select and promptly delegate the assignment of the new grade to two (2) faculty members from the unit or if the unit has less than three faculty members, one faculty member from the unit and one faculty member from the college within which the unit exists. When making the selection, the Chair will limit the 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 is final and not subject any appeal under the GAPP.

The two faculty members of the unit who become responsible for assigning a new grade that reflects the decision of the Panel will act promptly to determine the course grade and the reasons for it. The course grade awarded will be a function of the professional judgment of the faculty members. In no case will the grade assigned be lower than the grade disputed by the student. The determination of the new grade to be awarded must be approved by both faculty members. Once they have determined a new grade, the faculty members will report the new grade and the decision with their reasons for assigning it in writing to the Chair for transmittal to the GAM, who will in turn provide copies to the Panel, the student, the Instructor and Chair.

The Panel will promptly review the newly assigned grade and reasons provided. If the Panel finds the grade appropriately factors in its decision and no lower than the disputed grade, it will so inform the GAM, who will promptly report the new grade to be assigned to the Instructor, the student and the Chair. The GAM will wait **five (5) days** after reporting the new grade to the Student and Instructor and, if no procedural appeal is made by either, will forward the new grade to the registrar for entry on the student's record. If a procedural appeal is made under this Policy, the GAM will not forward the new grade to the registrar until the procedural appeal is resolved.

VII. Summer Grade Appeals

Normally, students wishing to initiate a formal grade appeal will do so during the fall or spring semesters in the manner specified above. Students may, however, pursue a grade appeal (of a Spring semester grade) during the Summer recess when they can demonstrate to the satisfaction of the GAM that significant hardship would result from a delay in this process beyond the Summer recess. Significant hardship is defined as the currently assigned grade impacting a student's ability to be admitted into an academic program or secure employment contingent upon graduation.

The GAM will determine whether to grant the student's request for the appeal to proceed during the summer provided that (1) the application is made no later than two weeks after the student knew or could have known of the disputed course grade but no later, (2) the student has made a good faith effort to settle the grade dispute informally as required under the GAPP, (3) the student has demonstrated to the satisfaction of the GAM that significant hardship would result from a delay in this process beyond the Summer recess, (4) the Instructor has received notice of the request for a summer grade appeal, (5) the Instructor, although not required to do so, has agreed to participate in the summer appeal or to allow it to proceed without his/her direct participation or by way of a designated representative during the summer recess, and (5) a Panel of qualified members can be assembled from among faculty and students willing to serve voluntarily during the Summer recess. If the appeal proceeds during the summer, the procedures set forth in the GAPP apply.

VIII. Procedural Appeals for Alleged Violations of the Grade Appeal Policy and Procedure

- A. **Scope of Procedural Appeal:** If a student or the Instructor involved in a grade appeal believes that the GAPP was not followed may submit an appeal relating solely to the alleged procedural violation to the Procedural Appeals Board (Board) under the process set forth below. No other procedure or complaint process may be used to challenge compliance with the GAPP. The purpose of the Procedural Appeal is not for the Board to address the merits of the decision issued by the Panel. The scope of the Board's review is solely to determine whether the GAPP was followed and if not, whether the failure to follow the GAPP was or was not harmless error. Any determination relating to the merits of a grade appeal are to be made by a Panel.
- B. **Composition of Procedural Appeals Board:** The Board will be appointed by the President or the President's designee on the nomination of the Faculty Senate. The Board will be composed of two tenured members of the full-time instructional faculty and one student in good academic standing. Both an undergraduate and a graduate student representative will be identified and the undergraduate student will be assigned to undergraduate procedural appeals and graduate student will be assigned to graduate procedural appeals. Each faculty member will serve for a term of three years and the student representative will serve a term of one year. The terms of service will be staggered so that each year the Senate will nominate and the President will appoint a member of the Board to fill an expired three-year term. Each member is eligible for reappointment. The Board elects its own Chair, which will be the Board's first order of business on convening for the first time each year. A member of the Board may

decline to consider and decide an appeal. In that case, the Board will proceed to consider and decide the appeal with a quorum of two. Any allegation that a Board member has a conflict of interest that should disqualify the member from hearing the appeal must be made by the individual allegedly impacted by the conflict in writing to the GAM within **five (5) business days** of the assignment of the appeal to the Board.

The GAM will make a determination relating to any alleged conflict of interest of any member of a Panel and that decision will be final.

- C. **Grounds for Procedural Appeal:** The party appealing must allege and prove by a preponderance of the evidence:
1. There was a procedural error that occurred during the grade appeal. The identified procedural error must be demonstrated to have violated the GAPP.
 2. The error was not harmless. Harmless error is an error which had no bearing on the outcome of the appeal, was corrected, or could not have impacted the outcome of the grade appeal.
- D. **Format and Timing for Procedural Appeal:** A student or Instructor wishing to begin a procedural appeal must submit a written letter of intent to submit a procedural appeal within **five (5) business days** of being sent the final decision of the Panel to the GAM or a receptionist in Academic Affairs. Normally, a party wishing to initiate a procedural appeal will do so at the end of the fall or spring semesters once the Panel has rendered a decision. In the event that the grade appeal process was not concluded until the last two (2) weeks of the semester, a procedural appeal may be reviewed at the start of the following semester. The negatively impacted party may, however, pursue a procedural appeal (of a Spring semester appeal decision) during the Summer recess when they can demonstrate to the satisfaction of the GAM that significant hardship would result from a delay in this process beyond the Summer recess. Significant hardship is defined as the currently assigned grade impacting a student's ability to be admitted into an academic program or secure employment contingent upon graduation.

The GAM will determine whether to grant the party's request for the procedural appeal to proceed during the summer provided that (1) the procedural appeal is submitted no later than five (5) business days after the party knew or could have known of the Panel's final decision, but no later, (2) the party has demonstrated to the satisfaction of the GAM that significant hardship would result from a delay in this process beyond the Summer recess, (3) the other party has received notice of the request for a summer grade appeal, (4) the other party, although not required to do so, has agreed to participate in the summer appeal or to allow it to proceed without his/her direct participation or by way of a designated representative during the summer recess, and (5) a Board of qualified members can be assembled from among faculty and students willing to serve voluntarily during the Summer recess. If the procedural appeal proceeds during the summer, the procedures set forth in the GAPP apply.

The procedural appeal must outline the specific facts that constituted the procedural error that is alleged to have occurred during the grade appeal, what portion of the GAPP was violated, how the alleged error impacted the decision of the Panel, and

the reasons the error impacted the decision of the Panel. Failure to timely submit the required documentation will result in the student and/or Instructor waiving the right to file a procedural appeal.

The GAM will deliver a copy of the appeal to the other party to the grade appeal, the members of the Panel, the members of the Board, and the Chair. In addition, the GAM will also provide to the members of the Board a copy of the Grade Appeal Form, the Grade Appeal Checklist the written submissions of the student and Instructor in the grade appeal (including evidence and statements, the Panel's final decision and any other documents in the GAF) so that the Board will have available to it as complete a records as possible of the information considered by the Panel when making its decision. The GAM will also provide to the Board an email address for members of the Panel, the Chair, the Student and Instructor to which the Board may electronically send any communications and its final decision.

- E. **Initial Review of Procedural Appeal:** The Board will review the procedural appeal. If the Board is unable to understand the basis for the procedural appeal, the Board may request that the party submitting the appeal clarify the bases for the appeal. The Board will allow **five (5) business days** for completion of the revisions. If after reviewing the revised appeal, the Board concludes the party has not stated a basis for a procedural appeal to proceed, the Board will dismiss the appeal and the party submitting the appeal will have no further rights to appeal.
- F. **Argument by Appealing Party:** If the Board is able to conclude from the original or a revised procedural appeal, that a basis for a procedural appeal has been stated, the Board will send a written request to the email addresses of the student and Instructor which will include a statement of issues in the appeal and an invitation for the party appealing to submit written argument to the Board within **ten (10) business days** of the day the email is sent by the Board. A copy of this communication will also be emailed to the Panel, the Chair, and the GAM. The written argument of the party appealing will be delivered to the GAM or a receptionist in Academic Affairs. Failure to submit an argument will result in the dismissal of the procedural appeal. Once the GAM receives the written argument of the party appealing, the GAM will make copies and provide them to the Board, the non-appealing party, the Panel, and the Chair.
- G. **Response of Non-Appealing Party:** The non-appealing party (and the Panel, and/or the GAM if requested to do so by the Board) may submit a written response to the appealing party's written argument within **ten (10) business days** of the written argument being sent by the GAM. The response shall include the following (1) a narrative of the facts that in the respondent's mind define the appeal; and (2) an argument that the alleged procedural violation(s) was harmless. The written response shall be provided to the GAM or a secretary in Academic Affairs. Upon receipt of the response, the GAM will provide a copy of it to the appealing party, the Board, the Panel and the Chair.
- H. **Rebuttal by Appealing Party:** If a response by the other party (and/or the Panel and/or GAM) is submitted, the appealing party may submit a rebuttal to the response or responses within **ten (10) business days** of a copy of the response(s) being

forwarded to the appealing party. If more than one response is submitted, the rebuttal will be due ten (10) business days from the last day upon which a response is forwarded to the appealing party.

I. Deliberations of Procedural Appeals Board: The Board will decide appeals before it in a prompt and expeditious manner. Decision of the Board will be made by a majority of its members. The Board may disregard submitted material that is not relevant to the appeal. The Board may make one of the three following findings:

1. Find that a procedural violation did not occur;
2. Find that although a procedural violation did occur, it was harmless error.
3. Find that a procedural violation did occur and the error not harmless.

A finding under 1 or 2 has no impact on the Panel's decision. This finding will conclude the appeal and the Panel and Board's decision will be final and not subject to review by any other University official.

A finding of a procedural violation which is substantial enough that the Board cannot conclude it was harmless, will result in the Panel's decision being vacated and of no force or effect. In such cases, the Board must determine whether in its judgment the violation may be remedied adequately by returning the matter to the original Panel for the Panel to determine the appeal in a manner consistent with the Board's decision.

If in the Board's judgment, the violation may not be remedied adequately by returning the matter to the original Panel, the Board will direct that the matter be assigned to a new Panel and the Grade Appeal Process be repeated.

J. Procedural Appeal Board's Written Decision: The Board shall issue a final written decision that will at a minimum state:

1. A narrative of the facts that gave rise to the procedural appeal.
2. a statement of each of the appellant's claims of procedural error including, with regard to each claim, the appellant's reasoning that the claimed procedural error was not harmless;
3. A statement of the Board's decision regarding each claimed procedural error including a discussion of the facts that support the Board's conclusions.

IX. Retention of the Record in Grade Appeals and Related Procedural Appeals

The GAM will preserve the documents relating to any grade appeal and/or procedural appeal in the GAF. The file will be retained in Academic Affairs for one year after the conclusion of the appeal and/or procedural appeal. Thereafter Academic Affairs may dispose all of the records relating to the appeal, except the Panel's decision, its report of its review of a grade, if any, for reasonableness, any Board decision, arising out of the grade appeal and the Student Grade Appeal Form. The retention of these documents will

be governed by Executive Order 1031, d. February 27, 2008, “System wide Records/Information Retention and Disposition Schedules Implementation.”

X. Summary Report of Formal Grade Appeals and Procedural Appeals

A summary report of the number of cases heard, the grounds of appeal in each case and the disposition of each case will be prepared by the GAM each year, and copies forwarded to the President, the Faculty Senate and the Board.

Appendix B
GRADE APPEAL CHECKLIST
to be Submitted by Student filing a Formal Grade Appeal
to Office of Academic Affairs Sacramento Hall 230

All of the following steps must be taken prior to submitting a formal grade appeal using the University Grade Appeal Process (see document at <http://www.csus.edu/acaf/academic%20resources/studentgradeappeals.html>).

Please indicate each step has been completed by providing a check mark (✓) next to each item below.

- I initiated the informal process with the Instructor by the end of the second week of classes of the semester following the one in which the disputed grade was assigned.
- I notified the unit or division Chair of the failure to settle the dispute informally by the end of the first day of business of the third week of the semester following the one in which the disputed grade was assigned.
- The unit or division Chair reviewed the grade appeal process with me.
- The unit or division Chair completed his or her effort to produce an informal settlement by the end of the third week of the semester following the one in which the disputed grade was assigned.
- I have included the following **required documents**:
 - The Student Grade Appeal form with the unit or division Chair's signature
 - A written submission (narrative) explaining my position in the grade dispute and referencing one of the four grounds for appeal (arbitrary, capricious, DHR violation, and/or violation of a University policy).
 - A syllabus for the course.
- I have included any **supporting documents** referenced in my narrative as evidence, including any written assignments pertaining to the dispute (e.g. tests; essays; lab assignments), any communications with the faculty member, a timeline of events (if possible), and any written statements (if necessary) from witnesses
- I have submitted this checklist with of all the required documents and relevant supporting documents listed above to the Office of Academic Affairs by the end of the fourth week of the semester following the one in which the disputed grade was assigned (1 copy of each document).

Signed _____ Date _____

Submit 1 copy of this form with the Grade Appeal Form and all other documents to the Office of Academic Affairs, Room 230 Sacramento Hall, by 5:00pm of the last business day of the fourth (4th) week of classes of the semester following the semester in which the disputed grade was assigned.