

Adopted: April 28, 1987

ACADEMIC SENATE
OF
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, California

Background statement: The Academic Senate Fairness Board Committee has revised its Description and Procedures statement to accurately reflect the current process. This is the first formal revision since 1979.

AS-251-87/FBC

RESOLUTION ON
FAIRNESS BOARD DESCRIPTION AND PROCEDURES

WHEREAS, The present CAM description of the Fairness Board needs to be updated to reflect changes in process and procedures; and

RESOLVED: That Appendix XI, Fairness Board Description and Procedures be modified as attached.

Proposed By:
The Fairness Board Committee
and Student Affairs Committee
On March 3, 1987

FAIRNESS BOARD
Description and Procedures

Description

The Fairness Board (see CAM Appendix VII, p. H XI) is the primary campus group concerned with providing "due process" of academically related matters for the students and instructors at California Polytechnic State University, San Luis Obispo, particularly in terms of student/faculty relationships. The Board hears grade appeals based on the grievant's belief that the instructor has made a mistake, shown bad faith or incompetence, or been unfair. (For cheating, see CAM 674.3) ~~However, the Board may also hear cases involving student/administration or student/student relationships of an academic nature.~~

Although in grade appeals the Board operates under the presumption that the grade assigned was correct, should its members find that the evidence indicates that such was not actually the case, the chair will recommend to the Vice President for Academic Affairs that the grade be changed. In all cases, the Board's authority is limited to actions consistent with ~~other campus and~~ CSUC-system policy.

Procedures

- A. Any student who still feels aggrieved after ~~failing to receive~~ asked for requesting relief from both the ~~person allegedly causing the problem and that person's immediate supervisor(s) (e.g., faculty member, faculty member's department head, and faculty member's school dean)~~ instructor and instructor's department head, may initiate an appeal for redress by writing ~~a letter requesting a hearing~~ to the chair of the Fairness Board. The chair may counsel a student as to the relative merit of his/her case, but must accept all written complaints which are ultimately filed submitted. The chair will provide the student with a copy of "Fairness Board Description and Procedures." The student's letter should contain all pertinent details of the issue(s) raised, name persons involved, list witnesses, list exhibits, and situation, name of the course, section, instructor and term in question, list any witnesses to be called, state redress sought, and include as attachments all relevant documents, including items such as course grade determination handout, exams, papers, letters of support, etc. The student has the responsibility of identifying evidence to ~~however, the student should understand that in all cases he/she must overcome the Board's presumption that the instructor's action was correct. If the Board decides the case may have merit, then t~~ he following actions will then take place:
1. The chair will forward a copy of the above letter to the challenged party and request his/her written reply to the chair within one week ~~of receipt~~. The chair will share a copy of any reply with the student grievant. The Chair will also send a copy of "Fairness Board Description and Procedures" to the challenged party.
 2. The chair will make scheduling arrangements as soon as possible for the hearing which will be conducted informally. At least six Board members ~~and one student~~ must be present before a hearing may begin, and the same six members ~~and one student~~ must be present for the full hearing.
 3. When a hearing is scheduled, the chair will notify the Board's members and the two principal parties.
 4. ~~It is expected that~~ Board members will disqualify themselves from ~~voting~~ participation in any case if they are a principal or if they feel they cannot be impartial.

5. The Board will allow each principal party, who may be accompanied by his/her advisor, (not a practicing attorney of law) to present his/her case personally, call and question witnesses, and present exhibits. The Board may ask for copies of any material it believes relevant to the hearing. The student grievant will usually appear first.
 6. Each Board member may ask questions of either party or any witness.
 7. The Board itself may call witnesses or recall witnesses.
 8. The Board will handle all proceedings without undue delay, will keep a summary file of each case, and will tape record the hearing.
 9. The Board will close the hearing when satisfied that both sides have been fully heard.
 10. The Board will deliberate in private and will make a written summarization of the facts of the case and of the Board's reasoning in its recommendation to the Vice President for Academic Affairs.
 11. The chair will send a copy of its recommendation to each principal party, to the instructor's department, and to each Board member.
 12. Should any member(s) of the Board desire to file a minority recommendation, ~~he/she may do so by sending it to the chair, who will forward copies to the Vice President for Academic Affairs, to each principal party, and to each Board member~~ it will be attached to the Board's majority recommendation.
 13. The Vice President for Academic Affairs will inform the Board and each principal party what action, if any, has been taken. The Vice President for Academic Affairs shall have final recommendation regarding any grade change, but if the recommendation of the Fairness Board is not accepted, the Vice President for Academic Affairs shall indicate the reason(s) why in writing to the Board.
- B. The hearings are closed to all persons except the Board and the two principal parties and advisors. Witnesses, if any, shall be present only when testifying. No testimony shall be taken outside the hearing room, but ~~writings~~ written statements from persons unable to attend are admissible. Exceptions to these rules are possible if the Board and both principals have no objections.
- C. Students should ideally initiate any grade complaint within one quarter as instructors are obligated to retain evaluation instruments for only one quarter. However, the Board will accept grievances for two quarters after an evaluation. If special circumstances exist, such as when an instructor is on leave and not available to the student, the Board may choose to entertain grievances involving grades issued more than two quarters earlier.
- D. In the event a situation arises wherein the Board unanimously deems the above rules inappropriate, the Board will modify its procedures to insure that fairness ~~and justice~~ prevail §.

Membership

One ~~tenured~~ tenure-track faculty member from each school, and one ~~tenured~~ tenure-track member from Student Affairs, all appointed by the chair of the Academic Senate for two-year terms. ~~One two~~ student members selected by ASI, with no less than junior standing and three consecutive quarters of attendance at Cal Poly preceding appointment. The Fairness Board chair is elected by the Board.

ACADEMIC SENATE
FAIRNESS BOARD PROCESS*

Unresolved problem exists between student and the University

Student is strongly urged to go to the Counseling Center for purpose of defining, clarifying and achieving utmost objectivity regarding problem.
"A problem clearly seen and stated is half solved" as the old saying goes.

Student and/or the faculty representative takes the problem through appropriate line channels** for resolution

Student feels that problem has not been properly understood or resolved

Student formulates a written complaint

- a. States complaint
- b. Gives background of details
- c. Indicates witnesses that may be called
- d. Attaches relevant documents

Submits to any member of the Fairness Board

Fairness Board reviews complaint and declares the complaint to have:

MERIT

NO MERIT

Board hears plaintiff and defendant.
If a resolution of problem occurs.
Fairness Board Hearing ceases.

Student and/or faculty representative may rebut
with new evidence

If complaint is unresolved, Fairness Board will recommend action to the President of the University

Merit

No Merit

**EXAMPLE OF LINE CHANNELS:

Instructor
Adviser
Department Head
Dean of School
Etc.

MEMBERSHIP OF FAIRNESS BOARD:

One tenured faculty member from each school, and one tenured member from Student Affairs, all appointed by chair of Academic Senate for two-year terms. One student member selected by ASI, with no less than junior standing and three quarters consecutive attendance at Cal Poly preceding appointment. Chair is elected by the Board.

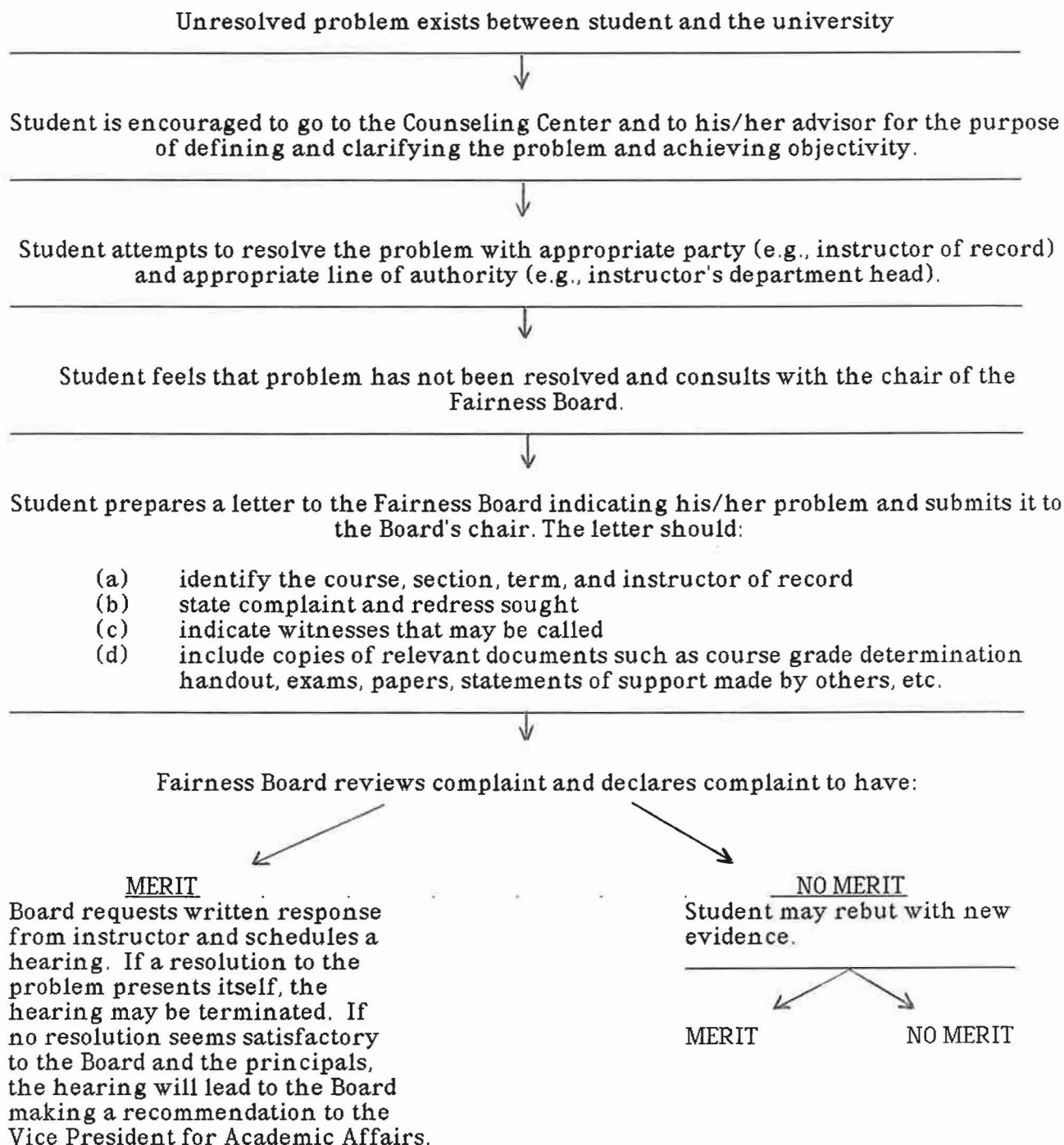
NOTE: Complaints regarding race, creed, color or sex are to be referred to Discrimination Study Committee.

Adopted by Cal Poly Academic Senate on 4-18-69.

Revised March, 1973 to reflect name change to university.

Revised October, 1975 to reflect general membership rather than individuals.

ACADEMIC SENATE FAIRNESS BOARD PROCESS



First adopted by the Academic Senate on 4/18/69. Revised 3/73, 10/75, and 2/87.

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Procedures

- A. Any student who still feels aggrieved after requesting relief from both the instructor and instructor's department head, may initiate an appeal for redress by writing to the chair of the Fairness Board. The chair may counsel a student as to the relative merit of his/her case, but must accept all written complaints which are ultimately submitted. The chair will provide the student with a copy of "Fairness Board Description and Procedures." The student's letter should contain all pertinent details of the situation, name of the course, section, instructor and term in question, list any witnesses to be called, state redress sought, and include as attachments all relevant documents, including items such as course grade determination handout, exams, papers, letters of support, etc. The student has the responsibility of identifying evidence to overcome the Board's presumption that the instructor's action was correct. If the Board decides the case may have merit, then the following actions will then take place:
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 13. The Vice President for Academic Affairs will inform the Board and each principal party what action, if any, has been taken. The Vice President for Academic Affairs shall have final authority regarding any change of grade with the provision, however, that no grade change will be made unless it is recommended by the Board. If the recommendation of the Fairness Board is not accepted, the Vice President for Academic Affairs shall indicate the reason(s) why in writing to Board.
- B. The hearings are closed to all persons except the Board and the two principal parties and advisors. Witnesses, if any, shall be present only when testifying. No testimony shall be taken outside the hearing room, but written statements from persons unable to attend are admissible. Exceptions to these rules are possible if the Board and both principals have no objections.
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ACADEMIC SENATE FAIRNESS BOARD PROCESS

Unresolved problem exists between student and the university



Student is encouraged to go to the Counseling Center and to his/her advisor for the purpose of defining and clarifying the problem and achieving objectivity.



Student attempts to resolve the problem with appropriate party (e.g., instructor of record) and appropriate line of authority (e.g., instructor's department head).



Student feels that problem has not been resolved and consults with the chair of the Fairness Board.



Student prepares a letter to the Fairness Board indicating his/her problem and submits it to the Board's chair. The letter should:

- (a) identify the course, section, term, and instructor of record
- (b) state complaint and redress sought
- (c) indicate witnesses that may be called
- (d) include copies of relevant documents such as course grade determination handout, exams, papers, statements of support made by others, etc.



Fairness Board reviews complaint and declares complaint to have:

MERIT

Board requests written response from instructor and schedules a hearing. If a resolution to the problem presents itself, the hearing may be terminated. If no resolution seems satisfactory to the Board and the principals, the hearing will lead to the Board making a recommendation to the Vice President for Academic Affairs.

NO MERIT

Student may rebut with new evidence.

MERIT

NO MERIT

Memorandum

RECEIVED

MAY 15 1987

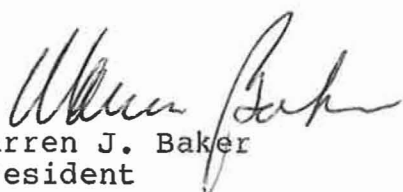
To : Lloyd Lamouria, Chair
Academic Senate

Academic Senate

Date May 14, 1987

File No.:

Copies : M. Wilson

From : 
Warren J. Baker
President

Subject : ACADEMIC SENATE RESOLUTION REGARDING FAIRNESS BOARD

This will acknowledge your memo of May 4 with which you transmitted the resolution adopted by the Academic Senate relating to the Fairness Board Description and Procedures (AS-251-87/FBC). I appreciate very much your providing the additional information with regard to the closeness of the vote, both on the main motion as well as the close vote on the amendment to the materials initially recommended by the Fairness Board. I also appreciate receiving the additional information provided in the May 4 memo from George Beardsley which you forwarded.

By copy of this memo, I am referring this issue to Interim Vice President for Academic Affairs Malcolm Wilson with a request that he review this material with the school deans and others as he thinks appropriate and provide recommendations to me.

Memorandum

JUN 11 1987

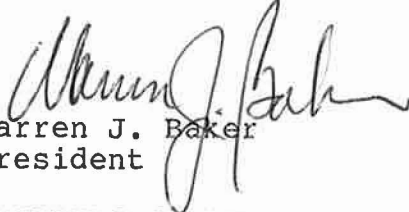
To : Lloyd Lamouria, Chair
Academic Senate

Academic Senate

Date : June 5, 1987

File No.:

Copies : M. Wilson
S. Van Vleck,
ASI Pres.-elect
G. Beardsley
L. Howard
H. West

From : 
Warren J. Baker
President

Subject : ACADEMIC SENATE RESOLUTION REGARDING FAIRNESS BOARD
(AS 251-87/FBC)

On May 4 I responded to the Academic Senate resolution regarding the Fairness Board indicating that I was forwarding this item to the Vice President for Academic Affairs for review. I have now received the results of that review and, in addition, have received a resolution adopted by the Student Senate, a copy of which was forwarded to you by Kevin Swanson, ASI President, on May 21. My review of these materials makes it clear that the concerns focused on Item 13 regarding the role of the Vice President for Academic Affairs. Your transmittal memo of May 4, along with the attachments also focussed on this issue.

As a result of this review, I am taking the following action: The revisions in the Fairness Board's Procedures as recommended by the Academic Senate, with the exception of Item 13, are approved; and Item 13 is amended as follows:

The Vice President for Academic Affairs will inform the Board and each principal party what action, if any, has been taken. The Vice President for Academic Affairs shall have final authority regarding any change of grade with the provision, however, that no grade change will be made unless it is recommended by the Board. If the recommendation of the Fairness Board is not accepted, the Vice President for Academic Affairs shall indicate the reason(s) why in writing to Board.

The revisions in the Fairness Board's procedures, with this revision as noted, are hereby approved effective immediately. By copy, I will ask Howard West, Editor of the Campus Administrative Manual, to issue a revised appendix relative to the Fairness Board at the earliest possible date.