

Adopted: September 26, 2000

ACADEMIC SENATE
Of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, CA

AS-548-00/FB
RESOLUTION ON REVISION OF
FAIRNESS BOARD DESCRIPTION AND PROCEDURES

1 WHEREAS, Executive Order 320 requires all CSU campuses to implement policies and
2 procedures for grade appeals including annual reporting to the President and
3 Academic Senate; and
4

5 WHEREAS, Compliance with this requirement is monitored as part of the Student Records
6 and Registration Audit conducted by the Office of University Auditor and that
7 said auditors have had difficulty in assuring compliance with the annual
8 reporting process; therefore, be it
9

10 RESOLVED: That section E of the *FAIRNESS BOARD DESCRIPTION AND*
11 *PROCEDURES* be modified as follows to provide for retention and access to
12 a copy of the annual report in the Registrar's office:
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14

- 15 E. In accordance with Executive Order 320, at the end of every academic
16 year the Fairness Board chair shall report, in writing, to the Academic
17 Senate and the President the number of cases heard during that academic
18 year and the disposition of each such case. A copy of this report shall also
19 be filed annually with the University Registrar so that it is available for
20 review during the student records and registration audit.

Proposed by: Academic Senate Fairness Board
Date: June 9, 2000

FAIRNESS BOARD
DESCRIPTION AND PROCEDURES

Description

The Fairness Board 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 684)

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

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:
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. 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 must be present before a hearing may begin, and the same six members must be present for the full hearing.
 3. When a hearing is scheduled, the chair will notify the Board members and the two principal parties.
 4. Board members will disqualify themselves from 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 Provost/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, it will be attached to the Board's majority recommendation.
 13. The Provost/Vice President for Academic Affairs will inform the Board and each principal party what action, if any, has been taken. The Provost/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 Provost/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 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 exists, 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 prevails.
- E. In accordance with Executive Order 320, at the end of every academic year, the Fairness Board chair shall report, in writing, to the Academic Senate and the President the number of cases heard during that academic year and the disposition of each such case. A copy of this report shall also be filed annually with the University Registrar so that it is available for review during the student records and registration audit.

Membership

One tenure-track faculty member from each college, and one tenure-track member from Student Affairs, all appointed by the chair of the Academic Senate for two-year terms. 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 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/chair).

Student feels that problem has not been resolved and consults with 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 complaints and declares complaint to have:

<u>MERIT</u>	<u>NO MERIT</u>
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 Provost/Vice President for Academic Affairs.	Student may rebut with new evidence. <hr/> <div><div>MERIT</div><div>NO MERIT</div></div>

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RECEIVED

CAL POLY

State of California

Memorandum


MAY - 8 2001

ACADEMIC SENATE

SAN LUIS OBISPO
CA 93407

To: Myron Hood
Chair, Academic Senate

Date: May 4, 2001

From: 
Warren I. Baker
President

Copies: Paul Zingg
David Conn
TomZuur
Gerry Mueller

Subject: Response to Academic Senate Resolution AS-548-00/FB
Resolution on Revision of *Fairness Board Description and Procedures*

This will acknowledge receipt and approval of the above subject Resolution. Please extend my thanks to the Fairness Board for revising the Board's Description and Procedures to require that an annual report be provided which will more accurately reflect the intent of CSU Executive Order 320. A revised copy of *Fairness Board Description and Procedures* will be placed in the Campus Administrative Policies.