

## ***FAIRNESS BOARD DESCRIPTION AND PROCEDURES***

### Description

The Fairness Board (hereafter called the “Board”) is one of the primary campus groups concerned with providing “due process” of academically related matters for students and instructors at California Polytechnic State University, San Luis Obispo, particularly in terms of student/faculty grading 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. Issues of cheating, dishonesty, and plagiarism are addressed by the Office of Student Rights and Responsibilities (OSRR). Grades received due to cheating, dishonesty, and/or plagiarism cannot be appealed to the Board.

In grade appeals, the Board operates under the presumption that the grade assigned was correct. The grievant must prove otherwise by a preponderance of the evidence; in other words, the grievant must show that her/his version of the events is more likely than not (equal to or greater than 51 percent probability) to have occurred. Should the Board’s members find in favor of the grievant, the chair will recommend to the Provost that the grade be changed. In all cases, the Board’s authority is limited to actions consistent with campus and system policy.

A student who submits a grievance cannot receive a grade lower than the one originally assigned.

In addition to grade grievances, the Board may hear grievances that do not involve grade appeals and are not covered by existing policies administered by other University offices.

### Procedures

- A. The first and most often successful opportunity for resolving a grade dispute occurs at the department level. Before initiating a grievance with the Board, the student should first make an informal request for redress to the course instructor. If a resolution cannot be reached, such request can then be made to the instructor’s department chair/head. If resolution cannot be made at these levels, then later involvement by the Dean of Students may be helpful.

Another resource available to students is the Student Ombuds Services. Their office offers safe, confidential assistance in resolving university related issues, concerns, conflicts, or complaints. Student Ombuds Services may be able to assist the student in achieving a resolution through an informal process at any stage of the issue. The Student Ombuds Service is entirely voluntary and

confidential. Because the Student Ombuds Services are confidential, no information will be shared with the Fairness Board. The Student Ombuds Services personnel cannot serve as a witness in the Fairness Board process. Student Ombuds Services generally would be used by the student prior to seeking redress from the Fairness Board, though it also may be used at any other time as well.

Any student who still feels aggrieved after requesting relief from both the instructor and instructor's department chair/head may initiate an appeal for redress by writing to the chair of the Board. The Board chair may counsel a student as to the relative merit of the case but must accept all written complaints which are ultimately submitted. The written request shall be in letter form. A copy of *Fairness Board Description and Procedures* can be obtained from the Board website at <http://academicsenate.calpoly.edu/> or the student may request a copy from the Board chair.

The student's letter should contain all pertinent details of the situation, including the name of the course, section, instructor, term in question, any witnesses to be called, and the redress sought. All relevant documents should be included as attachments, including items such as a 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. As a resource, the Board may request any pertinent documentation (historic or current) from the OSRR. It is noted that decisions of the OSRR are informational and nonbinding.

Within two weeks of receiving a written request, the Board chair will schedule a meeting of the Board on the earliest feasible date to determine if the case may have merit. If the Board decides that the case lacks merit, then the Board chair will forward to the student, within two working days, notice that no further action will be taken unless the student rebuts with new evidence. If the Board decides that the case may have merit, then the following actions will take place:

1. Within two working days, the Board chair will forward a copy of the student grievance letter to the challenged party and request her/his written reply to the Board chair within one week. The Board chair will share a copy of any reply with the student grievant. The Board chair will also send a copy of *Fairness Board Description and Procedures* to the challenged party.
2. The Board chair will coordinate with the Academic Senate office to make scheduling arrangements for the hearing which will take place within two weeks of the Board's deciding that the case may have merit, and 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 Board chair will immediately notify (through the Academic Senate office) the Board members and the two principal parties.
4. Board members will recuse themselves from participation in any case if they are a principal party in the grievance or if they feel they cannot be impartial.
5. The Board will allow each principal party to be accompanied to the hearing by a supportive advocate (an supportive advocate is not to be an attorney or legal advisor, per Academic Senate resolution AS-655-07), 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. Each Board member may ask questions of either party or any witness. The Board itself may call or recall witnesses. The Board will handle all proceedings without undue delay, will keep a summary file of each case, and will record the hearing. The Board will close the hearing when satisfied that both sides have been fully heard.
6. In the event the student fails to appear at the scheduled hearing, the Board may dismiss the case.
7. Within two weeks after the hearing has been closed, 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 and the Chair of the Academic Senate.
8. The Board chair will send a copy of its recommendation to each principal party, to the instructor's department, and to each Board member.
9. Should any Board member(s) desire to file a minority recommendation, it will be attached to the Board's majority recommendation.
10. Within two weeks after receiving the Board's recommendation, the Provost will inform the Board and each principal party what action, if any, has been taken. The Provost 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 Board is not accepted, the Provost shall indicate the reason(s) why in writing to the Board. Once the Provost has rendered a decision, the process is considered complete and the outcome cannot be appealed.

- 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.

- C. Students should ideally initiate any grade complaint within one quarter as instructors are obligated to retain evaluation instruments (other than those for which there was an announced opportunity for students to retrieve) for only one quarter (Academic Senate resolution AS-247-87). 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 ensure that fairness prevails. Furthermore, exceptions to these rules are possible if the Board and both principal parties have no objections.
- E. In accordance with Executive Order 1037, at the end of every academic year, the Board chair shall report, in writing, to the Academic Senate Chair 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 tenured or probationary faculty member from each college and Professional Consultative Services (PCS) shall be appointed to the Board by the Academic Senate Chair for two-year terms. Ex officio members are the Vice President for Student Affairs or designee, and two student members selected by ASI, with no less than junior standing and three consecutive quarters of attendance at Cal Poly preceding appointment. The Board chair shall be a member of the General Faculty and shall be appointed in accordance with Article VIII.C of the *Bylaws of the Academic Senate*.

# **FAIRNESS BOARD DESCRIPTION AND PROCEDURES**

## **ACADEMIC SENATE FAIRNESS BOARD PROCESS**

Unresolved problem exists between student and University



Student makes informal request for redress of problem with instructor of record; if unresolved:



Student makes informal request for redress of problem with instructor's department chair/head and possible involvement of Dean of Students; if unresolved:



Optional: student may consult with the Student Ombuds Services to seek a resolution. This may occur at any time in the process; if unresolved:



Student may consult with chair of the Fairness Board on relative merit of case; if unresolved:



Student initiates appeal for redress by submission of written letter to Board chair. The letter should:

- (a) Identify the course name, section, term, and instructor
- (b) State complaint and redress sought
- (c) Indicate witnesses that may be called
- (d) Summarize the efforts to resolve the problem with instructor and department
- (e) Include copies of relevant documents such as course grade determination handout, exams, papers, statements of support made by others, etc.



Within two weeks of receiving student's letter, the Board chair schedules meeting of Fairness Board at earliest feasible date. Board reviews complaint and declares that case:

<u>MAY HAVE MERIT</u>	<u>LACKS MERIT</u>
Board requests written response from instructor (within a week) and schedules a hearing for the earliest feasible date (within two weeks). If a resolution to the problem presents itself, the hearing may be terminated. If no resolution seems satisfactory to the Board and the principal parties, the hearing leads to the Board making a recommendation to the Provost (within two weeks).	Within two working days of determination, Board chair notifies student no further action will be taken unless:  Student rebuts with new evidence
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	<div style="display: flex; justify-content: space-around;"> <span>MERIT</span> <span>NO MERIT</span> </div>