

Adopted: June 3, 2008

**ACADEMIC SENATE
of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, CA**

AS-672-08

**RESOLUTION ON REVISIONS TO
*FAIRNESS BOARD DESCRIPTION AND PROCEDURES***

- 1 WHEREAS, Academic Senate resolution AS-655-07, Resolution on Consolidation of
2 Academic Senate Fairness and Student Grievance Boards, resolved that “the
3 Fairness Board shall develop new procedures consistent with [this consolidation];
4 Title V, Article 2, Section 41301; EO 320, 969, and 970; CAM 684; and all other
5 relevant policies”; and
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7 WHEREAS, The above-named policies provide for a division of responsibility between the
8 Fairness Board and the Office of Student Rights and Responsibilities (OSRR);
9 and
10
11 WHEREAS, The Fairness Board has revised the attached *Fairness Board Description and*
12 *Procedures* in response to AS-655-07; therefore, be it
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14 RESOLVED: That the attached revisions to the *Fairness Board Description and Procedures* be
15 approved by the Academic Senate; and be it further
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17 RESOLVED: That the revisions to the *Fairness Board Description and Procedures* be
18 forwarded to the President for inclusion in “Campus Administrative Policies.”
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Proposed by: Academic Senate Fairness Board
Date: April 24, 2008
Revised: May 28, 2008

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FAIRNESS BOARD DESCRIPTION AND PROCEDURES

Description

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The Fairness Board is one of 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 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). It is noted that the grades received due to cheating, dishonesty, and/or plagiarism can not be appealed to the Fairness Board.

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Deleted: see CAM 684)

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 campus and system policy.

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Be it known, that a student who submits a grievance can not receive a lower grade due to the process.

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

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Procedures

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A. The first and most often successful source of grade resolution occurs at the department level. Before initiating a grievance with the Fairness Board, the student's source of resolution of a grade dispute shall be informal resolution with the instructor and within the instructor's department (Department Head participation); with possible later involvement of the Dean of Students.

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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 written request shall be in letter form. A copy of "Fairness Board Description and Procedures" can be obtained from the Fairness Board website (http://www.calpoly.edu/~acadsen/Documents/fairness_board_descr&proc.pdf) or the student may request a copy from the Chair.

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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. As a resource, the Board may request any pertinent documentation (historical or current) from the OSRR. It is noted that decisions of the OSRR are informational and non-binding. If the Board decides the case may have merit, then the following actions will then take place:

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1. The chair will forward a copy of the student grievance 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.

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2. The chair will coordinate with the Academic Senate to 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.

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3. When a hearing is scheduled, the Chair will notify (through the Academic Senate) the Board members and the two principal parties.

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4. Board members will recuse themselves from participation in any case if they are a principal or if they feel they cannot be impartial.

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5. The Board will allow each principal party, who may be accompanied by his/her advisor (advisor who is not an advocate, legal or otherwise - AS-655-07), to present his/her case personally, call and question witnesses,

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83 and present exhibits. The Board may ask for copies of any material it believes relevant to the hearing. The student
84 grievant will usually appear first.

85 Each Board member may ask questions of either party or any witness.

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86 The Board itself may call witnesses or recall witnesses.

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87 The Board will handle all proceedings without undue delay, will keep a summary file of each case, and will tape
88 record the hearing.

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89 The Board will close the hearing when satisfied that both sides have been fully heard.

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90 10. The Board will deliberate in private and will make a written summarization of the facts of the case and of
91 the Board's reasoning in its recommendation to the Provost/Vice President for Academic Affairs and the Chair of the
92 Academic Senate.

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93 11. The chair will send a copy of its recommendation to each principal party, to the instructor's department, and
94 to each Board member.

95 12. Should any member(s) of the Board desire to file a minority recommendation, it will be attached to the
96 Board's majority recommendation.

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

102
103 B. The hearings are closed to all persons except the Board and the two principal parties and advisors.
104 Witnesses, if any, shall be present only when testifying. No testimony shall be taken outside the hearing
105 room, but written statements from persons unable to attend are admissible. Exceptions to these rules are
106 possible if the Board and both principals have no objections.

107 C. Students should ideally initiate any grade complaint within one quarter as instructors are obligated to retain
108 evaluation instruments for only one quarter (AS-247-87). However, the Board will accept grievances for
109 two quarters after an evaluation. If special circumstances exists, such as when an instructor is on leave and
110 not available to the student, the Board may choose to entertain grievances involving grades issued more
111 than two quarters earlier.

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112 D. In the event a situation arises wherein the Board unanimously deems the above rules inappropriate, the
113 Board will modify its procedures to insure that fairness prevails.

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

118 Membership One tenured or tenure-track faculty member from each college, and one tenured or tenure-track
119 member from Student Affairs, all appointed by the chair of the Academic Senate for two-year terms. Ex officio
120 members are two student members selected by ASI, with no less than junior standing and three consecutive quarters
121 of attendance at Cal Poly preceding appointment. The Fairness Board chair shall be a member of the General
122 Faculty and shall be appointed in accordance with Article VIII.C of the Bylaws of the Academic Senate..

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) summarize the effort of resolution at the department level
- (e) 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:

<p style="text-align: center;"><u>MERIT</u></p> <p><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.</u></p>	<p style="text-align: center;"><u>NO MERIT</u></p> <p><u>Student may rebut with new evidence.</u></p> <div style="text-align: center;"> <p><u>MERIT</u> <u>NO MERIT</u></p> </div>
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First adopted by the Academic Senate on 4/18/69 Revised 3/73, 10/75, 2/87, 12/91, 10/00 and 9/01

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State of California
M e m o r a n d u m

To: John Soares
Chair, Academic Senate

Date: July 10, 2008


From: Warren J. Baker
President

Copies: W. Durgin
B. Giberti

Subject: Response to Academic Senate Resolution AS-672-08
Resolution on Revisions to Fairness Board Description and Procedures

I approve the above-entitled Academic Senate Resolution. Please extend my appreciation to the Committee for its work in making these changes and new procedures.