

502 GRADE APPEALS [En 5/23/78, Am 6/10/97, Am 5/26/15]

A)

- 1) If a student believes that nonacademic criteria have been used in determining his/her grade in a course, he/she may follow the procedures described in this Regulation.
- 2) Nonacademic criteria means criteria not directly reflective of academic performance in the course. It includes discrimination on political grounds, or based on a protected trait, including but not limited to a student's gender, race, religion, national origin, sexual orientation, or disability. [Am 5/26/15]
- 3) Appeals to this committee [see (B)(4)] shall be considered confidential. Neither any member of the subcommittee nor the Academic Senate Office shall release any information about the appeal except as specifically provided in this Regulation [Am 6/10/97]
- 4) If a medical student wishes to appeal a grade in a School of Medicine course, he or she must follow procedures described in Regulation 503, instead of Regulation 502. [Am 1/28/14]

B)

- 1) The student must attempt to resolve the grievance with the instructor within the first month of the following regular academic quarter. [Am 6/10/97]
- 2) If the grievance is not resolved to the student's satisfaction, he/she may then attempt to resolve the grievance through written appeal to the department chair or equivalent, who shall attempt to adjudicate the case with the instructor and the student within two weeks.
- 3) If the grievance still is not resolved to the student's satisfaction, he/she may then attempt to resolve the grievance through written appeal to the provost of his/her college, or the Dean of Graduate Studies, who shall attempt to adjudicate the case with the instructor, the chair and the student within two weeks. [Am 1/28/14]
- 4) If the grievance is not resolved to the student's satisfaction by the provost or dean, the student may request consideration of his/her appeal by the Educational Policy Committees (hereinafter called the committee) according to the procedures outlined below. This request must be submitted before the last day of instruction of the quarter following the quarter in which the course was taken. [Am 3/1/11]

C)

- 1) The student's request for committee consideration should include a written statement outlining the nature of the grievance, including copies of any and all documents in his/her possession supporting the grievance. The submission of the statement to the committee places the case before it and restricts any change of the challenged grade to a change initiated by the committee, unless the committee determines that all other avenues of adjudication have not been exhausted. [Am 6/10/97]

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- 2) Upon receipt of the student's request, the committee shall immediately forward a copy of it to the instructor, the department chair or equivalent, and the provost or dean, with a request for written reports of their attempts to resolve the complaint. [Am 6/10/97]
 - 3) The committee, after having determined that all other avenues of adjudication have been exhausted, shall review the complaint and the reports to determine if there is substantial evidence that nonacademic criteria were used. [Am 6/10/97]
 - a) If the committee finds substantial evidence that nonacademic criteria were used, it shall follow the procedure in paragraph (D) below.
 - b) If the committee decides the allegations are without substance, it shall serve written notification of its findings to the complainant and to the instructor within two weeks. Within ten days the complainant or the instructor may respond to the findings. If there are no responses, or if after consideration of such responses the committee sustains its decision, the grade shall not be changed. [Am 6/10/97]
- D)
- 1) If the committee determines that there is evidence that nonacademic criteria were used, it shall interview any individual whose testimony might facilitate resolution of the case. The complainant shall make available to the committee all of his/her work in the course which has been graded and is in his/her possession. The instructor shall make available to the committee all records of student performance in the course and graded student work in the course which is still in his/her possession. At the conclusion of the case each document shall be returned to the source from which it was obtained. [Am 6/10/97]
 - 2) The committee shall complete its deliberations and arrive at a decision within two weeks of its determination that evidence of the use of nonacademic criteria had been submitted. A record of the committee's actions in the case shall be kept in the Senate Office for three years.
 - 3) If the allegations of the complainant are not upheld by a preponderance of the evidence, the committee shall so notify the complainant and the instructor in writing. Within one week of such notification, the complainant and the instructor shall have the opportunity to respond to the findings and the decision of the committee. If there are no responses, or if after considering such responses the committee sustains its decision, it shall so notify the complainant and the instructor in writing and the grade shall not be changed.

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- 4) If the committee determines that nonacademic criteria were significant factors in establishing the grade, it shall give the student the option of either receiving a grade of P or S in the course or retro actively dropping the course without penalty. A grade of P or S awarded in this way shall be acceptable towards satisfaction of any degree requirement even if a minimum letter grade in the course had been required, and shall not be counted in the number of courses a student may take on a P/NP basis. If the student elects to receive a grade of P or S, the student may also elect to have a notation entered on his/her transcript indicating that the grade was awarded by the Divisional grade appeals committee.
 - a) The committee shall serve written notification of its findings and its decision to the complainant and the instructor. The complainant and the instructor may respond in writing to the findings and the decision of the committee within one week of such notification.
 - b) If there are no responses, or if after considering such responses the committee sustains its decision, the grade shall be changed; the committee shall then instruct the Registrar to change the grade to P or S or, if the student elected the drop option, to retroactively drop the course from the student's record. Copies of the committee's instruction shall be sent to the complainant and the instructor.
- E) These procedures are designed solely to determine whether nonacademic criteria have been used in assigning a grade, and if so to effect a change of that grade.
 - 1) No punitive actions may be taken against the instructor solely on the basis of these procedures. Neither the filing of charges nor the final disposition of the case shall, under any circumstances, become a part of the personnel file of the instructor. The use of nonacademic criteria in assigning a grade is a violation of the Faculty Code of Conduct. Sanctions against an instructor for violation of the Faculty Code may be sought by filing a complaint in accordance with San Diego Division Bylaw 230(D). A complaint may be filed by the student or by others.
 - 2) No punitive actions may be taken against the complainant solely on the basis of these procedures. Neither the filing of charges nor the final disposition of the case shall, under any circumstances, become a part of the complainant's file. The instructor may, if he/she feels that his/her record has been impugned by false or unfounded charges, file charges against the complainant through the Office of the Vice Chancellor for Student Affairs, or the Dean of Graduate Studies. [Am 1/28/14]
- F) Where a grade appeal is based on a claim that the grade was assigned based on a protected trait, including but not limited to a student's gender, race, religion, national origin, sexual orientation, or disability, the department chair or equivalent shall contact the Office for the Prevention of Harassment and Discrimination (OPHD). OPHD shall assist at any and all stages of a grade appeal in investigating and evaluating such claims of discrimination based on a protected trait. If the appeal is sent to the committee, the OPHD report and any other assistance that OPHD may provide will be made available to the committee. [En 5/26/15]

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- G) All decisions of the Committee shall be final, except as may otherwise be provided in San Diego Divisional Bylaw 205. [En 6/10/97, Am 5/26/15]