



Academic Senate

GRADUATE COUNCIL

May 16, 2022

To: Jason Stajich, Chair
Riverside Division

From: Don Collins, Chair
Graduate Council

Re: Regulation Change: Proposed Update to UCR Regulation 5 - Procedures for the
Appeal of Grades – revised

The Graduate Council would like to thank the Committee on Rules & Jurisdiction (R&J) for their thorough review of the proposed changes to Regulation 5. As suggested by R&J, "Chairperson" has been replaced with "Chair" and "Dean of the College or School" has been replaced with "College/School Dean" throughout the document. The remaining suggested changes have been made in track changes.

The Council would like to request an expedited review of the revised document by R&J and if possible, review and approval of the revised procedures by the Executive Council in lieu of the Division so that these changes can be in effect before the fall 2022 quarter when several appeals are likely to be submitted after the spring quarter.

**GRADUATE COUNCIL
REPORT TO THE RIVERSIDE DIVISION
May 24, 2022**

To be adopted

PRESENT:

**R5 Procedures for the Appeal of
Grades (En 5 May 77)**

05.01

If a student believes that non-academic criteria have been used in determining his/her grade, he/she shall attempt to resolve the grievance with the instructor in the course through written appeal to the instructor via the Chairperson of the department. If the grievance is not resolved to the student's satisfaction at the departmental level, the student may file a complaint with the Dean of the college or school having jurisdiction over the course, or with the Dean of the Graduate Division, if he/she is a graduate student. If such a complaint is filed, these procedures shall be followed. In these procedures the term department shall be read to understand: department and/or program. Non-academic criteria shall be understood, in the sense of the Faculty

PROPOSED:

**R5 Procedures for the Appeal of
Grades (En 5 May 77)**

R5.0 Steps for filing a grade appeal

Graduate: Student files appeal to instructor, then to department Chair and instructor, then to College/School Dean, then to Graduate Dean, then to Graduate Council

Undergraduate: Student files appeal to instructor, then to department Chair and instructor, then to College/School Dean, then to College/School Executive Committee

05.01

If a student believes that non-academic criteria have been used in determining the student's grade, the student shall attempt to resolve the grievance with the instructor of the course. Non-academic criteria shall be understood, in the sense of the Faculty Code of Conduct, as criteria not directly reflective of class performance, such as discrimination on political grounds, or for reasons of race, religion, sex or ethnic origin or for other arbitrary or personal reasons. If the grievance is not resolved to the student's satisfaction, the student may file a written appeal with the Chair of the department. The Chair should attempt to resolve the grievance with the instructor of the course and student within twenty-one

~~Code of Conduct, as criteria not directly reflective of class performance, such as discrimination on political grounds, or for reasons of race, religion, sex or ethnic origin or for other arbitrary or personal reasons.~~

business days of receipt. Upon receipt of the complaint, the Chair shall, immediately, forward a copy of the complaint and of all attached documents to the instructor and inquire whether the instructor would like to submit a response or has additional documents to provide. If so, the instructor's response and additional documents must be provided within seven days from the date requested. If the grievance is not resolved to the student's satisfaction at the departmental level, the student may file a complaint with the College/School Dean having jurisdiction over the course. In these procedures the term department shall be read to understand department and/or program.

05.01.01

~~In challenging a grade that a student believes to have been awarded on the basis of non-academic criteria, the student shall present to the Dean of the college or school having jurisdiction over the course, or to the Dean of the Graduate Division, in the case of graduate students, a written brief stating the nature of the grievance, including any and all documents supporting the grievance, immediately after the alleged use of nonacademic criteria, or no later than six weeks after the beginning of the subsequent quarter. (For these procedures, Summer Session is not considered a quarter.) Upon receipt of the brief, the Dean shall, immediately, forward a copy of the brief and of all attached documents to the instructor. (Am 23 May 91)~~

05.01.01

If the grievance cannot be resolved with the instructor of the course and Chair, the student shall present to the College/School Dean having jurisdiction over the course a written complaint stating the nature of the grievance, including any and all documents supporting the grievance, immediately after the alleged use of non-academic criteria, or no later than six weeks after the beginning of the subsequent quarter. (For these procedures, Summer Session is not considered a quarter). The College/School Dean shall attempt to resolve the appeal with the instructor and student within twenty-one business days. If the instructor provided a response or additional documents to the Chair, the College/School Dean shall request these documents from the Chair.

05.01.02

The Dean, after having determined that all other avenues of adjudication have been exhausted, shall, ~~without evaluating the merits of the case,~~ submit the brief and all attached documents to the Executive Committee of the college or school, or to the Graduate Council if the complainant is a graduate student.

05.01.02

If the complainant is an undergraduate student, and if the College/School Dean is unsuccessful in reaching a resolution and has determined that all other avenues of adjudication have been exhausted, the College/School Dean shall submit to the College/School Executive Committee the complaint, all attached documents, and all evidence and documentation related to the attempted resolution of the appeal by the Chair and the College/School Dean. If the College/School Dean deems it necessary, a cover memo from the Dean may be included that summarizes the steps taken and the Dean's position on the matter.

05.01.02.01

If the complainant is a graduate student, and if the College/School Dean is unsuccessful in reaching a resolution and has determined that all other avenues of adjudication have been exhausted, the College/School Dean shall submit to the Graduate Dean the complaint, all attached documents, and all evidence and documentation related to the attempted resolution of the appeal by the Chair and the College/School Dean. If the College/School Dean deems it necessary, a cover memo from the Dean may be included that summarizes the steps taken and the Dean's position on the matter.

05.01.02.02

If the Graduate Dean is unsuccessful in reaching a resolution and has determined that all other avenues of adjudication have been exhausted, the Graduate Dean shall submit to the Graduate Council the complaint, all attached documents, and all evidence

and documentation related to the attempted resolution of the appeal by the Chair, College/School Dean, and Graduate Dean. If the Graduate Dean deems it necessary, a cover memo from the Graduate Dean may be included that summarizes the steps taken and the Graduate Dean's position on the matter.

05.01.03

The Executive Committee or the Graduate Council shall review the ~~brief~~ to determine if there is evidence that non-academic criteria were used. If the Executive Committee or the Graduate Council decides the allegations are without substance, it shall serve written notification of its findings to the complainant and to the instructor. Within ~~one week~~ of receipt of such notification, the complainant or the instructor shall have the opportunity to respond to the findings. If, after such response, the Executive Committee or the Graduate Council sustains its decision, the decision is final. The Executive Committee or the Graduate Council shall, then, forward written notification of the decision to the complainant and to the instructor. The student shall have no further recourse for filing the same grievance.

05.01.04

If there is evidence that non-academic criteria were used, the Executive Committee or the Graduate Council may review the case to arrive at a decision, or it may appoint, within ~~one week~~, an ad

05.01.03

The College/School Executive Committee (when the complainant is an undergraduate student) or the Graduate Council (when the complainant is a graduate student) shall review the complaint to determine if there is evidence that non-academic criteria were used. If the College/School Executive Committee or the Graduate Council decides the allegations are without substance, it shall serve written notification of its findings to the complainant and to the instructor. Within seven days of receipt of such notification, the complainant or the instructor shall have the opportunity to respond to the findings. If, after such response, the College/School Executive Committee or the Graduate Council sustains its decision, the decision is final. The College/School Executive Committee or the Graduate Council shall, then, forward written notification of the decision to the complainant and to the instructor. The student shall have no further recourse for filing the same grievance.

05.01.04

If there is evidence that non-academic criteria were used or if more information is needed, the College/School Executive Committee or the Graduate Council may review the case to arrive at a decision, or it may appoint, within

ad hoc Review Committee to review and adjudicate the case. The Review Committee shall consist of one Senate member of the department of which the instructor is a member whose knowledge of the discipline, or sub-discipline, qualifies him/her to evaluate all documents relevant to the case; one Senate member of the same department, or another department, in a related discipline or subdiscipline; and one Senate member from an unrelated department and discipline. In the event that an Officer of Instruction (Acting Assistant Professor, Adjunct Professor, Lecturer, etc.) may be the most qualified to evaluate the brief, the Executive Committee or the Graduate Council may make such an appointment to the ad hoc Review Committee. Neither Chairpersons of departments nor members of the Executive Committees or the Graduate Council are eligible for service on review committees.

05.01.05

The reviewing committee shall interview any individual whose testimony might facilitate resolution of the case, and shall have access to any and all documents, papers and records in the possession of the complainant, the instructor or the department, which might facilitate the resolution of the case. The complainant and the instructor shall be interviewed. At the conclusion of the case all documents shall be returned to the source from which they were obtained.

05.01.06

seven days, an ad hoc Review Committee to review and adjudicate the case. The Review Committee shall consist of one current Graduate Council member, one Senate member of the department of which the instructor is a member whose knowledge of the discipline, or sub-discipline, qualifies that person to evaluate all documents relevant to the case; one Senate member of the same department, or another department, in a related discipline or subdiscipline; and one Senate member from an unrelated department and discipline. In the event that an Officer of Instruction (Acting Assistant Professor, Adjunct Professor, Lecturer, etc.) may be the most qualified to evaluate the complaint, the College/School Executive Committee or the Graduate Council may make such an appointment to the ad hoc Review Committee. Neither Chairs of departments nor members of the College/School Executive Committees are eligible for service on review committees.

05.01.05

The review committee shall interview and/or correspond with any individual whose testimony might facilitate resolution of the case, and shall have access to any and all documents, papers and records in the possession of the complainant, the instructor or the department, which might facilitate the resolution of the case. The complainant and the instructor shall be interviewed. At the conclusion of the case all documents shall be returned to the source from which they were obtained.

05.01.06

The reviewing committee shall complete its deliberations and arrive at a decision within ~~two weeks~~ of receipt of the brief.

05.01.06.01

If the allegations of the complainant are not upheld, the Executive Committee or the Graduate Council 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 after such response the reviewing committee sustains its decision, the Executive Committee or the Graduate Council shall so notify the complainant and the instructor in writing. The student shall have no further recourse in filing the same grievance.

05.01.06.02

If the allegations of the complainant are upheld, the reviewing committee shall decide that the grade be changed from letter to letter; from letter to S, from NC to ~~letter~~ or to S. Alternatively, the reviewing committee may, with the approval of the complainant, decide that the grade be struck from the record of the complainant and that the grade points, if any, be ~~deducted~~ from the cumulative Grade Point Average.

05.01.06.03

The reviewing committee shall, then, serve written notification of its findings and its decision to the complainant and the instructor. 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 after such response,

The review committee shall complete its deliberations and arrive at a decision within twenty-one business days of receipt of the complaint.

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If the allegations of the complainant are not upheld, the College/School Executive Committee or the Graduate Council shall so notify the complainant and the instructor in writing. Within seven days of such notification, the complainant and the instructor shall have the opportunity to respond to the findings and the decision of the committee. If after such response the review committee sustains its decision, the College/School Executive Committee or the Graduate Council shall so notify the complainant and the instructor in writing. The student shall have no further recourse in filing the same grievance.

05.01.06.02

If the allegations of the complainant are upheld, the review committee shall decide that the grade be changed from one letter to a different letter or from NC to S. Alternatively, the review committee may, with the approval of the complainant, decide that the grade be struck from the record of the complainant and that the grade points, if any, be excluded from the cumulative Grade Point Average.

05.01.06.03

The review committee shall, then, serve written notification of its findings and its decision to the complainant and the instructor. Within seven days of such notification, the complainant and the instructor shall have the opportunity to respond to the findings and the decision of the review committee. If after such

the reviewing committee sustains its decision, it shall so notify the instructor to provide ~~him/her~~ the opportunity to comply with the decision. Upon refusal of the instructor to so comply, the Executive Committee or the Graduate Council shall notify the Registrar, in writing, with copies to the complainant and the instructor, that the grade be changed.

05.01.07

If the case was reviewed by an ad hoc Review Committee, the Executive Committee or the Graduate Council shall review the findings and the decision of the Review Committee to assure that due process has been followed, but not to reassess the evidence.

05.01.08

If the findings, under Section ~~R~~5.1.6, are ~~positive~~, no punitive actions are implied, or may be taken, against the instructor as a consequence 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. These procedures are designed to effect a change of grade when it has been determined that non-academic criteria have been used in assigning that grade.

05.01.09

If the findings in Section ~~R~~5.1.3 or ~~R~~5.1.6 are negative, no punitive actions are implied, or may be taken, against the complainant as a consequence 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.

response, the review committee sustains its decision, it shall so notify the instructor to provide the instructor the opportunity to comply with the decision. Upon refusal of the instructor to so comply, the College/School Executive Committee or the Graduate Council shall notify the Registrar, in writing, with copies to the complainant and the instructor, that the grade be changed.

05.01.07

If the case was reviewed by an ad hoc Review Committee, the College/School Executive Committee or the Graduate Council shall review the findings and the decision of the Review Committee to assure that due process has been followed, but not to reassess the evidence.

05.01.08

If the findings, under Section 05.01.06, are in support of the complainant, no punitive actions are implied, or may be taken, against the instructor as a consequence 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. These procedures are designed to effect a change of grade when it has been determined that non-academic criteria have been used in assigning that grade.

05.01.09

If the findings in Section 05.01.03 or 05.01.06 are in favor of the instructor, no punitive actions are implied, or may be taken, against the complainant as a consequence 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.

05.01.10

The use of non-academic criteria in assigning a grade is in violation of the Faculty Code of Conduct. Sanctions against an instructor for violation of the Faculty Code, if sought, must be through the committees of the Academic Senate (Charges and Privilege and Tenure) upon referral by the Chancellor. ~~The instructor may, if he/she~~ feels that his record has been impugned by false or unfounded charges, file charges against the complainant through the Office of the Vice Chancellor--Student Services.

05.01.10

The use of non-academic criteria in assigning a grade is in violation of the Faculty Code of Conduct. Sanctions against an instructor for violation of the Faculty Code, if sought, must be through the committees of the Academic Senate (Charges and Privilege and Tenure) upon referral by the Chancellor. If the instructor feels that the instructor's record has been impugned by false or unfounded charges, the instructor may file charges against the complainant through the Office of the Vice Chancellor--Student Affairs.

05.02

~~If the Student Conduct Committee has found that allegations of cheating or plagiarism against a student have not been proven,~~ and if the student believes that the instructor has notwithstanding assigned a grade based upon the non-academic criterion of prejudicial suspicion of ~~cheating~~, the student has the right of appeal as defined in sections R5.1 through R5.1.10 above. (En 4 Feb 88)

05.02

If allegations of Academic Integrity violation are made and the student is not found to have committed academic integrity violation, and if the student believes that the instructor has assigned a grade based upon the non-academic criterion of prejudicial suspicion of an academic integrity violation, the student has the right of appeal as defined in sections 05.01 through 05.01.10 above. (En 4 Feb 88)

Proposed changes to Regulation 5 – Procedures for the Appeal of Grades

Statement of Purpose and Effect:

Regulation 5 – Procedures for the Appeal of Grades have been updated so that they are more in line with current practice and to make the process clearer. Steps for filing a grade appeal have been added to the beginning for clarity of the process. Layers have been added to 05.01 (Chair) and 05.01.01 (College Dean for graduate grade appeals)

so there is more involvement by the department and college before appeals must be adjudicated by the Graduate Dean and Graduate Council and to ensure that students do not submit frivolous claims. In 05.01.01, the addition of allowing the instructor to comment or submit additional documentation early in the process assures a complete appeal package if the appeal reaches the level of the College Dean, Graduate Dean, and/or Graduate Council. In 05.01.02, the addition of comments from the College Dean in the form of a cover memo has been added as an option so that steps taken, and the Dean's position are conveyed. 05.01.02.01 is an added and specific to graduate grade appeals and allows the Graduate Dean to also submit a cover memo to the Graduate Council summarizing the steps taken and the Dean's position. Currently, the Graduate Council is not informed of the steps taken, if any, by parties who review appeals before they come to the Graduate Council for final determination. Additions to 05.01.04 allow the College/School Executive Committee (for undergraduate grade appeals) and the Graduate Council (for graduate grade appeals) to request further information from parties, if needed. Also in this section, one member of the Graduate Council has been added to the Review Committee since grade appeals are within the purview of the Graduate Council. In 05.01.05 flexibility is added so that the review committee can also correspond with individuals. Seven days replaces one week and "twenty-one business days" replaces "two weeks" for purposes of clarity. "College/School" has been added before "Executive Committee" throughout the document for clarity. Procedures have been updated to remove all gender-specific pronouns.

Approved by the Graduate Council: 3/4/22; revised 5/16/22

The Committee on Rules and Jurisdiction finds the wording to be consistent with the code of the Academic Senate: 05/17/2022

Received by Executive Council: 5/23/2022

**GRADUATE COUNCIL
REPORT TO THE RIVERSIDE DIVISION
~~May 24~~December, 2022**

To be adopted

PRESENT:

**R5 Procedures for the Appeal of
Grades (En 5 May 77)**

05.01

If a student believes that non-academic criteria have been used in determining his/her grade, he/she shall attempt to resolve the grievance with the instructor in the course through written appeal to the instructor via the Chairperson of the department. If the grievance is not resolved to the student's satisfaction at the departmental level, the student may file a complaint with the ~~Dean of the college or school~~ having jurisdiction over the course, ~~or with the Dean of the Graduate Division, if he/she is a graduate student.~~ ~~If such a complaint is filed, these procedures shall be followed.~~ In these procedures the term department shall be read to understand: department and/or program. ~~Non-academic criteria shall be understood, in the sense of the Faculty~~

PROPOSED:

**R5 Procedures for the Appeal of
Grades (En 5 May 77)**

R5.0 Steps for filing a grade appeal

Graduate: Student files appeal to instructor, then to department Chair and instructor, then to College/School Dean, then to Graduate Dean, then to Graduate Council

Undergraduate: Student files appeal to instructor, then to department Chair and instructor, then to College/School Dean, then to College/School Executive Committee

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If a student believes that non-academic criteria have been used in determining the student's grade, the student shall attempt to resolve the grievance with the instructor of the course. Non-academic criteria shall be understood, in the sense of the Faculty Code of Conduct, as criteria not directly reflective of class performance, such as discrimination on political grounds, or for reasons of race, religion, sex or ethnic origin or for other arbitrary or personal reasons. If the grievance is not resolved to the student's satisfaction, the student may file a written appeal with the Chair of the department. The Chair should attempt to resolve the grievance with the instructor of the course ~~faculty member~~ and student

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~~Code of Conduct, as criteria not directly reflective of class performance, such as discrimination on political grounds, or for reasons of race, religion, sex or ethnic origin or for other arbitrary or personal reasons.~~

within twenty-one business days of receipt. Upon receipt of the ~~brief~~complaint, the Chair shall, immediately, forward a copy of the ~~brief~~ complaint and of all attached documents to the instructor and inquire whether the instructor would like to submit a response or has additional documents to provide. If so, the instructor's response and additional documents must be provided within seven days from the date requested. If the grievance is not resolved to the student's satisfaction at the departmental level, the student may file a complaint with the College/School Dean having jurisdiction over the course. ~~If such a complaint is filed, these procedures shall be followed.~~ In these procedures the term department shall be read to understand department and/or program. ~~Non-academic criteria shall be understood, in the sense of the Faculty Code of Conduct, as criteria not directly reflective of class performance, such as discrimination on political grounds, or for reasons of race, religion, sex or ethnic origin or for other arbitrary or personal reasons.~~

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~~In challenging a grade that a student believes to have been awarded on the basis of non-academic criteria, the student shall present to the Dean of the college or school having jurisdiction over the course, ~~or to the Dean of the Graduate Division, in the case of graduate students,~~ a written ~~brief~~ stating the nature of the grievance, including any and all documents supporting the grievance, immediately after the alleged use of nonacademic criteria, or no later than six weeks after the beginning of the subsequent quarter. (For these~~

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~~If it is determined~~ the grievance cannot be resolved with the instructor of the course and Chair, the student shall present to the College/School Dean having jurisdiction over the course a written ~~brief~~ complaint stating the nature of the grievance, including any and all documents supporting the grievance, immediately after the alleged use of non-academic criteria, or no later than six weeks after the beginning of the subsequent quarter. (For these procedures, Summer Session is not considered a quarter). The

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procedures, Summer Session is not considered a quarter.) ~~Upon receipt of the brief, the Dean shall, immediately, forward a copy of the brief and of all attached documents to the instructor.~~ (Am 23 May 91)

College/School Dean shall attempt to resolve the appeal with the instructor and student within twenty-one business days. If the instructor provided a response or additional documents to the Chair, the College/School Dean shall request these documents from the Chair.

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~~The Dean, after having determined that all other avenues of adjudication have been exhausted, shall, without evaluating the merits of the case, submit the brief and all attached documents to the Executive Committee of the college or school, or to the Graduate Council if the complainant is a graduate student.~~

05.01.02

If the complainant is an undergraduate student, and if the College/School Dean is unsuccessful in reaching a resolution and has determined that all other avenues of adjudication have been exhausted, the College/School Dean shall submit to the College/School Executive Committee the brief/complaint, all attached documents, and all evidence and documentation related to the attempted resolution of the appeal by the Chair and the College/School Dean, to the College/School Executive Committee, or to the Graduate Dean if the complainant is a graduate student. If the College/School Dean deems it necessary, a cover memo from the Dean may be included that summarizes the steps taken and the Dean's position on the matter.

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05.01.02.01

If the complainant is a graduate student, and if the College/School Dean is unsuccessful in reaching a resolution and has determined that all other avenues of adjudication have been exhausted, the College/School Dean shall submit to the Graduate Dean shall review the appeal the complaint, all attached documents, and all evidence and documentation related to the attempted resolution of the appeal by

the Chair and the College/School Dean. If the College/School Dean deems it necessary, a cover memo from the Dean may be included that summarizes the steps taken and the Dean's position on the matter.

05.01.02.02

from the student, instructor, and College Dean and attempt to resolve the issue with both parties. If the Graduate Dean is unsuccessful in reaching a resolution and has determined that all other avenues of adjudication have been exhausted, the Graduate Dean shall submit to the Graduate Council the briefcomplaint, all attached documents, and all evidence and documentation related to the attempted resolution of the appeal by the Chair, College/School Dean, and Graduate Dean. If the Graduate Dean deems it necessary, a cover memo from the Graduate Dean may be included that summarizes the steps taken and the Graduate Dean's position on the matter.

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The Executive Committee or the Graduate Council shall review the ~~brief~~ to determine if there is evidence that non-academic criteria were used. If the Executive Committee or the Graduate Council decides the allegations are without substance, it shall serve written notification of its findings to the complainant and to the instructor. Within ~~one week~~ of receipt of such notification, the complainant or the instructor shall have the opportunity to respond to the findings. If, after such response, the Executive Committee or the Graduate Council sustains its decision, the decision is final. The Executive Committee or the Graduate Council shall, then, forward written notification of the decision to the

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The College/School Executive Committee (when the complainant is an undergraduate student) or the Graduate Council (when the complainant is a graduate student) shall review the ~~brief~~ complaint to determine if there is evidence that non-academic criteria were used. If the College/School Executive Committee or the Graduate Council decides the allegations are without substance, it shall serve written notification of its findings to the complainant and to the instructor. Within seven days of receipt of such notification, the complainant or the instructor shall have the opportunity to respond to the findings. If, after such response, the College/School Executive

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complainant and to the instructor. The student shall have no further recourse for filing the same grievance.

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05.01.04

If there is evidence that non-academic criteria were used, the Executive Committee or the Graduate Council may review the case to arrive at a decision, or it may appoint, within ~~one week~~, an ad hoc Review Committee to review and adjudicate the case. The Review Committee shall consist of one Senate member of the department of which the instructor is a member whose knowledge of the discipline, or sub-discipline, qualifies ~~him/her~~ to evaluate all documents relevant to the case; one Senate member of the same department, or another department, in a related discipline or subdiscipline; and one Senate member from an unrelated department and discipline. In the event that an Officer of Instruction (Acting Assistant Professor, Adjunct Professor, Lecturer, etc.) may be the most qualified to evaluate the ~~brief~~, the Executive Committee or the Graduate Council may make such an appointment to the ad hoc Review Committee. Neither Chairpersons of departments nor members of the Executive Committees ~~or the Graduate Council~~ are eligible for service on review committees.

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If there is evidence that non-academic criteria were used or if more information is needed, the College/School Executive Committee or the Graduate Council may review the case to arrive at a decision, or it may appoint, within seven days, an ad hoc Review Committee to review and adjudicate the case. The Review Committee shall consist of one current Graduate Council member, one Senate member of the department of which the instructor is a member whose knowledge of the discipline, or sub-discipline, qualifies ~~them that person~~ to evaluate all documents relevant to the case; one Senate member of the same department, or another department, in a related discipline or subdiscipline; and one Senate member from an unrelated department and discipline. In the event that an Officer of Instruction (Acting Assistant Professor, Adjunct Professor, Lecturer, etc.) may be the most qualified to evaluate the ~~brief~~complaint, the College/School Executive Committee or the Graduate Council may make such an appointment to the ad hoc Review Committee. Neither Chairs of departments nor members of the College/School Executive Committees are eligible for service on review committees.

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05.01.05

The reviewing committee shall interview any individual whose testimony might facilitate resolution of the case, and shall have access to any and all documents, papers and records in the possession of the complainant, the instructor or the department, which might facilitate the resolution of the case. The complainant and the instructor shall be interviewed. At the conclusion of the case all documents shall be returned to the source from which they were obtained.

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The reviewing committee shall interview ~~and/or correspond with~~ any individual whose testimony might facilitate resolution of the case, and shall have access to any and all documents, papers and records in the possession of the complainant, the instructor or the department, which might facilitate the resolution of the case. The complainant and the instructor shall be interviewed. At the conclusion of the case all documents shall be returned to the source from which they were obtained.

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05.01.06

The reviewing committee shall complete its deliberations and arrive at a decision within ~~two weeks~~ of receipt of the ~~brief~~.

05.01.06

The reviewing committee shall complete its deliberations and arrive at a decision within ~~twenty-one business days~~ of receipt of the ~~brief~~ complaint.

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05.01.06.01

If the allegations of the complainant are not upheld, the Executive Committee or the Graduate Council 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 after such response the reviewing committee sustains its decision, the Executive Committee or the Graduate Council shall so notify the complainant and the instructor in writing. The student shall have no further recourse in filing the same grievance.

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If the allegations of the complainant are not upheld, the College/School Executive Committee or the Graduate Council shall so notify the complainant and the instructor in writing. Within seven days of such notification, the complainant and the instructor shall have the opportunity to respond to the findings and the decision of the committee. If after such response the reviewing committee sustains its decision, the College/School Executive Committee or the Graduate Council shall so notify the complainant and the instructor in writing. The student shall have no further recourse in filing the same grievance.

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The reviewing committee shall, then, serve written notification of its findings and its decision to the complainant and the instructor. 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 after such response, the reviewing committee sustains its decision, it shall so notify the instructor to provide ~~him/her~~ the opportunity to comply with the decision. Upon refusal of the instructor to so comply, the Executive Committee or the Graduate Council shall notify the Registrar, in writing, with copies to the complainant and the instructor, that the grade be changed.

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If the case was reviewed by an ad hoc Review Committee, the Executive Committee or the Graduate Council shall review the findings and the decision of the Review Committee to assure that due process has been followed, but not to reassess the evidence.

05.01.08

If the findings, under Section ~~R5.1.6~~, are ~~positive~~, no punitive actions are implied, or may be taken, against the instructor as a consequence of these procedures. Neither the filing of charges nor the final disposition of the case shall, under any circumstances, become a part of the

committee may, with the approval of the complainant, decide that the grade be struck from the record of the complainant and that the grade points, if any, be ~~deducted-excluded~~ from the cumulative Grade Point Average.

05.01.06.03

The reviewing committee shall, then, serve written notification of its findings and its decision to the complainant and the instructor. Within seven days of such notification, the complainant and the instructor shall have the opportunity to respond to the findings and the decision of the review committee. If after such response, the reviewing committee sustains its decision, it shall so notify the instructor to provide ~~them~~ instructor the opportunity to comply with the decision. Upon refusal of the instructor to so comply, the College/School Executive Committee or the Graduate Council shall notify the Registrar, in writing, with copies to the complainant and the instructor, that the grade be changed.

05.01.07

If the case was reviewed by an ad hoc Review Committee, the College/School Executive Committee or the Graduate Council shall review the findings and the decision of the Review Committee to assure that due process has been followed, but not to reassess the evidence.

05.01.08

If the findings, under Section ~~R05.01.06~~, are in support of the complainant ~~positive~~, no punitive actions are implied, or may be taken, against the instructor as a consequence of these procedures. Neither the filing of charges nor the final disposition of the case shall, under any

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Personnel file of the instructor. These procedures are designed to effect a change of grade when it has been determined that non-academic criteria have been used in assigning that grade.

05.01.09

If the findings in Section ~~R5.1.3~~ or ~~R5.1.6~~ are negative, no punitive actions are implied, or may be taken, against the complainant as a consequence 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.

05.01.10

The use of non-academic criteria in assigning a grade is in violation of the Faculty Code of Conduct. Sanctions against an instructor for violation of the Faculty Code, if sought, must be through the committees of the Academic Senate (Charges and Privilege and Tenure) upon referral by the Chancellor. ~~The instructor may, if he/she~~ feels that his record has been impugned by false or unfounded charges, file charges against the complainant through the Office of the Vice Chancellor--Student Services.

05.02

~~If the Student Conduct Committee has found that allegations of cheating or plagiarism against a student have not been proven,~~ and if the student believes that the instructor has notwithstanding assigned a grade based upon the non-academic criterion of prejudicial suspicion of ~~cheating~~, the student has the right of

circumstances, become a part of the Personnel file of the instructor. These procedures are designed to effect a change of grade when it has been determined that non-academic criteria have been used in assigning that grade.

05.01.09

If the findings in Section ~~R05.01.03~~ or ~~R05.01.06~~ are in favor of the instructor~~negative~~, no punitive actions are implied, or may be taken, against the complainant as a consequence 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.

05.01.10

The use of non-academic criteria in assigning a grade is in violation of the Faculty Code of Conduct. Sanctions against an instructor for violation of the Faculty Code, if sought, must be through the committees of the Academic Senate (Charges and Privilege and Tenure) upon referral by the Chancellor. If the instructor feels that the instructor's ~~The instructor may, if they feel that their~~ record has been impugned by false or unfounded charges, the instructor may file charges against the complainant through the Office of the Vice Chancellor--Student Affairs.

05.02

If allegations of Academic Integrity violation are made and the student is not found ~~responsible to have committed academic integrity violation,~~ and if the student believes that the instructor has assigned a grade based upon the non-academic criterion of prejudicial suspicion of an academic integrity violation, the student has the

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appeal as defined in sections ~~R5.1~~ right of appeal as defined in sections
through ~~R5.1.10~~ above. (En 4 Feb 88) ~~R05.01~~ through ~~R05.01.10~~ above. (En 4
Feb 88)

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Proposed changes to Regulation 5 – Procedures for the Appeal of Grades

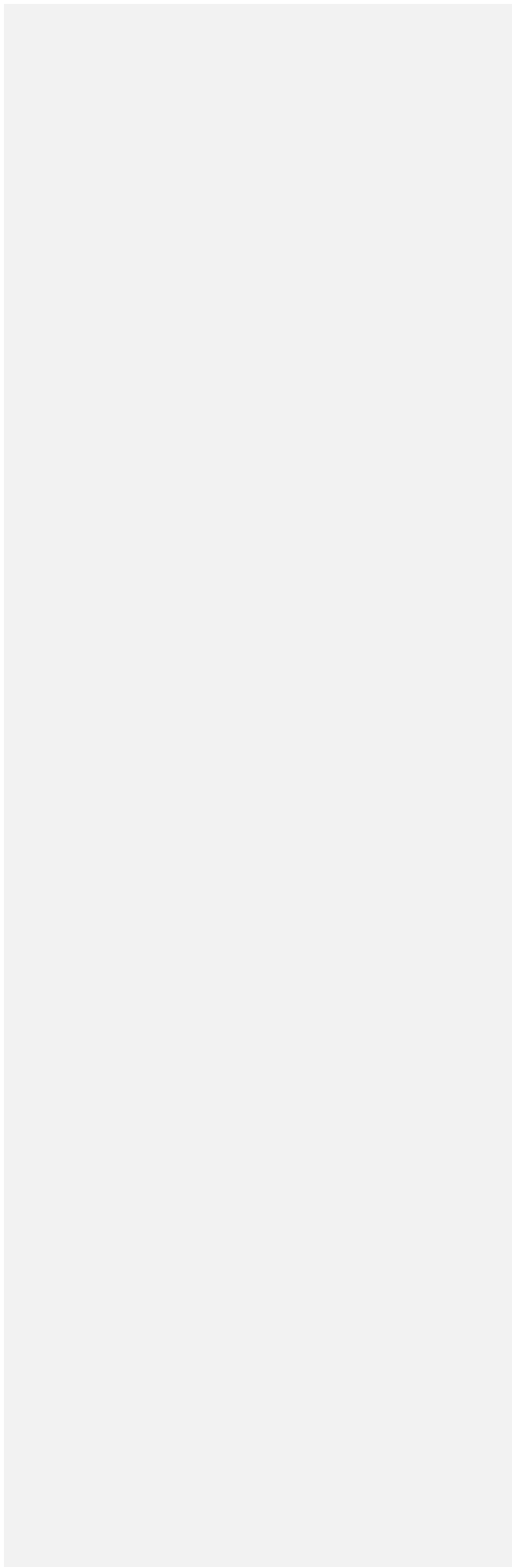
Statement of Purpose and Effect:

Regulation 5 – Procedures for the Appeal of Grades have been updated so that they are more in line with current practice and to make the process clearer. Steps for filing a grade appeal have been added to the beginning for clarity of the process. Layers have been added to 05.01 (Chair) and 05.01.01 (College Dean for graduate grade appeals) so there is more involvement by the department and college before appeals must be adjudicated by the Graduate Dean and Graduate Council and to ensure that students do not submit frivolous claims. In 05.01.01, the addition of allowing the instructor to comment or submit additional documentation early in the process assures a complete appeal package if the appeal reaches the level of the College Dean, Graduate Dean, and/or Graduate Council. In 05.01.02, the addition of comments from the College Dean in the form of a cover memo has been added as an option so that steps taken, and the Dean's position are conveyed. 05.01.02.01 is an added and specific to graduate grade appeals and allows the Graduate Dean to also submit a cover memo to the Graduate Council summarizing the steps taken and the Dean's position. Currently, the Graduate Council is not informed of the steps taken, if any, by parties who review appeals before they come to the Graduate Council for final determination. Additions to 05.01.04 allow the College/School Executive Committee (for undergraduate grade appeals) and the Graduate Council (for graduate grade appeals) to request further information from parties, if needed. Also in this section, one member of the Graduate Council has been added to the Review Committee since grade appeals are within the purview of the Graduate Council. In 05.01.05 flexibility is added so that the reviewing committee can also correspond with individuals. Seven days replaces one week and "twenty-one business days" replaces "two weeks" for purposes of clarity. "College/School" has been added before "Executive Committee" throughout the document for clarity. Procedures have been updated to remove all gender-specific pronouns.

Approved by the Graduate Council: 3/4/22

The Committee on Rules and Jurisdiction finds the wording to be consistent with the code of the Academic Senate: _____

Received by Executive Council: _____





Academic Senate

EXECUTIVE COUNCIL

May 10, 2022

To: Don Collins
Chair, Graduate Council

From: Jason Stajich
Chair, Riverside Division

RE: **Proposed Update to UCR Regulation 5 - Procedures for the Appeal of Grades**

Dear Don,

Executive Council included the subject proposal during their May 9, 2022 meeting. Council had no additional comments beyond those in the attached consultative feedback from tasked committees that responded to the request for review and comment.

I trust the attached proves helpful for a potential revision.


Sincerely,
/s/Jason

Cc: Sarah Miller, Senate Analyst



April 8, 2022

TO: Jason Stajich, Chair
Riverside Division of the Academic Senate

FROM: John Kim, Chair 
CHASS Executive Committee

RE: Regulation Change: Proposed Update to UCR Regulation 5 - Procedures for the
Appeal of Grades

The CHASS Executive Committee met via zoom at the regular meeting on April 6, 2022. The committee have no comments on the proposed update on the regulation change.



7 April 2022

To: Jason Stajich, Chair
Riverside Division

From: Theodore Garland, Jr., Chair, Executive Committee
College of Natural and Agricultural Science

Re: Campus Review: Regulation Change: Proposed Update to the UCR
Regulation 5 – Procedures for the Appeal of Grades

The CNAS Executive Committee supports this proposal.

Cheers,

A handwritten signature in black ink that reads "Ted Garland".



COMMITTEE ON RULES AND JURISDICTION

March 24, 2022

To: Jason Stajich
Chair, Riverside Division

From: Kathleen Montgomery, Chair
Committee on Rules and Jurisdiction

Re: Regulation Change: Proposed Update to UCR Regulation 5 - Procedures for the Appeal of Grades

The Committee on Rules and Jurisdiction reviewed the Proposed Update to UCR Regulation 5 - Procedures for the Appeal of Grades and offers the following:

General comments:

- For clarity, terminology needs to be consistent throughout.
 - o Throughout, please replace **Chairperson** with **Chair**
 - o Throughout, please refer to **College/School Dean** (rather than **Dean of the college or school**, as currently appears in several places)
 - o Throughout, the term **brief** appears but is not defined – is this the same as the **complaint**? Be consistent. If **complaint** is sufficient, please use that term instead of **brief** (which sounds overly legalistic)
 - o Throughout, please be consistent in referring to the **Review Committee**, rather than the **reviewing committee**
 - o When fixing text to gender neutral language, using “**the student**” is more desirable than “they” + singular verb, in order to avoid the appearance of an error.

05.01

- First sentence: please replace **their** with **the student’s**
- First sentence: please replace **they** with **the student**
- First sentence: suggest inserting definition of **non-academic criteria** as second sentence (from last sentence of 05.01, so that reference to non-academic criteria is not left hanging until the end of this section)
- Second sentence: please replace **faculty member** with **instructor of the course**
- Third sentence: the word **brief** appears for the first time, but it is not defined. Please clarify what this is intended to mean. Would it be sufficient to refer to this as **complaint**?
- Second-to-last sentence: What does it mean to say **If such a complaint is filed, these procedures shall be followed**? No procedures have been described as yet, and this comment could be dropped.
- Last sentence: suggest move this up and placed immediately after the first sentence.

05.01.01

- First sentence: **If it is determined...** (by whom?)
- First sentence: please add instructor **of the course**

05.01.02

- First sentence: for consistency, use **College/School Dean**
- First sentence: please clarify that this section is intended to apply to undergraduate students – also is missing a word. Perhaps rephrase this entire section as follows:

If the complainant is an undergraduate student, and if the College/School Dean is unsuccessful in reaching a resolution and has determined that all other avenues of adjudication have been exhausted, the College/School Dean shall submit to the College/School Executive Committee the complaint, all attached documents, and all evidence and documentation related to the attempted resolution of the appeal by the Chair and the College/School Dean. If the College/School Dean deems it necessary, a cover memo from the Dean may be included that summarizes the steps taken and the Dean's position on the matter.

05.01.02.01

For consistency to previous section and for better clarity, perhaps rephrase this entire section as follows:

If the complainant is a graduate student, and if the College/School Dean is unsuccessful in reaching a resolution and has determined that all other avenues of adjudication have been exhausted, the College/School Dean shall submit to the Graduate Dean the complaint, all attached documents, and all evidence and documentation related to the attempted resolution of the appeal by the Chair and the College/School Dean. If the College/School Dean deems it necessary, a cover memo from the Dean may be included that summarizes the steps taken and the Dean's position on the matter.

Add new section:

05.01.02.02

If the Graduate Dean is unsuccessful in reaching a resolution and has determined that all other avenues of adjudication have been exhausted, the Graduate Dean shall submit to the Graduate Council the complaint, all attached documents, and all evidence and documentation related to the attempted resolution of the appeal by the Chair, the College/School Dean, and the Graduate Dean. If the Graduate Dean deems it necessary, a cover memo from the Graduate Dean may be included that summarizes the steps taken and the Graduate Dean's position on the matter.

05.01.03

For clarity add:

First sentence: Add clarifying wording: The College/School Executive Committee (**when the complainant is an undergraduate student**) or the Graduate Council (**when the complainant is a graduate student**) shall review the **complaint...**

05.01.04

- Second sentence: please replace **them** with **that person**

05.01.06.02

Last sentence: it would be more accurate to replace **deducted** with **excluded**

05.01.06.03

Second sentence: please clarify **Review Committee** (not simply **committee**)

Third sentence: it is unclear who **them** is referring to (**the student?** **the instructor of the course?** **The Review Committee?**)

05.01.08

First sentence: what does it mean to say the findings are **positive**? Please clarify what **positive** means. (A finding in support of the complainant or in support of the instructor?)

First sentence: please provide the correct section reference -- I believe this should be 05.01.06 (not R5.1.6)

05.01.09

First sentence: as above, please clarify what a **negative** finding means (in favor of the instructor or the complainant).

First sentence: as above, please provide the correct section references – I believe this should be 05.01.03 or 05.01.06

05.01.10

Second sentence: please rephrase to avoid grammatical error. Perhaps, **If the instructor feels that the instructor's record has been impugned..., the instructor may**

05.02

First sentence: please clarify what **responsible** refers to in the statement, ...the student is not found **responsible** (perhaps rephrase: **If the student is not found to have committed academic integrity violation**, and if the students believes that the instructor...

First sentence: please correct the section references



March 23, 2022

To: Jason Stajich, Ph.D., Chair, Academic Senate, UCR Division

From: Declan McCole, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine

Subject: [Campus Review] Regulation Change: *Proposed Update to UCR Regulation 5 - Procedures for the Appeal of Grades*

Dear Jason,

The SOM Faculty Executive Committee has reviewed the Proposed Regulation Change Update to UCR Regulation 5 - Procedures for the Appeal of Grades.

The Committee would like confirmation that these *Procedures for the Appeal of Grades* apply to undergraduate and graduate students only, and do not supersede SOM Progress and Promotions Committee regulations concerning medical students. The SOM has procedures in place for medical student issues and appeals. These SOM procedures are required and in alignment with Liaison Committee on Medical Education (LCME) accreditation guidelines.

The Committee is in favor of adopting the proposed regulation change if it does not supersede SOM Progress and Promotions Committee regulations.

Yours sincerely,

A handwritten signature in black ink that reads "Declan F. McCole".

Declan F. McCole, Ph.D.
Chair, Faculty Executive Committee School of Medicine



School of Public Policy
University of California, Riverside
INTS 4133 | 900 University Ave
Riverside, CA 92521

TO: Jason Stajich, Chair
Riverside Division

FR: Richard M. Carpiano, Chair
Executive Committee, School of Public Policy

RE: [Campus Review] (Regulation Change) Proposed Update to UCR Regulation 5 -
Procedures for the Appeal of Grades

Date: April 21, 2022

The Executive Committee of the School of Public Policy reviewed the documentation for “[Campus Review] (Regulation Change) Proposed Update to UCR Regulation 5 - Procedures for the Appeal of Grades.” We have no comments or concerns with these proposed changes.

Sincerely,

A handwritten signature in black ink that reads "Richard M. Carpiano". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Richard M. Carpiano, Ph.D., M.P.H.
Professor of Public Policy

**GRADUATE COUNCIL
REPORT TO THE RIVERSIDE DIVISION
May 24, 2022**

To be adopted

PRESENT:

**R5 Procedures for the Appeal of
Grades (En 5 May 77)**

05.01

If a student believes that non-academic criteria have been used in determining his/her grade, he/she shall attempt to resolve the grievance with the instructor in the course through written appeal to the instructor via the Chairperson of the department. If the grievance is not resolved to the student's satisfaction at the departmental level, the student may file a complaint with the Dean of the college or school having jurisdiction over the course, or with the Dean of the Graduate Division, if he/she is a graduate student. If such a complaint is filed, these procedures shall be followed. In these procedures the term department shall be read to understand: department and/or program. Non-academic criteria shall be understood, in the sense of the Faculty

PROPOSED:

**R5 Procedures for the Appeal of
Grades (En 5 May 77)**

R5.0 Steps for filing a grade appeal

Graduate: Student files appeal to instructor, then to department Chair and instructor, then to College/School Dean, then to Graduate Dean, then to Graduate Council

Undergraduate: Student files appeal to instructor, then to department Chair and instructor, then to College/School Dean, then to College/School Executive Committee

05.01

If a student believes that non-academic criteria have been used in determining their grade, they shall attempt to resolve the grievance with the instructor of the course. If the grievance is not resolved to the student's satisfaction, the student may file a written appeal with the Chairperson of the department. The Chairperson should attempt to resolve the grievance with the faculty member and student within twenty-one business days of receipt. Upon receipt of the brief, the Chairperson shall, immediately, forward a copy of the brief and of all attached documents to the instructor and inquire whether the instructor would like to submit a response or has additional documents to provide. If so, the instructor's

Code of Conduct, as criteria not directly reflective of class performance, such as discrimination on political grounds, or for reasons of race, religion, sex or ethnic origin or for other arbitrary or personal reasons.

response and additional documents must be provided within seven days from the date requested. If the grievance is not resolved to the student's satisfaction at the departmental level, the student may file a complaint with the Dean of the college or school having jurisdiction over the course. If such a complaint is filed, these procedures shall be followed. In these procedures the term department shall be read to understand department and/or program. Non-academic criteria shall be understood, in the sense of the Faculty Code of Conduct, as criteria not directly reflective of class performance, such as discrimination on political grounds, or for reasons of race, religion, sex or ethnic origin or for other arbitrary or personal reasons.

05.01.01

~~In challenging a grade that a student believes to have been awarded on the basis of non-academic criteria, the student shall present to the Dean of the college or school having jurisdiction over the course, or to the Dean of the Graduate Division, in the case of graduate students, a written brief stating the nature of the grievance, including any and all documents supporting the grievance, immediately after the alleged use of nonacademic criteria, or no later than six weeks after the beginning of the subsequent quarter. (For these procedures, Summer Session is not considered a quarter.) Upon receipt of the brief, the Dean shall, immediately, forward a copy of the brief and of all attached documents to the instructor. (Am 23 May 91)~~

05.01.01

If it is determined the grievance cannot be resolved with the instructor and Chairperson, the student shall present to the Dean of the college or school having jurisdiction over the course a written brief stating the nature of the grievance, including any and all documents supporting the grievance, immediately after the alleged use of non-academic criteria, or no later than six weeks after the beginning of the subsequent quarter. (For these procedures, Summer Session is not considered a quarter). The Dean of the college or school shall attempt to resolve the appeal with the instructor and student within twenty-one business days. If the instructor provided a response or additional documents to the Chairperson, the College/School Dean shall request these documents from the Chairperson.

05.01.02

~~The Dean, after having determined that all other avenues of adjudication have been exhausted, shall, without evaluating the merits of the case, submit the brief and all attached documents to the Executive Committee of the college or school, or to the Graduate Council if the complainant is a graduate student.~~

05.01.02

If the Dean of the college or school is unsuccessful in reaching a resolution and has determined that all other avenues of adjudication have been exhausted, shall submit the brief, all attached documents, and all evidence and documentation related to the attempted resolution of the appeal by the Chairperson and College Dean to the College/School Executive Committee, or to the Graduate Dean if the complainant is a graduate student. If the College/School Dean deems it necessary, a cover memo from the Dean may be included that summarizes the steps taken and the Dean's position.

05.01.02.01

If the complainant is a graduate student, the Graduate Dean shall review the appeal and documentation from the student, instructor, and College Dean and attempt to resolve the issue with both parties. If the Graduate Dean is unsuccessful in reaching a resolution and has determined that all other avenues of adjudication have been exhausted, the Graduate Dean shall submit to the Graduate Council the brief, all attached documents, and all evidence and documentation related to the attempted resolution of the appeal by the Chairperson, College Dean, and Graduate Dean. If the Graduate Dean deems it necessary, a cover memo from the Dean may be included that summarizes the steps taken and the Dean's position.

05.01.03

The Executive Committee or the Graduate Council shall review the brief to determine if there is evidence that non-academic criteria were used. If the Executive Committee or the Graduate

05.01.03

The College/School Executive Committee or the Graduate Council shall review the brief to determine if there is evidence that non-academic criteria were used. If the College/School

Council decides the allegations are without substance, it shall serve written notification of its findings to the complainant and to the instructor. Within ~~one week~~ of receipt of such notification, the complainant or the instructor shall have the opportunity to respond to the findings. If, after such response, the Executive Committee or the Graduate Council sustains its decision, the decision is final. The Executive Committee or the Graduate Council shall, then, forward written notification of the decision to the complainant and to the instructor. The student shall have no further recourse for filing the same grievance.

05.01.04

If there is evidence that non-academic criteria were used, the Executive Committee or the Graduate Council may review the case to arrive at a decision, or it may appoint, within ~~one week~~, an ad hoc Review Committee to review and adjudicate the case. The Review Committee shall consist of one Senate member of the department of which the instructor is a member whose knowledge of the discipline, or sub-discipline, qualifies ~~him/her~~ to evaluate all documents relevant to the case; one Senate member of the same department, or another department, in a related discipline or subdiscipline; and one Senate member from an unrelated department and discipline. In the event that an Officer of Instruction (Acting Assistant Professor, Adjunct Professor, Lecturer, etc.) may be the most qualified to evaluate the brief, the Executive Committee or the Graduate Council may make such an appointment to the ad hoc Review Committee. Neither Chairpersons

Executive Committee or the Graduate Council decides the allegations are without substance, it shall serve written notification of its findings to the complainant and to the instructor. Within seven days of receipt of such notification, the complainant or the instructor shall have the opportunity to respond to the findings. If, after such response, the College/School Executive Committee or the Graduate Council sustains its decision, the decision is final. The College/School Executive Committee or the Graduate Council shall, then, forward written notification of the decision to the complainant and to the instructor. The student shall have no further recourse for filing the same grievance.

05.01.04

If there is evidence that non-academic criteria were used or if more information is needed, the College/School Executive Committee or the Graduate Council may review the case to arrive at a decision, or it may appoint, within seven days, an ad hoc Review Committee to review and adjudicate the case. The Review Committee shall consist of one current Graduate Council member, one Senate member of the department of which the instructor is a member whose knowledge of the discipline, or sub-discipline, qualifies them to evaluate all documents relevant to the case; one Senate member of the same department, or another department, in a related discipline or subdiscipline; and one Senate member from an unrelated department and discipline. In the event that an Officer of Instruction (Acting Assistant Professor, Adjunct Professor, Lecturer, etc.) may be the most qualified to evaluate the brief, the College/School Executive

of departments nor members of the Executive Committees ~~or the Graduate Council~~ are eligible for service on review committees.

05.01.05

The reviewing committee shall interview any individual whose testimony might facilitate resolution of the case, and shall have access to any and all documents, papers and records in the possession of the complainant, the instructor or the department, which might facilitate the resolution of the case. The complainant and the instructor shall be interviewed. At the conclusion of the case all documents shall be returned to the source from which they were obtained.

05.01.06

The reviewing committee shall complete its deliberations and arrive at a decision within ~~two weeks~~ of receipt of the brief.

05.01.06.01

If the allegations of the complainant are not upheld, the Executive Committee or the Graduate Council 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 after such response the reviewing committee sustains its decision, the Executive Committee or the Graduate Council shall so notify the complainant and the instructor in writing. The student shall have no further recourse in filing the same grievance.

Committee or the Graduate Council may make such an appointment to the ad hoc Review Committee. Neither Chairpersons of departments nor members of the College/School Executive Committees are eligible for service on review committees.

05.01.05

The reviewing committee shall interview and/or correspond with any individual whose testimony might facilitate resolution of the case, and shall have access to any and all documents, papers and records in the possession of the complainant, the instructor or the department, which might facilitate the resolution of the case. The complainant and the instructor shall be interviewed. At the conclusion of the case all documents shall be returned to the source from which they were obtained.

05.01.06

The reviewing committee shall complete its deliberations and arrive at a decision within twenty-one business days of receipt of the brief.

05.01.06.01

If the allegations of the complainant are not upheld, the College/School Executive Committee or the Graduate Council shall so notify the complainant and the instructor in writing. Within seven days of such notification, the complainant and the instructor shall have the opportunity to respond to the findings and the decision of the committee. If after such response the reviewing committee sustains its decision, the College/School Executive Committee or the Graduate Council shall so notify the complainant and the instructor in writing. The student shall

05.01.06.02

If the allegations of the complainant are upheld, the reviewing committee shall decide that the grade be changed from letter to letter, ~~from letter to S, from NC to letter or to S.~~ Alternatively, the reviewing committee may, with the approval of the complainant, decide that the grade be struck from the record of the complainant and that the grade points, if any, be deducted from the cumulative Grade Point Average.

05.01.06.03

The reviewing committee shall, then, serve written notification of its findings and its decision to the complainant and the instructor. 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 after such response, the reviewing committee sustains its decision, it shall so notify the instructor to provide ~~him/her~~ the opportunity to comply with the decision. Upon refusal of the instructor to so comply, the Executive Committee or the Graduate Council shall notify the Registrar, in writing, with copies to the complainant and the instructor, that the grade be changed.

05.01.07

If the case was reviewed by an ad hoc Review Committee, the Executive Committee or the Graduate Council shall review the findings and the decision of the Review Committee to assure that due process has been followed, but not to reassess the evidence.

05.01.08

have no further recourse in filing the same grievance.

05.01.06.02

If the allegations of the complainant are upheld, the reviewing committee shall decide that the grade be changed from one letter to a different letter or from NC to S. Alternatively, the reviewing committee may, with the approval of the complainant, decide that the grade be struck from the record of the complainant and that the grade points, if any, be deducted from the cumulative Grade Point Average.

05.01.06.03

The reviewing committee shall, then, serve written notification of its findings and its decision to the complainant and the instructor. Within seven days of such notification, the complainant and the instructor shall have the opportunity to respond to the findings and the decision of the committee. If after such response, the reviewing committee sustains its decision, it shall so notify the instructor to provide them the opportunity to comply with the decision. Upon refusal of the instructor to so comply, the College/School Executive Committee or the Graduate Council shall notify the Registrar, in writing, with copies to the complainant and the instructor, that the grade be changed.

05.01.07

If the case was reviewed by an ad hoc Review Committee, the College/School Executive Committee or the Graduate Council shall review the findings and the decision of the Review Committee to assure that due process has been followed, but not to reassess the evidence.

If the findings, under Section R5.1.6, are positive, no punitive actions are implied, or may be taken, against the instructor as a consequence 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. These procedures are designed to effect a change of grade when it has been determined that non-academic criteria have been used in assigning that grade.

05.01.09

If the findings in Section R5.1.3 or R5.1.6 are negative, no punitive actions are implied, or may be taken, against the complainant as a consequence 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.

05.01.10

The use of non-academic criteria in assigning a grade is in violation of the Faculty Code of Conduct. Sanctions against an instructor for violation of the Faculty Code, if sought, must be through the committees of the Academic Senate (Charges and Privilege and Tenure) upon referral by the Chancellor. The instructor may, if he/she feels that his record has been impugned by false or unfounded charges, file charges against the complainant through the Office of the Vice Chancellor--Student Services.

05.02

~~If the Student Conduct Committee has found that allegations of cheating or plagiarism against a student have not been proven,~~ and if the student believes that the instructor has notwithstanding

05.01.08

If the findings, under Section R5.1.6, are positive, no punitive actions are implied, or may be taken, against the instructor as a consequence 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. These procedures are designed to effect a change of grade when it has been determined that non-academic criteria have been used in assigning that grade.

05.01.09

If the findings in Section R5.1.3 or R5.1.6 are negative, no punitive actions are implied, or may be taken, against the complainant as a consequence 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.

05.01.10

The use of non-academic criteria in assigning a grade is in violation of the Faculty Code of Conduct. Sanctions against an instructor for violation of the Faculty Code, if sought, must be through the committees of the Academic Senate (Charges and Privilege and Tenure) upon referral by the Chancellor. The instructor may, if they feel that their record has been impugned by false or unfounded charges, file charges against the complainant through the Office of the Vice Chancellor--Student Affairs.

05.02

If allegations of Academic Integrity violation are made and the student is not found responsible, and if the student believes that the instructor has assigned

assigned a grade based upon the non-academic criterion of prejudicial suspicion of ~~cheating~~, the student has the right of appeal as defined in sections R5.1 through R5.1.10 above. (En 4 Feb 88)

a grade based upon the non-academic criterion of prejudicial suspicion of an academic integrity violation, the student has the right of appeal as defined in sections R5.1 through R5.1.10 above. (En 4 Feb 88)

Proposed changes to Regulation 5 – Procedures for the Appeal of Grades

Statement of Purpose and Effect:

Regulation 5 – Procedures for the Appeal of Grades have been updated so that they are more in line with current practice and to make the process clearer. Steps for filing a grade appeal have been added to the beginning for clarity of the process. Layers have been added to 05.01 (Chairperson) and 05.01.01 (College Dean for graduate grade appeals) so there is more involvement by the department and college before appeals must be adjudicated by the Graduate Dean and Graduate Council and to ensure that students do not submit frivolous claims. In 05.01.01, the addition of allowing the instructor to comment or submit additional documentation early in the process assures a complete appeal package if the appeal reaches the level of the College Dean, Graduate Dean, and/or Graduate Council. In 05.01.02, the addition of comments from the College Dean in the form of a cover memo has been added as an option so that steps taken, and the Dean's position are conveyed. 05.01.02.01 is an added and specific to graduate grade appeals and allows the Graduate Dean to also submit a cover memo to the Graduate Council summarizing the steps taken and the Dean's position. Currently, the Graduate Council is not informed of the steps taken, if any, by parties who review appeals before they come to the Graduate Council for final determination. Additions to 05.01.04 allow the College/School Executive Committee (for undergraduate grade appeals) and the Graduate Council (for graduate grade appeals) to request further information from parties, if needed. Also in this section, one member of the Graduate Council has been added to the Review Committee since grade appeals are within the purview of the Graduate Council. In 05.01.05 flexibility is added so that the reviewing committee can also correspond with individuals. Seven days replaces one week and "twenty-one business days" replaces "two weeks" for purposes of clarity. "College/School" has been added before "Executive Committee" throughout the document for clarity. Procedures have been updated to remove all gender-specific pronouns.

Approved by the Graduate Council: 3/4/22

Section below is for Senate use only

(if applicable) Approved by the Committee on _____: (Insert date of committee approval)

The Committee on Rules and Jurisdiction finds the
wording to be consistent with the code of the
Academic Senate:

(leave blank)

Received by Executive Council:

(leave blank)