

502 GRADE APPEALS [En 5/23/78, Am 6/10/97, Am 5/26/15, Am 6/11/24]

A) General

- 1) If a student can provide evidence indicating that nonacademic criteria have been used in determining their grade in a course, they may follow the procedures described in this Regulation. [Am 6/11/24]
- 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 to all parties involved with the appeal. 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, Am 6/11/24]
- 4) If a medical student wishes to appeal a grade in a School of Medicine course, they must follow procedures described in Regulation 503, instead of Regulation 502. [Am 1/28/14]

B) Process for Resolving Grievance [Am 6/11/24]

- 1) The student is encouraged to first request to resolve the grievance with the instructor within the first month of the following regular academic quarter after the grade was assigned. [Am 6/10/97]
- 2) If the grievance is not resolved to the student's satisfaction, the student must request to resolve the grievance through written appeal to the department chair or equivalent, who shall attempt to mediate the case with the instructor and the student within two weeks. The department chair or equivalent must provide a written response to the student's appeal. When 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 forward such reports to the Office for the Prevention of Harassment and Discrimination (OPHD), as required by PPM 200-23 "Any Responsible Employee who receives a report of Prohibited Conduct shall forward all such reports to OPHD." The grade appeal and OPHD investigation may occur simultaneously.
- 3) If the grievance still is not resolved to the student's satisfaction, the student must request to resolve the grievance through written appeal to the provost of their college (undergraduate students), or the cognizant school dean (graduate students), who shall attempt to mediate the case with the instructor, the chair and the student within one month. For appeals from graduate students, the cognizant school dean may consult with the Dean of Graduate Education to help mediate the case. The provost or dean must provide a written response to the student's appeal. [Am 1/28/14]

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4) If the grievance still is not resolved to the student's satisfaction by the provost or dean, the student may request consideration of their 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 grade was assigned. [Am 3/1/11]

C) Committee Response to Grievance [Am 6/11/24]

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 their possession supporting the grievance. Unless the committee determines that another avenue of adjudication is still available, the submission of the written statement to the committee places the case before it and restricts any change of the challenged grade to a change initiated by the committee. [Am 6/10/97]

2) Upon receipt of the student's request, the committee shall 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]

4) The committee, after having determined that all other avenues of mediation have been exhausted, shall review the complaint and the reports to determine if there is evidence that nonacademic criteria were used. [Am 6/10/97]

a) If the committee finds evidence that nonacademic criteria were used, it shall follow the procedure in paragraph (D) below.

b) If the committee does not find evidence that non-academic criteria were used, it shall serve written notification of its findings to the student and to the instructor within two weeks. Within ten days the student 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]

3) The committee may consult with the Center for Student Accountability, Growth, and Education (SAGE) to determine whether the student's request is connected to a current or resolved non-academic student matter. The committee may use this consultation to determine whether other avenues of mediation have been exhausted and to inform its overall review of the student's request.

D) Grievance Resolution [Am 6/11/24]

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- 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 student shall make available to the committee all of their work in the course which has been graded and is in their 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 their possession. At the conclusion of the case all written documents 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 one month 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 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 retroactively 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 student and the instructor. The student 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 student and the instructor.

E) Policy Notes [Am 6/11/24]

- 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.
- 2) No punitive actions may be taken against the student 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 student's file. [Am 1/28/14]

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- 3) The use of non-academic 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 University of California Academic Senate Bylaw 336. A complaint may be filed by the student or by others.
- 4) The instructor may, if they feel that their record has been impugned by false or unfounded charges, file charges against the student through the Office of the Vice Chancellor for Student Affairs, or the Dean of Graduate Education.
- 5) All decisions of the Committee shall be final, except as may otherwise be provided in San Diego Divisional Bylaw 200.