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of the California State University

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

TARIKH DEMEKPE,

Plaintiff,

vs.

BOARD OF TRUSTEES OF THE  
CALIFORNIA STATE  
UNIVERSITY,

Defendant.

Case No. CV11-1177 DDP (MLG)

Date: November 21, 2011

Time: 10:00 a.m.

Courtroom: 3

Judge: Hon. Dean D. Pregerson

**DECLARATION OF DR. CLARENCE  
"GUS" MARTIN IN SUPPORT OF  
DEFENDANT CSU'S MOTION FOR  
SUMMARY JUDGMENT**

Date of Filing: February 23, 2011

Trial Date: Not Set

I, Dr. Clarence "Gus" Martin, declare as follows:

1. I am the Associate Vice President for Faculty Affairs and Development at California State University, Dominguez Hills. One of my many responsibilities is to maintain student grade appeal files and generally oversee the process to ensure compliance with systemwide and campus-based policies and procedures.

2. From time to time, the CSU Chancellor issues Executive Orders setting systemwide policies. They are distributed to all campuses, and posted on the CSU website so they are accessible to faculty, staff, students, and the public.

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1           3.     On September 8, 2008, Chancellor Charles B. Reed issued Executive Order  
2 No. 1037, covering the subjects of Grading Symbols, Minimum Standards Governing  
3 the Assignment of Grades, Policies on the Repetition of Courses, Policies on Academic  
4 Renewal, and Grade Appeals. A true and correct copy is submitted as CSU Exhibit No.  
5 1.

6           4.     Executive Order No. 1037 superseded a prior order that governed  
7 Assignment of Grades and Grade Appeals. A true and correct copy of now-superseded  
8 Executive Order No. 320 is submitted as CSU Exhibit No. 2.

9           5.     As required by the Executive Orders, each campus was required to develop  
10 procedures that track the requirements of the Executive Orders. A true and correct copy  
11 of the CSUDH Student Grade Appeals procedure is submitted as CSU Exhibit No. 3.  
12 The Grade Appeals procedure is posted on CSUDH's website and incorporated into  
13 various publications.

14           6.     The CSUDH Grades Policy is posted on our website; a true and correct  
15 copy is submitted as CSU Exhibit No. 4.

16           7.     A summary of CSUDH's student related policies is contained within the  
17 CSUDH Student Rights and Responsibilities Handbook, and is also available on  
18 CSUDH's website. A true and correct copy of the excerpted section on Student Related  
19 Policies is submitted as CSU Exhibit No. 5.

20           8.     CSUDH is one of the 23 campuses of the California State University  
21 system. It is a four-year university, and operates on a semester basis, offering two  
22 semesters each academic year, one in the fall and one in the spring. CSUDH also offers  
23 shorter sessions of academic instruction in the winter and summer. The academic year  
24 begins with the fall semester and ends with the summer session. A true and correct  
25 copy of the Academic Calendar for 2009/2010 is submitted as CSU Exhibit No. 7. A  
26 true and correct copy of the Academic Calendar for 2010/2011 is submitted as CSU  
27 Exhibit No. 8.

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1           9.     Tarikh Demekpe is an undergraduate student at CSUDH. His major is  
2 declared as Human Services. He attended from the fall semester in 2006 through the  
3 summer semester of 2010. His transcript and official educational records show that he  
4 was also concurrently enrolled at other local institutions during that time frame. A true  
5 and correct copy of his unofficial transcript through the end of the Summer session in  
6 2010, including his transcripts from other colleges for which he sought transfer credit  
7 from CSUDH, is submitted as CSU Exhibit No. 9. Mr. Demekpe's personally  
8 identifiable information (Social Security number, student ID numbers, and home  
9 address information) has been redacted.

10           10.    During 2010, Mr. Demekpe submitted two separate grade appeals to the  
11 CSUDH Student Grade Appeals Board. The first one challenged the grade he received  
12 in English 350 in Spring 2010 from Professor Robertson. The second one challenged  
13 the grade he received in Human Services 460 from Professor Escamilla. Mr. Demekpe  
14 took that course twice – once in Spring and once in Summer 2010 – and his appeal did  
15 not make clear whether he was appealing the grade received in one or both of those  
16 courses.

17           11.    Both grade appeal files are under my custody and control, and I am the  
18 official custodian of those files.

19           12.    A true and correct copy of a June 3, 2010 email from Dr. Helen Oesterheld  
20 to Tarikh Demekpe (as filed in the ENG 350 grade appeal file) is submitted as CSU  
21 Exhibit No. 10.

22           13.    A true and correct copy of Tarikh Demekpe's June 8, 2010 grade appeal (as  
23 filed in the ENG 350 grade appeal file) is submitted as CSU Exhibit No. 11.

24           14.    A true and correct copy of a June 14, 2010 memorandum to the Student  
25 Grade Appeals Board and me from Carol Ann Tubbs is submitted as CSU Exhibit No.  
26 12 (minus the attachments, which are not pertinent to this motion).

27           15.    A true and correct copy of a June 14, 2010 memorandum from Dr. Helen  
28 Oesterheld (Chair of the English Department) to Carol Tubbs (Acting Associated Dean

1 of the College of Art and Humanities) is submitted as CSU Exhibit No. 13.

2 16. A true and correct copy of Tarikh Demekpe's second letter dated June 15,  
3 2010, submitted in support of his grade appeal in ENG 350 is submitted as CSU Exhibit  
4 No. 14.

5 17. On August 27, 2010, Demekpe submitted a grade appeal of HUS 460 via  
6 email addressed to Anupama Joshi, the acting Director/Associate Dean of the College of  
7 Professional Studies in the School of Health and Human Services. True and correct  
8 copies of that email and its attachment are submitted as CSU Exhibit No. 20. The one-  
9 page appeal did not specify whether the appeal was directed to the grade from Spring or  
10 Summer 2010. The grounds cited for the appeal were alleged "attendance discrepancies  
11 and poor grading methods." He requested that "all of [his] assignments be evaluated by  
12 the board," but he did not submit any assignments for review.

13 18. In reply to the August 27, 2010 email, Dean Joshi sent Mr. Demekpe an  
14 email that same day acknowledging receipt of the grade appeal, and providing a link to  
15 the procedures to be followed. On August 28, 2010, Mr. Demekpe replied, noting that  
16 he would be submitting additional information. A true and correct copy of the August  
17 27-28, 2010 email exchange between Mr. Demekpe and Dr. Joshi is submitted as CSU  
18 Exhibit No. 21.

19 19. On September 3, 2010, Mr. Demekpe sent Dr. Joshi another email and  
20 attachment in support of the grade appeal. Mr. Demekpe's attachment complained  
21 about his grades from both Spring and Summer, listing the different grades he received  
22 on each of the class assignments.

23 20. On September 13, 2010, Mr. Demekpe sent Dr. Joshi another email and  
24 attachment in support of the grade appeal. The attachment purported to be a letter from  
25 a former student, Celeste Wilson, noting that when she took HUS 460 class in Summer  
26 2009, the instructor offered an extra credit opportunity. The letter was unsigned. True  
27 and correct copies of the email and attachment are submitted as CSU Exhibit No. 23.

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1           21. On September 17, 2010, Jorge Escamilla submitted his written response to  
2 the grade appeal. A true and correct copy of that statement is submitted as CSU Exhibit  
3 No. 25.

4           22. On September 20, 2010, Ginger Wilson, the Human Services Program  
5 Coordinator, submitted her recommendation on the grade appeal. A true and correct  
6 copy is submitted as CSU Exhibit No. 26.

7           23. On October 11, 2010, Dr. Joshi sent his written recommendation on the  
8 grade appeal. A true and correct copy is submitted as CSU Exhibit No. 27.

9           24. On October 25, 2010, I appointed Dr. Noel Sturm, a CSUDH Professor in  
10 the Chemistry Department, to serve as the Preliminary Investigator on the grade appeal.  
11 I sent her a memorandum describing her duties and enclosing a summary of the student  
12 grade appeals policy. True and correct copies of my memorandum and summary are  
13 submitted as CSU Exhibit No. 35.

14           25. Dr. Sturm issued her report on November 3, 2010. A true and correct copy  
15 is submitted as CSU Exhibit No. 39. Her opinion was that the grade appeal should be  
16 dropped and not proceed to a formal hearing.

17           26. The Chair of the Student Grade Appeals Board (Dr. William Whetstone)  
18 issued the final decision on December 14, 2010, finding that no cause for a grade appeal  
19 existed. A true and correct copy is submitted as CSU Exhibit No. 47. That effectively  
20 closed the proceedings.

21           27. It was brought to my attention by faculty and staff that Mr. Demekpe  
22 continued to contact them, sometimes using inappropriate language and aggressive  
23 tones, during and after the pendency of the appeal. He also pursued discussions with me  
24 and the campus President, Dr. Mildred García. He started threatening litigation, so as  
25 an informal attempt at resolution, I offered to allow for a re-reading of the appeals file  
26 by the Student Grade Appeals Board as it had recently been reconstituted with several  
27 new members.

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28. Under a new Chair (Dr. Miguel Domínguez), the Board issued another decision again denying the grade appeal. A true and correct copy of that decision, issued February 15, 2011, is submitted as CSU Exhibit No. 51. I sent that decision to Mr. Demekpe via email on February 22, 2011. A true and correct copy of my email is submitted as CSU Exhibit No. 52.

29. Grade appeal files have a cover page that contains certain information about the file, including the key players. It also contains lines for reviewers to sign if/when they review the file. A true and correct copy of the file cover for Mr. Demekpe's grade appeal in HUS 460 is submitted as CSU Exhibit No. 53.

I declare under penalty of perjury under the laws of the State of California that this declaration is true and correct. Signed on October 11, 2011, at Carson, California.

Clarence "Gus" Martin  
Dr. Clarence "Gus" Martin

**PROOF OF SERVICE**  
**Demekpe v. Board of Trustees of the California State University**  
**U.S. District Court Case No.: CV11-1177 DDP (MLG)**  
**OGC No.: 11-0186**

I, Jason T. Taylor, declare as follows:

I am employed in the County of Los Angeles, State of California. I am at least 18 years old, and not a party to this action. I am an employee of California State University, Office of General Counsel, whose business address is 401 Golden Shore, 4th Floor, Long Beach, CA 90802-4210.

On **October 17, 2011**, I served the document described as **DECLARATION OF DR. CLARENCE "GUS" MARTIN IN SUPPORT OF DEFENDANT CSU'S MOTION FOR SUMMARY JUDGMENT** on the interested parties in this action as follows:


Tarikh Demekpe  
688 Caliburn Drive, #24  
Los Angeles, CA 90001

Plaintiff *In Pro Per*  
[tdemekpe@toromail.csudh.edu](mailto:tdemekpe@toromail.csudh.edu)  
Tel: (323) 572-1774

☒ **BY MAIL—COLLECTION BOX:** I placed each document in a sealed envelope with postage fully prepaid, in the California State University Office of General Counsel's mail collection box in Long Beach, California, so that following ordinary business practices, the envelope would be collected and mailed on this date. I am readily familiar with this office's business practice for collection and processing of mail. In the ordinary course of business, each document would be deposited with the United States Postal Service on that same day.

☒ **BY E-MAIL:** I served each document on the parties by emailing each document in PDF format to each email address listed above. Each e-mail was successfully sent via CSU's email server.

Signed on October 17, 2011, at Long Beach, California. I declare under penalty of perjury under the laws of the State of California that this declaration is true and correct.

  
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Jason T. Taylor