



OFFICE OF THE VICE PRESIDENT - GRADUATE AND UNDERGRADUATE AFFAIRS
AND VICE PROVOST - EQUITY, DIVERSITY AND INCLUSION

OFFICE OF THE PRESIDENT
1111 Franklin Street
Oakland, California 94607-5200

August 5, 2024

ACADEMIC SENATE CHAIR STEINTRAGER

Dear Chair Steintrager:

The Consolidated Appropriations Act of 2023 ([Public Law 117-328 sec 3691A](#)) established new guidelines for colleges and universities regarding grading policies for enrolled students who are also active military service members utilizing veteran education benefits. Enclosed for your convenience are the relevant portions of that law. These changes were not brought to our attention until this summer by UC veterans benefits experts.

The law changes incomplete grading policy for service members called to active duty, training, or state service. Key changes include:

- **Student Choice:** Eligible service members with passing grades may now choose between a full withdrawal or an incomplete grade for affected courses. This changes what was previously at the discretion of each institution.
- **Extended Completion Timeframe:** Colleges and universities must establish a reasonable timeframe for service members to complete coursework for an incomplete grade, taking into account their end date of service. This differs from current time limits on incomplete grades that we understand most UC campuses provide.

We request your assistance in disseminating information about the new requirements to the Senate Divisions for review of their local policies and procedures. If you have any questions or concerns, you may contact Associate Vice Provost Brick (shawn.brick@ucop.edu).

Sincerely,

Yvette Gullatt
Vice President for Graduate and Undergraduate Affairs
Vice Provost for Equity, Diversity and Inclusion

Enclosure

cc: Vice Chair Cheung
Provost & Executive Vice President Newman
Associate Vice Provost for Student Financial Support Brick
Chief of Staff Beechem
Senate Executive Director Lin
University Registrars

SEC. 216. ESTABLISHMENT OF PROTECTIONS FOR A MEMBER OF THE ARMED FORCES WHO LEAVES A COURSE OF EDUCATION, PAID FOR WITH CERTAIN EDUCATIONAL ASSISTANCE, TO PERFORM CERTAIN SERVICE.

(a) ESTABLISHMENT.—Chapter 36 of title 38, United States Code, amended by inserting after section 3691 the following new section:

...

§ 3691A. Withdrawal or leave of absence from certain education

(a) IN GENERAL.—(1) A covered member may, after receiving orders to enter a period of covered service, withdraw or take a leave of absence from covered education.

(2)(A) The institution concerned may not take any adverse action against a covered member on the basis that such covered member withdraws or takes a leave of absence under paragraph (1).

(B) Adverse actions under subparagraph (A) include the following:

- (i) The assignment of a failing grade to a covered member for covered education.
- (ii) The reduction of the grade point average of a covered member for covered education.
- (iii) The characterization of any absence of a covered member from covered education as unexcused.
- (iv) The assessment of any financial penalty against a covered member.

(b) WITHDRAWAL.—If a covered member withdraws from covered education under subsection (a), the institution concerned shall refund all tuition and fees (including payments for housing) for the academic term from which the covered member withdraws.

(c) LEAVE OF ABSENCE.—If a covered member takes a leave of absence from covered education under subsection (a), the institution concerned shall—

- (1) assign a grade of ‘incomplete’ (or equivalent) to the covered member for covered education for the academic term from which the covered member takes such leave of absence; and
- (2) to the extent practicable, permit the covered member, upon completion of the period covered service, to complete such academic term.

(d) DEFINITIONS.—In this section:

- (1) The term ‘covered education’ means a course of education—
 - (A) at an institution of higher education; and
 - (B) paid for with educational assistance furnished under a law administered by the Secretary.
- (2) The term ‘covered member’ means a member of the Armed Forces (including the reserve components) enrolled in covered education.
- (3) The term ‘covered service’ means—
 - (A) active service or inactive-duty training, as such terms are defined in section 101 of title 10; or
 - (B) State active duty, as defined in section 4303 of this title.

- (4) The term ‘institution concerned’ means, with respect to a covered member, the institution of higher education where the covered member is enrolled in covered education.
- (5) The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).
- (6) The term ‘period of covered service’ means the period beginning on the date on which a covered member enters covered service and ending on the date on which the covered member is released from covered service or dies while in covered service.

...

- (b) CLERICAL AMENDMENT.—The table of contents at the beginning of such chapter is amended by inserting after the item relating to section 3691 the following new item:
“3691A. Withdrawal or leave of absence from certain education.”.