

STUDENT GRADE APPEAL PROCEDURES

University Procedure 13.02.99.C2.01 – Approved January 16, 2002; Revised June 2, 2008

1. GENERAL

This document should be read in conjunction with University Rule 13.02.99.C2, Student Grade Appeals. The rule explains the grounds for appealing a grade and provides other important information.

- 1.1 The University Academic Standards Grievance Committee is a standing committee designed to consider grade appeals and cases of academic misconduct.
 - 1.1.1 Appointment of Faculty Members: The Committee on Committees of the Faculty Senate will select tenured and tenure track faculty members along with the members of the Academic Affairs Committee of the Faculty Senate to form a pool of faculty representatives who are available to serve on the University Academic Standards Grievance Committee.
 - 1.1.2 Appointment of Student Members: Student Government will select students to serve on the University Academic Standards Grievance Committee for a one-year term. The students selected should represent the various colleges and be both undergraduate and graduate students. Students must be in good academic standing (maintaining a cumulative GPA of 3.0), complete a mandatory training session, and be available to serve on Grade Appeal Hearing Panels throughout the year. The student members shall be appointed in the Spring Semester to serve one year terms beginning the following Fall Semester. From this pool, the Dean of Students will select two students to serve on the Grade Appeal Hearing Panel for a particular appeal. Students may serve on more than one case during the year.
 - 1.1.3 Summer Appointments: If cases arise during the summer session at a time when absences result in insufficient members to constitute a Grade Appeal Hearing Panel, interim faculty appointments may be made by the Provost (or Associate Vice-President for Academic Affairs) and interim student appointments by the Assistant Dean of Students.
- 1.2 Appointment of Individual Grade Appeal Hearing Panels: From the University Academic Standards Grievance Committee, the Associate Vice-President for Academic Affairs will select five faculty members and two students to serve on a Grade Appeal Hearing Panel. For each Grade Appeal Hearing Panel, the Associate Vice-President for Academic Affairs will appoint a faculty member as Chair. The Chair will not be from the college from which the appeal emanates. At least one faculty member will be from the college from which the appeal arises.

No faculty or student member may be in any way involved in the case to be heard.

- 1.3 Time Limits: If the student does not submit an appeal within the time limits specified in the procedures below, the University is not required to process the appeal. If an appeal is not processed in a timely manner by university personnel in accordance with the time limits specified below, the student may proceed to the next level of appeal. All statements about the number of days allowed for completing any step refer to university business days during which the university is in session.
- 1.4 Withdrawal from Process: The student retains the right to withdraw an appeal or grievance, with written notice, at any step in the process.

2. STEPS IN THE GRADE APPEAL PROCESS

The instructor of the class is the primary authority with respect to a student's proficiency and final grade in that course and most problems or complaints can be resolved through discussions between the student and the instructor. Therefore, before beginning the formal appeal process the student is encouraged to first discuss the matter with the instructor. In those instances in which the problem cannot be resolved informally, the student may follow the steps discussed below. For assistance and/or guidance in the grade appeals process, students may contact the Office of Student Affairs.

2.1 Presentation of Grievance to Instructor

- 2.1.1 A student will formally present the matter of grievance to the instructor in writing. This must be done within ten business days after the beginning of the next term. (That is, if the student has a complaint about a fall semester grade, the student must submit the written grievance within ten business days after the beginning of the spring semester. Written grievances about grades assigned in the spring semester must be submitted within ten business days after the beginning of Summer Session I. Written complaints about grades assigned in any summer course must be submitted within ten business days after the beginning of the fall semester.)
- 2.1.2 Within five business days after receiving the written grievance, the faculty member will either sustain the original grade assigned or make a grade change. The faculty member will notify the student and his or her department chair or area coordinator in writing or by email regarding this action. If the instructor does not act within this period, the student may appeal to the next level.
- 2.1.3 If the faculty member is no longer employed at the University, or is for

any reason unavailable, the student should proceed directly to step 2.2.

2.2 Appeal to Department Chair or Area Coordinator

2.2.1 If the student believes the matter is not satisfactorily resolved at the student-faculty level, or if the instructor is unavailable, the grievance or appeal may be submitted to the appropriate department chair or area coordinator in the college in which the course is taught. (If the course is a First-year seminar, the student may submit the grievance or appeal to the Coordinator of the First-year Seminar Program.) The student will present the appeal in writing within five business days after the instructor has acted, or, if there has been no action by the instructor, within five business days after the time period for action has ended. Should the instructor be unresponsive or unavailable, presentation of the grievance or appeal to the department chair or area coordinator should be within fifteen business days after the beginning of the next term.

2.2.2 The department chair or area coordinator will review all facts and evidence in the case, consulting with the student and the instructor, and attempt a successful mediation within ten business days. The department chair or area coordinator will issue to the student and instructor a written statement of findings, indicating that this stage of the appeal process is completed. If the grievance is not further appealed, it will be considered resolved.

2.3 Written Appeal to the University Academic Standards Grievance Committee

If the student is still not satisfied, he/she may appeal to the University Academic Standards Grievance Committee for a grade appeal hearing. This request must be made in writing to the Associate Vice-President for Academic Affairs and include the basis for the appeal. A suggested format for the student's appeal is shown as Attachment A. A Grade Appeal Hearing Panel composed of five faculty members and two students will be selected from members of the University Academic Standards Grievance Committee. Along with the appeal, the student must deliver any graded course work that was returned to the student by the instructor or provide a copy of the work. The request must be submitted within ten business days following the issuance of the statement of findings in step 2.2.2. If the student does not submit a written appeal within ten business days, the University is not required to process the grievance. The Associate Vice-President for Academic Affairs will notify the appropriate department chair as well as the faculty member of record that a grade appeal has been received.

2.4 Submission of File by Department Chair (or area coordinator)

On notification by the Office of the AVPAA that a grade appeal has been received, the department chair or area coordinator will furnish the Office of the AVPAA the student appeal file. This file will include the written appeal of step 2.2.1 above, the course description and syllabus, course criteria for grading, student work submitted for evaluation, the grade distribution for the course, and the statement of findings. Any other available and appropriate correspondence and documentation pertaining to the appeal should also be furnished.

2.5 Action by the Ombudsman: Preliminary Review and Advising

2.5.1 The Office of the AVPAA will refer the student and faculty member to a previously designated ombudsman appointed by the Provost to review the case. The ombudsman is not part of the University Academic Standards Grievance Committee. The ombudsman will help ensure that the parties are informed about the hearing process and the appropriate grounds for a grade appeal. The ombudsman will objectively analyze the case and advise the principals involved as to possible ways to mediate the issue before going through a formal hearing.

2.5.2 If the case cannot be successfully mediated, the ombudsman will review the case with the AVPAA and a student representative to determine if the student's charges meet one or more of the criteria for formal grade appeal specified in Rule 13.02.99.C2 Section 1.4. Should it be found, by majority vote, that the student's complaint meets one or more of these criteria, the AVPAA will proceed with the formal Hearing Panel. If it is found that the student's complaint does not meet any of these criteria, the appeal will be dismissed. The student may appeal a decision to dismiss to the Provost and Vice-President for Academic Affairs. This review process will conclude in ten business days from the time of referral.

2.6 Action by the Associate Vice-President for Academic Affairs

2.6.1 The Associate Vice-President for Academic Affairs will review the student's grade appeal file to insure that the procedures above have been followed and that the file is complete. If complete, the file will be referred to the Chair of the Grade Appeal Hearing Panel for action. If there will be a significant delay, for whatever reason, the Associate Vice-President for Academic Affairs will notify the student and faculty member concerned of the delay.

2.6.2 The Office of the Associate Vice-President for Academic Affairs will also handle the administrative details of the appeal including: determining the time, date and place for the grade appeal to be heard and notifying members of the committee, the student and the faculty member concerned

of this information; notifying the student and faculty member of their right to be accompanied by a person of their choice; and notifying the student involved that the burden of proof is on the student.

2.7 Proceedings of the Grade Appeal Hearing Panel

- 2.7.1 *Role of the Chair:* The Chair of a Grade Appeal Hearing Panel will preside at the hearing, maintain orderly proceedings, and assure that all parties receive a fair hearing. The Chair will preside at the hearing, maintain orderly proceedings, and assure that all parties receive a fair hearing. The Chair will keep appropriate records of meetings and actions of the Panel, and will submit the report of the recommendations of the Panel to the Provost and Vice-President for Academic Affairs. With the aid of the Associate Vice-President for Academic Affairs, the Chair will also complete the STUDENT GRADE APPEAL PROCEEDINGS RECORD (Attachment B) and assure that the format of the proceedings record is followed. The Chair has the right to adjust the procedures in any way given the circumstances at issue to ensure fairness. The Chair is normally a non-voting member of the Panel, but retains the right to vote in the event of a tie vote to ensure that the Panel may make decisions concerning recusal and recommendations by majority vote.
- 2.7.2 *Quorum:* A quorum shall be four faculty members and one student member of the Grade Appeal Hearing Panel including the Chair.
- 2.7.3 *Objections to Panel Membership:* The student has no right to preemptory challenge or challenge for cause of any Panel member, however the Panel may, by majority vote, recess to consider a student objection in closed session. In closed session the member in question may choose to recuse themselves, a majority of the Panel may vote to recuse the member, or a majority of the Panel may vote to continue with the member in question impaneled. If the member is recused for any reason and the remaining members of the Panel present constitute a quorum, the hearing will continue. If after such recusal the membership present does not constitute a quorum, the hearing will be rescheduled and a substitute member of the Panel will be appointed by the Associate Vice-President for Academic Affairs.
- 2.7.4 *Hearing Protocol:* The hearing shall observe the following conventions
- 2.7.4.1 *Scheduling:* The Grade Appeal Hearing Panel will convene as promptly as possible after the grievance is referred. The case will be heard at a time and place that does not conflict with class schedules of the students and faculty involved. If the hearing is set with the concurrence of the parties and the student or

instructor decides he/she cannot attend, the hearing may proceed as scheduled.

- 2.7.4.2 **Burden of Proof:** The burden of proof shall rest with the student bringing the charge.
- 2.7.4.3 **Evidence and Testimony:** The Grade Appeal Hearing Panel shall hear all parties to the case and shall review all evidence presented. The Panel shall have the right to call witnesses, including representatives from the academic discipline from which the student appeal emanated who are not directly involved in the appeal. It shall also have the right to review the course objectives and syllabus, course criteria for grading, student work submitted for evaluation, and the grade distribution for the course.
- 2.7.4.4 **Counsel:** The student submitting a grievance may be accompanied by another person throughout the procedure. The faculty member and the Grade Appeal Hearing Panel also may be accompanied by another person throughout the procedure. If the student, the faculty member or the Panel is accompanied by another person, the role of that person shall be advisory only. That person may not participate in the proceedings.
- 2.7.4.5 **Privacy:** The proceedings, findings, and recommendations shall not be open to the general public or available to any individuals other than those involved with the case.
- 2.7.5 **Decision:** The Grade Appeal Hearing Panel will determine the facts of the case and attempt to effect a fair and appropriate resolution to the problem. If it is determined that the student has not been treated in a fair manner, the Panel may recommend to the Provost that the grade be changed to a more proper evaluation. A simple majority vote shall be required for recommendation to the Provost.
- 2.7.6 **Presentation of Findings:** The Grade Appeal Hearing Panel will present its findings and recommendations, if any, in writing to the student, the faculty member, and the Provost and Vice-President for Academic Affairs within five business days after the Panel has completed its hearings and deliberations. The letter to the Provost will include a short summary of the facts of the case, the hearing, and the specific recommendations of the Panel.
- 2.7.7 **Action by the Provost and Vice-President for Academic Affairs:** The Chair

will deliver the student grade appeal file to the Office of the Provost and Vice-President for Academic Affairs with a complete summary record of the Grade Appeal Hearing Panel's proceedings and letter summarizing the facts of the case, the hearing, and the recommendations of the Panel, if any. The Provost will review this information and render a decision. Copies of the decision will be sent to the student, the faculty member, and the dean of the college involved.

2.8 Final Procedural Appeal

The student or faculty member may appeal the procedures followed by the Grade Appeal Hearing Panel in writing to the Provost within ten business days after receiving the Panel's report. No new evidence about the facts of the case will be heard at this time. This final appeal should not deal with the appropriateness of the Panel's recommendation. It may only be employed if either the student or the instructor feels that the appropriate procedures have not been followed. The appellant must describe in writing his or her procedural objections and how the procedures of the case may have worked to the appellant's disadvantage. Any error committed must be determined to have substantially impacted the fairness of the process. The Provost will render his or her decision, and copies of the decision will be sent to the student, the faculty member, the department chair or area coordinator, and the dean of the college involved. This decision will be final in all cases of grade appeals.

Contact for Interpretation: Associate Vice-President for Academic Affairs

Note: The attachments may be found by accessing procedure 13.02.99.C2.01 on the University Rules (Revised Format) web site at http://www.tamucc.edu/provost/university_rules/index.htm .