

# Draft 6A

## Grade Appeal Procedure

1. The grade appeal procedure is available only for review of the final grade in a course that the student alleges was graded capriciously, not for review of the judgment of the instructor in assessing the quality of students' work or for questioning the stated grading criteria selected by the instructor. Only a student who alleges he/she was subjected to capricious grading may use the grade appeal procedure.

2. Capricious grading, as used here, consists only of any of the following:

a. The assignment of a semester grade to a particular student on some basis other than those related to academic performance in the section

b. The assignment of a semester grade to a particular student by more exacting or demanding criteria than were applied to other students in the same section. (NOTE: Additional and/or different grading criteria may be applied to graduate students enrolled for credit in a course numbered below the 5000 level)

c. The assignment of a semester grade by criteria that represents a substantial departure from the instructor's previously announced criteria.

d. The assignment of a semester grade in whole or in part on the basis on the student's race, color, ancestry, religion, sex, gender identity, gender expression, sexual orientation, national origin, age, disability or protected veterans status.

3. The grade appeal procedure shall consist of the following steps:

a. Except as provided in sections 5, 6 and 7, the initial step in the grade appeal procedure shall be for the student to review with the section instructor the semester grade, the stated grading criteria and how the stated grading criteria were applied to determine the student's semester grade. **Any appeal under this policy shall be filed within thirty (30) days following the academic semester in which the grade is assigned.** [This step must be initiated within 30 days after the first class day of the succeeding regular academic semester.] If the student and the instructor fail to reach a mutually satisfactory decision during this discussion, then the student may proceed to step b.

b. The student shall contact the chair of the instructor's department and request his/her service as a mediator during a discussion between the student and the instructor. If the student and instructor fail to reach a mutually satisfactory decision during this discussion, the student may then proceed to step c.

c. The student shall request, in writing, that the department chairperson inform the instructor and convene an ad hoc review group composed of the following: the chair- person (or designated representative) of the instructor's department, the **dean (or the dean's designated representative** [provost (or the provost's designated representative)], and a third member to be appointed by the provost from the faculty.

d. The student's written request should include: course, instructor, semester, rationale for considering the grading as arbitrary and capricious, and the outcome sought. The student and instructor shall be allowed to appear before the ad hoc review group. The decision reached by the ad hoc review group on the question of alleged capricious grading shall be binding and final on both the student and the instructor.

4. If capricious grading is substantiated by the ad hoc review group, the student shall be assigned a grade consistent with the stated grading criteria. A report of the ad hoc review group, with the student's semester grade, shall be forwarded by the department chairperson to the Office of the Registrar.

5. Should there be an allegation that the capricious grading was based upon the student's race, color, ancestry, religion, sex, gender identity, gender expression, sexual orientation, national origin, age, disability or protected veterans status, **the appeal shall meet the requirements of section 3d** and may be received by the departmental chair, the college dean or the university provost. The allegation shall be referred to a joint investigatory team comprised of [at least] two members of the faculty appointed by the dean of the college (**or the dean's designated representative**) or, if the dean is the instructor of the course, by the university provost (**or the university provost's representative**), and [at least] one member of the university staff who has received training relating to investigating allegations of discrimination, appointed by the chief **equity** [student affairs] officer (**or the chief equity officer's designated representative**).

- a) The joint investigatory team shall conduct a thorough, reliable and impartial inquiry and shall issue a report that will address each allegation made by the student.
- b) This investigation shall include interviews with relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.
- c) The joint investigatory team will report to the ad hoc review group within thirty (30) days of appointment.
- d) Additional time may be granted for the investigation by the chair of the ad hoc review group for good cause or by agreement of the parties to the appeal.
- e) The ad hoc review group **authorized in section 3c**, the student and the instructor shall receive a copy of the report of the joint investigatory team.

6. Upon completion of the report **required in section 5**, the joint investigatory team will meet with the ad hoc review group to review the results of the investigation and provide an orientation on the process for consideration of an allegation of discrimination. The ad hoc review group shall make a finding as to the allegation of capricious grading.

- a) The student and instructor shall be allowed to appear before the ad hoc review group and offer the testimony of witnesses and documentary evidence.
- b) The findings shall address each allegation in the grade appeal, state the ad hoc review group's decision relating to that allegation, and state the rationale for that decision.
- c) The ad hoc review group will have the authority to implement remediation or training as needed to prevent reoccurrence of the discrimination.
- d) A report by the ad hoc review group shall be issued within sixty (60) days of the filing of the appeal. Additional time may be granted for the report by the chair of the ad hoc review group for good cause or by agreement of the parties to the appeal.

- e) Any issue of faculty discriminatory conduct shall be referred for review pursuant to CRR 600.040.

7. Retaliation against any individual who files a grade appeal or participates in a grade appeal investigation which involves allegations of unlawful discrimination is strictly prohibited. The ad hoc **review** group shall refer any issue relating to alleged retaliation for review under the appropriate process (CRR 600.040, CRR 600.050, and CRR 200.025).