

Suggestions to Students Preparing a Grade Appeal

An appeal of a grade requires time and effort on the part of several people — primarily, the student who makes the appeal. This paper is intended to help you prepare your appeal carefully and quickly.

Do you really have reason to appeal?

You may feel that you had poor instruction or that course objectives were unreasonable and the grades were lower than they should have been. Such problems need to be corrected, but they cannot be corrected through the grade appeals system. Appeals based on such arguments will end in failure and a student who has spent hours preparing an appeal will feel frustrated as a result.

The University Regulations states:

The grade appeals system affords recourse to a student who has evidence or believes that evidence exists to show that an inappropriate grade has been assigned as a result of prejudice, caprice, or other improper conditions such as mechanical error, or assignment of a grade inconsistent with those assigned to other students. Additionally, a student may challenge the reduction of a grade for alleged scholastic dishonesty.

In essence, the grade appeals system is designed to protect students from grade assignments that are inconsistent with policy followed in assigning grades to others in the course.

A grade will not be raised because a faculty member graded tests very severely, *providing the faculty member applied the same rigorous standards to all students*. Nor will proof that a faculty member has been antagonistic toward you be sufficient cause to raise a grade unless evidence exists that such antagonism did in fact result in a lower grade.

These comments are not meant to discourage you from making an appeal. Rather, they are intended to remind you that the grounds for appeal are limited. If you are not certain whether you have grounds for appeal, we suggest that you discuss your case with the chairperson of the College/School Grade Appeals Committee or with someone on the staff of the Dean of Students office.

Have you already exhausted other avenues for changing the grade?

The grade appeals procedure requires that you try to resolve the dispute at the lowest possible level. The University Regulations states:

Prior to initiating a grade appeal, the student is strongly encouraged to resolve the situation with the instructor, department head, or head's designee.

First, talk to the faculty member before you initiate a grade appeal. When you do, listen to the faculty member's side of the story and make your arguments objective ones. Many grade errors are unintentional. Most faculty members are anxious to initiate a grade change in such circumstances. However, faculty members are human and may resist a belligerent student bent on forcing them to change a grade.

Second, talk to the head of the department. He/she may refer you to some other individual in the department to listen to your case and try to mediate a solution. Procedures vary from department to department and may take several days, so be sure that you have notified the chairperson of the College/School Grade Appeals Committee of your intent to appeal before you take this step.

Third, if necessary, file a formal appeal with the Grade Appeals Committee of the college/school in which the contested grade was awarded. The University Regulations states:

A student who wishes to initiate a grade appeal must file a written statement of allegations, facts, and circumstances concerning the grade assigned with the chairperson of the Grade Appeals Committee of the college/school in which the course was taken. This must be done within 30 calendar days after the start of the regular semester following the one in which the questioned grade was assigned.

Preparing your written appeal.

The outcome of your case may depend on how well you prepare your appeal. It need not be long. In fact, extraneous material is likely to confuse the issues and hurt your case. The following points should help you.

- a. First, state the basis for the appeal; i.e., whether you believe there was prejudice on the part of the faculty member, a mechanical error, or inconsistent grading practices. Be explicit. The appeals committee must know your grounds for appeal.
- b. Second, state the evidence in support of your appeal. Stick to the facts. Name calling, hyperbole, and exaggerated claims will not help your case.
- c. Third, include any physical evidence that you have, such as your personal records or tests, comparisons of your score and grade with scores of other students and their grades, and so forth. You may not have the physical evidence needed to support your case because it consists of class records. This need not concern you. Such evidence must be made available to the Grade Appeals Committee by the faculty member.
- d. After preparing a rough draft of your appeal, have someone critique it and suggest improvements. This should be done by an impartial individual who has had some experience with grade appeals. Members of a grade appeals committee or staff in the Dean of Students Office are appropriate individuals.

Further appeal.

After a hearing, you will be notified of the result and the vote of the committee. The same notice will be sent to the faculty member and either may appeal to the University Grade Appeals Committee.

Before you appeal a decision, remember that reasonable people weighed the evidence and made the best decision they could make on the basis of that evidence. If the decision went against you, you are likely to feel that it is wrong. (Both parties to an appeal think they are right, or they wouldn't be in the appeal process!) However, the question to be considered before requesting an appeal is, "Did I receive a fair hearing?"

An appeal of a college/school decision will be granted only on the following grounds:

- a. Substantial procedural irregularities or inequities existed in the college/school hearing.
- b. Substantial new evidence has been uncovered.
- c. The appellant substantiates that the college/school decision may have been erroneous or unfair.

You should understand that appeals are not granted because of some *possibility* that irregularities or inequities existed or that new evidence *might be* uncovered. The appellant must present evidence in support of such contentions.

Written notice of intent to request further appeal must be filed with the chairperson of the University Grade Appeals Committee within six class days of receipt of the decision from the College/School Grade Appeals Committee. If no such notice is received within the six-day period, the decision shall not be subject to further hearing appeal.

If a request for appeal is filed, it must be carefully prepared. The decision to grant an appeal will be made solely on the basis of the written statement and the records of the college/school hearing. An appellant does not appear before the University Committee to support his/her request for appeal.

When it's all over.

There are no "victories" or "defeats" in the grade appeals process. Its purpose is to arbitrate differences over grades that could not be solved on a personal basis because both parties to the appeal believed they were right. Based on the evidence at hand, a disinterested group of faculty members and students does its best to render a fair judgement and right any wrongs that might have been done.

(Updated 8/1/06)

Suggestions to Faculty Members Who Are Involved in a Grade Appeal

At this point you should have discussed the grade in contention with the student. You may have discussed the dispute with your department head or someone designated by the head to mediate the disagreement. If you *have not* discussed the grade dispute with the student, or if you know that the student *has not* brought the issue to the attention of your head, you should notify the chairperson of the College/School Grade Appeals Committee *immediately*. A student may not file a formal appeal until after attempting to resolve the issue with the faculty member and the head of the department.

Can you avoid the appeal?

When the student discussed his/her grade with you, you may have been irritated that the student questioned your judgement or policy. The charges made by the student may have been totally unfounded. However, that student almost certainly feels that he/she has been wronged.

Past experience suggests that *regardless of the grade eventually awarded*, neither students nor their instructors feel good about decisions reached through the appeals process. They are much happier if the disagreement is resolved on a personal basis.

You might want to reflect on your previous conversations with the student. If another conversation holds promise of resolving the conflict, it could save time and effort in the long run. Preparing written rebuttal to student changes, collecting grade records, and attending a formal hearing requires several hours of your time. At least as much time is required on the part of the student and committee members.

These comments are not intended to encourage "giving in to the student." Grades which are fairly assigned should not be changed. However, if you can convince the student that the grade is fair (or the student can convince you that it is not) without a formal hearing, both you and the student may avoid wasted time and ill feelings.

How do you respond to an appeal?

The student has prepared a written brief which states the basis for the appeal (prejudice, caprice, mechanical error, etc.) and the reasons for making the charge. The student will supply any evidence that he/she has and the chairperson of the Grade Appeals Committee will request grading evidence from you that might be relevant to the charges.

You will be asked to respond in writing to the student's brief within a period of one week. This response need not be long. In fact, extraneous material will only confuse the issues and make it more difficult to decide the case.

Most important, you should supply records that show how you graded students in your course. Since policy differs from person to person, be sure to add legends to tables which will clarify what they mean.

Try to anticipate questions that could arise in a hearing even though not mentioned in the student's brief. Have information available to answer those questions.

Remember that the Grade Appeals Committee is not questioning your integrity or charging you with any offense. They are merely arbitrating a dispute. Even though it may inconvenience you to get some records in order, the committee cannot resolve the case without them. Failure to prepare a careful and complete rebuttal can lead to an erroneous decision on the part of the committee. They must have all relevant information. However, your personal opinion of the student is probably not relevant and you are cautioned that name calling, hyperbole, or exaggerated claims can only hurt your case.

Further appeal.

After a hearing, you will be notified of the result and the vote of the committee. The same notice will be sent to the student and either may appeal to the University Grade Appeals Committee.

Before you appeal a decision, remember that reasonable people weighed the evidence and made the best decision they could make on the basis of that evidence. If the decision went against you, you are likely to feel that it is wrong. (Both parties to an appeal think they are right, or they wouldn't be in the appeal process!) However, the question to be considered before requesting an appeal is, "Did I receive a fair hearing?"

An appeal of a college/school decision will be granted only on the following grounds:

- a. Substantial procedural irregularities or inequities existed in the college/school hearing.
- b. Substantial new evidence has been uncovered.
- c. The appellant substantiates that the college/school decision may have been erroneous or unfair.

You should understand that appeals are not granted because of some *possibility* that irregularities or inequities existed or that new evidence *might be* uncovered. The appellant must present evidence in support of such contentions. Written notice of intent to request further appeal must be filed with the chairperson of the University Grade Appeals Committee within six class days of receipt of the decision from the College/School Grade Appeals Committee. If no such notice is received within the six- day period, the decision shall not be subject to further hearing appeal.

If a request for appeal is filed, it must be carefully prepared. The decision to grant an appeal will be made solely on the basis of the written statement and the records of the college/school hearing. An appellant does not appear before the University Committee to support his/her request for appeal.

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Suggestions for Those Requesting Appeal of a College/School Committee Decision

Appeal of a college/school committee decision is not granted automatically. The University Committee does not presume that it has greater wisdom than that possessed by members of the college/school committee. Therefore, appeal is granted only on limited grounds. These grounds are:

- ***Substantial procedural irregularities or inequities existed in the college/school hearing.*** "Substantial" is interpreted to mean that the irregularities or inequities were sufficient to cause reasonable doubt concerning the fairness of the college/school hearing.
- ***Substantial new evidence has been uncovered.*** As in the previous clause, "substantial" is interpreted to mean that the new evidence is significant enough to affect the decision reached by the committee.
- ***The appellant substantiates that the college/school decision may have been erroneous or unfair.*** It is not necessary for the appellant to provide conclusive proof that the college/school committee's decision was erroneous or unfair, but he/she must provide convincing evidence that it *may have been* in error. Statements by the appellant that he/she cannot understand how the college/school committee reached their decision given the evidence presented does not substantiate a claim under this clause. The appellant must present evidence that certain facts were ignored, that certain parties were biased, or that important arguments were not adequately considered. Furthermore, the appellant must establish that these faults, if corrected, could result in a different finding.

The first step in the appeal process is for the appellant to file a written notice of intent to request further appeal with the chairperson of the University Grade Appeals Committee within six class days of receipt of the decision from the College/School Grade Appeals Committee. If no such notice is received within the six- day period, the decision shall not be subject to further hearing appeal.

The appellant will then be asked to submit a written statement of the reasons for requesting an appeal. ***The decision to grant an appeal will be made solely on the basis of this written statement and the records of the college/school hearing. An appellant does not appear before the university committee to support his/her request for appeal.*** It should be obvious that the written request for appeal must be carefully prepared. It must state: the basis for the appeal (procedural irregularity, new evidence, or erroneous decision) and it must substantiate the claim. If a procedural irregularity is claimed, the written statement must indicate exactly what that irregularity was and how it could have affected the outcome of the hearing. If new evidence is claimed, the new evidence must be described and the appellant must show how that evidence could affect the outcome of the hearing. If an erroneous/unfair decision is claimed, the appellant must specify where the college/school committee erred or in what way their decision was unfair. Repeating arguments that were considered in the college/school hearing will not be sufficient to substantiate a claim under this clause.

If the University Committee votes to deny your request, the college/school decision is final and you have no further recourse. If, however, they vote to grant your request, a new hearing will be held. You will be informed in writing of the Committee decision and if a new hearing is granted, you will be provided with information detailing the procedures to be followed.

(Updated 8/1/06)

COLLEGE/SCHOOL GRADE APPEALS PROCEDURE

Prior to the Hearing

- When first approached by a student, the chairperson shall provide a copy of "Suggestions to Students Who Are Preparing a Grade Appeal." This may be supplemented with similar material prepared at the college/school level.
- When the chairperson receives the student's written appeal, he/she shall contact the head of the department where the grade was issued or his/her designated representative to determine whether the student has exhausted informal means of resolving the disagreement.
- The chairperson shall promptly furnish the instructor with a copy of the student's written statement, a copy of "Suggestions to Faculty Who are Party to a Grade Appeal," and request a statement in response. The instructor has seven days to make a written response. The faculty member shall also furnish class records required to resolve the dispute along with his/her written response.
- Once the instructor's response has been received, the chairperson will promptly submit the student's statement of appeal and any response from the instructor to each of the members of the committee that will consider the appeal. The committee that will consider the appeal shall consist of two students (either undergraduate or graduate corresponding to the status of the student filing the appeal), three members of the instructional faculty, and a non-voting chairperson. The chairperson of the committee shall be an assistant or associate dean of the college/school appointed by the dean. The chairperson will be responsible for assuring adherence to established procedures, convening members for an appeal, and maintaining records. The chairperson has the authority to grant warranted time extension in the appeals process described elsewhere.
- Committee members will review the written documents within seven calendar days from the date they are received. These materials are confidential and must be treated as such. They can be distributed only to those committee members who will hear the appeal and copies must be returned to the chairperson at the conclusion of the hearing. If one voting member of the committee rules that the allegations warrant a hearing or are best addressed through a hearing, a hearing will be held; otherwise, the appeal will be denied. With reasonable cause, the chairperson may override the decision not to hear the case.
- If the appeal is to be heard, the chairperson will promptly give notice of the time, date, and place of the hearing to the parties involved. The hearing will be scheduled not more than 14 calendar days after notice to the student and instructor.

- All committee members should understand that Grade Appeals Hearings are high-priority meetings. Any hearing held without a full committee, as described in the Student Handbook, may be challenged on the basis of procedural irregularity.
- The procedure described in the document entitled "College/School Grade Appeals Hearing Procedure" shall be followed during the hearing. A copy of this statement of hearing procedure shall be furnished to members of the committee and the involved parties in advance of the hearing.

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SCHOOL GRADE APPEALS HEARING PROCEDURE

(Proceedings in Steps II through IV must be recorded on tape)

I. **Closed Session.** Prior to the hour scheduled for the hearing, the committee shall meet in closed session to identify the issues in the case. Specific points that require clarification should be identified.

II. **Statement by chairperson.** The involved parties shall then be admitted to the hearing. The student and the instructor are both entitled to be accompanied at the hearing by advisors of their choice. Because the hearings are administrative and not judicial, the advisors may not be lawyers. Both parties have the right to present evidence and witnesses in their behalf and to confront and question opposing witnesses.

The hearing will open with a statement by the chairperson that describes the committee's understanding of the relevant issues and, where appropriate, those issues considered irrelevant. The chairperson shall then ask the student and faculty member to identify and clarify any issues that have been overlooked and/or justify consideration of issues the Committee has identified as irrelevant.

III. **Open Questioning.** During this period the student, faculty member, and/or committee members may ask questions of either involved party and/or their witnesses.

IV. **Summary Statements.** After questions have ceased, or when the chairperson is satisfied that additional questions will not provide further clarification of issues, the student and faculty member will be given an opportunity to make summary statements. Such statements should be brief and in no case exceed 5 minutes.

V. **Closed Hearing.** At this point, interested parties and witnesses shall be dismissed and committee members shall deliberate the outcome in a closed session.

VI. **Balloting.** After deliberations, a secret ballot shall be taken and the vote recorded.

VII. **Reporting.** The chairperson or a designated member of the committee shall prepare a written statement of the committee decision (including the vote of the committee), the basis for the decision, and the reasoning used by the committee to reach the decision. A copy of this report and the taped record of the hearing shall be kept on file by the chairperson. Copies of the report shall be sent to the student, the faculty member, the head of department, and the chairperson of the University Grade Appeals Committee within three days of the conclusion of the hearing.

After the Hearing

- The chairperson shall collect all copies of the written statements from the committee.
- The chairperson shall retain the tape recording of the hearing, one copy of all written materials pertaining to the case, and the report of the committee decision for a period of at least one year.
- The chairperson shall submit a copy of the report of the committee decision to the chairperson of the University Grade Appeals Committee. In the event of an appeal of the decision, the chairperson shall provide copies of all materials pertaining to the case to the chairperson of the UGAC.

UNIVERSITY GRADE APPEALS PROCEDURE

There are two stages to University Grade Appeal Procedure. The first is a preliminary hearing to consider the request for appeal. The second, if the request is granted, is to conduct a new hearing.

Preliminary hearing

- When first approached by the appellant, the chairperson shall provide a copy of "Suggestions for Those Requesting Appeal of a College/School Committee Decision."
- Upon receipt of the appellant's written statement, the chairperson shall request a copy of all evidence pertaining to the case and the taped record of the college/school hearing from the chairperson of the college/school committee. The chairperson shall schedule a preliminary hearing as expeditiously as possible.
- The committee that will consider any appeal case shall consist of two students (undergraduate or graduate corresponding to the status of the student filing the appeal) and four members of the instructional faculty. The chairperson will be a non-voting member of the committee who will only vote in case of a tie.
- Either prior to or during the preliminary hearing the chairperson shall provide each member of the committee with a copy of the appellant's written request for appeal as well as copies of any and all other documents judged to have a direct bearing on the request. These materials are confidential and must be treated as such. They can be distributed only to those committee members who will hear the appeal and copies must be returned to the chairperson at the conclusion of the hearing. Documents from the college/school hearing that do not have a direct bearing on the request for appeal should not be distributed.
- At the discretion of the chairperson, one or more members of the committee may be appointed as fact-finders to obtain information pertinent to the request for appeal and to report their findings at the preliminary hearing.
- During the preliminary hearing all known facts pertaining to the request for appeal shall be discussed. At the conclusion of this discussion, the committee shall vote to grant or deny the request.
- The chairperson or a designated member of the committee shall prepare a written statement of the committee decision (including the vote of the committee). The original of this report shall be kept on file by the chairperson. Copies of the report shall be sent to the student, the faculty member, and the chairperson of the appropriate College/School Grade Appeals Committee.

Formal hearing

- If the decision of the committee is to grant the appellant's request, the chairperson shall proceed immediately to schedule the hearing.
- Written notice of the date and place of the scheduled hearing shall be forwarded to each party to the appeal and to members of the University Grade Appeals Committee. The chairperson shall state whether the appeal is granted on the basis of procedural irregularity or new evidence, in which case the hearing will be *de novo*, or on the basis of an apparent erroneous or unfair decision at the lower level, in which case only those matters introduced at the college/school hearing will be considered.
- The procedures to be followed during the formal hearing are the same as those followed at the college/school hearing and are outlined on the following page. A copy of these procedures shall be provided to both parties to the appeal prior to the hearing.

UNIVERSITY GRADE APPEALS HEARING PROCEDURE

(Proceedings in Steps II through IV must be recorded on tape)

I. Closed Session. Prior to the hour scheduled for the hearing, the committee shall meet in closed session to identify the issues in the case. Specific points that require clarification should be identified.

II. Statement by chairperson. The involved parties shall then be admitted to the hearing. The student and the instructor are both entitled to be accompanied at the hearing by advisors of their choice. Because the hearings are administrative and not judicial, the advisors may not be lawyers. Both parties have the right to present evidence and witnesses in their behalf and to confront and question opposing witnesses. The hearing will open with a statement by the chairperson that describes the committee's understanding of the relevant issues and, where appropriate, those issues considered irrelevant. The chairperson shall then ask the student and faculty member to identify and clarify any issues that have been overlooked and/or justify consideration of issues the Committee has identified as irrelevant.

III. Open Questioning. During this period the student, faculty member, and/or committee members may ask questions of either involved party and/or their witnesses.

IV. Summary Statements. After questions have ceased, or when the chairperson is satisfied that additional questions will not provide further clarification of issues, the student and faculty member will be given an opportunity to make summary statements. Such statements should be brief and in no case exceed 5 minutes.

V. Closed Hearing. At this point, interested parties and witnesses shall be dismissed and committee members shall deliberate the outcome in a closed session.

VI. Balloting. After deliberations, a secret ballot shall be taken and the vote recorded.

VII. Reporting. The chairperson or a designated member of the committee shall prepare a written statement of the committee decision (including the vote of the committee), the basis for the decision, and the reasoning of the committee in reaching the decision. A copy of this report and the taped record of the hearing shall be kept on file by the chairperson. Copies of the report shall be sent to the student, the faculty member, the head of department, and the chairperson of the College/School Grade Appeals Committee within 15 days of the conclusion of the hearing.

After the Hearing

- The chairperson shall collect all copies of the written statements from the committee.
 - The chairperson shall store the tape recording of the hearing, one copy of all written materials pertaining to the case, and the report of the committee decision for a period of at least one year.
- (Updated 8/1/06)