

4-5-2004

Student Grade Appeals

The College at Brockport, College Senate

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SUNY BROCKPORT

Faculty Senate
State University of New York
College at Brockport
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**Resolution # 28
2003-2004
FACULTY SENATE**

TO: Dr. Paul Yu, College President

FROM: The Faculty Senate Meeting on: **April 5, 2004**

RE: ↻ I. Formal Resolution (*Act of Determination*)
II. Recommendation (*Urging the Fitness of*)
III. Other, For Your Information (*Notice, Request, Report, etc.*)

SUBJ: **Student Grade Appeals**

Signed: [Signature] Date: 4/10/04
(Dr. Kenneth O'Brien, 2002-2004 Faculty Senate President)

TO: The Faculty Senate

FROM: **Dr. Paul Yu, College President**

RE: ↻ I. Decision and Action Taken on Formal Resolution (circle)

a. Accepted. Effective Date: 5/5/04

b. Deferred for discussion with the Faculty Senate on ___/___/___

c. Unacceptable for the reasons contained in the attached explanation

II, III. Response to Recommendation or Other/FYI

a. Received and acknowledged

b. Comment:

DISTRIBUTED TO: President's Staff O: Originator, Academic
Deans Council advisement, Registrar

Distribution Date: 5/5/04

Signed: [Signature] Date: 5/5/04
(Dr. Paul Yu, President, SUNY College at Brockport)

**FACULTY SENATE OFFICE
RESOLUTION PROPOSAL COVER PAGE**

DEADLINE FOR SUBMISSIONS: MARCH 1 - Proposals received after March 1 may not be reviewed until next semester.

Submit all proposals to the Faculty Senate President electronically or on a disk with a hard copy.

Please provide cover page information requested.

facprez@brockport.edu, fSenate@brockport.edu

Faculty Senate Office, 426 Allen Building

NUMBER TO BE ASSIGNED BY SENATE OFFICE

ROUTING
NUMBER*

29 03-04 SP

1. PROPOSAL TITLE:

Please be somewhat descriptive, for example, *Graduate Probation/Dismissal Proposal* rather than *Graduate Proposal*.

Student Grade Appeals

2. BRIEF DESCRIPTION OF PROPOSAL:

3. SUBMISSION & REVISION DATES: PLEASE DATE ALL UPDATED DOCUMENTS and resubmit to the Senate Office electronically prior to Senate review and vote at fSenate@brockport.edu.

First Submission	Updated on	Updated on	Updated on
9/18/03	2/12/04		

4. SUBMITTED BY: (contact person)

Name	Department	Phone	Email
Michael Fox	Assistant Provost for Academic Affairs	2504	mfox@brockport.edu

5. COMMITTEES TO COPY: (Senate office use only)

Committee	Forwarded To	Date
<input type="checkbox"/> Budget	Committee Chair	9/18/03, 2/2004
<input type="checkbox"/> College Environment	Executive Committee	12/1/03, 2/23/04
<input type="checkbox"/> Enrollment Policies	Senate Floor	3/1/04, 4/5/04
<input type="checkbox"/> General Education	College President	4/8/04
<input type="checkbox"/> Graduate Curriculum		
<input type="checkbox"/> Personnel Policies		
<input checked="" type="checkbox"/> Student Policies		
<input type="checkbox"/> Undergraduate Curriculum		

*(ROUTING NUMBER WILL BE A CHRONOLOGICAL NUMBER SEQUENCE FOLLOWED BY COMMITTEE INITIALS)

THE POLICY ON STUDENT GRADE APPEALS

[Revised Version - February 24, 2004- Approved by Student Policies and Dr. Fox]

Students should address any question or disagreement about grades as quickly as possible with the course instructor and/or department chair. An attempt to resolve the issue informally with the instructor and or department chair is required in all cases. After carrying out the informal process, however, the student may wish to initiate a further appeal.

Time limits for grade appeals: The student must file a written grade appeal with the department chairperson within thirty (30) calendar days from the date on which the Registrar posts the grades for the semester in which the course was taken. During this 30-day period, the student must also engage in the informal attempt to resolve the disagreement (see Section III below).

I. DISTINGUISHING STUDENT GRADE APPEALS FROM OTHER STUDENT COMPLAINTS

- A. The grade appeal process is a formal procedure for settling disagreements between students and course instructors about course grades. The grade appeal process is intended solely to discover and correct any problems related to the application of course grading standards to individual students.
- B. The grade appeal process is not intended to deal with complaints about general conduct of courses, complaints about quality of instruction, or discrimination/harassment complaints. These issues are to be handled separately by student complaints made to the department chairperson and/or school dean and, as appropriate, the Affirmative Action Office and the Office of Human Resources.
- C. In cases where student grade appeals involve complaints related to general conduct and quality of instruction, discrimination, unequal treatment, or harassment, these complaints must be resolved before proceeding with an appeal of a specific course grade. The department chairperson and/or the school dean's office will assist the student in determining the appropriate channels for such complaints. The student is required to file the grade appeal with the department chairperson within the required time limit, but the chairperson will defer the grade appeal until after the disposition of the other complaints.
- D. If the grade appeal involves dispute about a lowered grade assigned as a penalty from a determination of academic dishonesty, the complaint must be handled through the appeals process described for *The Policy on Student Academic Dishonesty*.

II. BASIS FOR A STUDENT GRADE APPEALS

- A. **General Rules about Grade Appeals:** The course instructor's grading policy as published in the course syllabus shall be the grading standard for the course. The student is responsible for knowing the grading policy, which may include class attendance requirements, and for meeting the requirements for grades as specified by the instructor's policy. Any modifications the instructor makes in the original grading policy during the semester should be minor and must be announced and published in written form and distributed to all student participants in the course.
 1. A student may not base a grade appeal on disagreement with the grading policy as established and published by the course instructor.
 2. The difficulty of the grading standards and/or expectations for student performance in the course shall not be an issue in the grade appeal.
 3. The burden of proof in the grade appeal is always on the student.
 4. Only the final course grade submitted by the course instructor at the conclusion of the course can be appealed. Grades on individual course assignments cannot be appealed separately using this process although demonstration of instructor's error on the grades for individual assignments may serve as the primary evidence for a successful appeal of the final course grade.
- B. **Appeals based on instructor's failure to follow a published grading policy:** If a published course grading policy exists, a student appeal of the final course grade can be based only on evidence of one of the following situations:
 1. The course instructor has not followed his/her published grading policy in calculating grades for the course as a whole or in the specific case of the student complainant.

2. The course instructor has erroneously or unfairly applied the published grading policy or standards in the determination of the complainant's grade in the course.
- C. **Appeals based on the instructor's failure to publish a course grading policy:** College policy stipulates that all course syllabi should contain a "description of grading methodology (factors evaluated, weighting system, etc.)." Therefore, a student grade appeal is possible based on the course instructor's failure to announce and publish a course grading policy in a timely manner. In this case, for a successful appeal, the student would be required to demonstrate that the absence of an announced course grading policy led to grades for the course that were unfair as a direct result of the student's lack of correct information on how s/he was to be graded.
- D. The dates and deadlines given for various actions refer to procedures taking place within the fall and spring semesters. Appeals of summer and special sessions course grades must be scheduled in consultation with the student, the department chair and/or dean. When faculty and students are away from campus after the end of the spring semester or during the summer months, extensions of these deadlines by department chair or dean may be required but in all cases actions should take place in as timely a manner as possible.

III. AN INFORMAL ATTEMPT TO RESOLVE THE DISAGREEMENT IS REQUIRED

- A. A student grade appeal can be filed only if the student has first made an informal attempt to resolve the disagreement by a discussion of the matter with the course instructor.
- B. The informal procedure should include the following actions:
- 1- Within the thirty calendar day period for filing a grade appeal (see above), the student must discuss the course grade with the instructor who assigned the grade in question. If this instructor is not available, the student should contact the department chairperson, who will attempt to facilitate contact between the course instructor and the student. After the end of the spring semester and during the summer months, faculty are often away from campus. A student would be well advised to contact the department chair immediately if the attempt to contact the course instructor fails and to copy the department chairperson on all correspondence during this period.
 2. If the course instructor cannot be contacted and information is needed from him/her, the chairperson will defer the grade appeal until the needed information can be obtained from the course instructor. If the attempts to contact the course instructor fail, the chairperson will consider the student's complaint. The chairperson must review the course grading policy as published in the syllabus as part of his/her consideration of the complaint.

IV. FORMAL ATTEMPT TO RESOLVE THE DISAGREEMENT

- A. If the informal discussion with the instructor and/or the department chairperson fails to bring agreement, the student may notify the department chairperson in writing of his/her wish to appeal the case to the dean's level within two weeks of receiving the chairperson's decision or before the expiration of the thirty-day limit, whichever date is later. The department chairperson will inform the student of any documentation that will be needed for the appeal. The chairperson will also (where possible) inform the course instructor that s/he should prepare a written statement about his/her position on the student's grade appeal.
- B. If the student wishes to pursue the matter beyond the department chairperson, s/he will file a letter of appeal with the office of the school dean. The department chairperson will provide the student with a letter stating that the student has attempted unsuccessfully to resolve the disagreement by informal discussion with the instructor and/or the department chairperson and now wishes a dean's level grade appeal. The department chairperson will forward to the dean, (1) the course instructor's written statement, (2) a copy of the course syllabus, (3) any documentation related to the instructor's position on the appeal, (4) the student's original written statement and (5) any support

documentation from the student. The chairperson will send these to the school dean's office within one week after the student informs the chair of the request for a dean's level appeal.

V. DEAN'S LEVEL GRADE APPEAL

- A. Upon receiving the written appeal and accompanying documentation from the department chairperson, the school dean or his/her designee (hereafter referred to as "the dean") will examine all documentation and determine whether a hearing is needed. The dean will make this decision within one week of receiving the appeal. The first task in a dean's level appeal is to determine from the written documentation received whether the student complaint includes valid grounds for a grade appeal (see Sections I and II above). If the dean finds that there are no valid grounds for a grade appeal s/he may inform the student and the course instructor of that finding in writing and dismiss the appeal.
- B. If the dean finds that the student's written statement indicates that there are valid grounds for a grade appeal, the dean may schedule a hearing on the appeal. The dean will notify the student in writing of his/her decision on whether to hold a hearing. The dean's office will contact the student to schedule a meeting date and time. This will be done in as timely a manner as possible for the dean, student, instructor, and any other participants.
- C. The dean's level grade investigation will include communication with the department chairperson, the course instructor, the student complainant, and any witnesses that the student or the course instructor have called upon to support their positions. The dean will communicate a decision on the appeal to the student within one week of the hearing.
- D. If the dean feels it is necessary to excuse him/herself from holding a hearing, s/he has the option of appointing a designee.
- E. If the student grade appeal has taken place after the disposition of complaints of instructor impropriety brought by the student (see Sections I.A,B,C above), the dean and/or the dean's designee may take the disposition of those charges into consideration in the student grade appeal.
- F. If the dean finds that the student has not proven that the instructor's course grade should be changed, the original course grade will stand. The course instructor and the student will be informed of this action in writing within one week of the hearing.
- G. If the dean finds that the student's grade was improperly assigned as a result of the failure of the instructor to properly implement the announced grading policy or that the grade was erroneously calculated for any other reason, the dean, in consultation with the course instructor, will determine what the correct grade should be and will inform the student in writing of this decision within two weeks of the hearing. The dean will require the course instructor to correct/change the grade by submitting a *Change of Grade* form through the dean's office as appropriate. A record of this decision will be kept on file in the dean's office.
- H. The dean's decision on the student grade appeal is final. There is no appeal of this decision beyond the Dean's Office.
- I. Only new evidence on the student's or the course instructor's part can reopen an appeal. Any subsequent request to reactivate the appeal would be addressed to the school dean's office.
- J. If a student grade appeal submitted by a graduating senior in his/her last semester is successful after the student has been graduated, the Registrar is authorized to make any grade change authorized by the dean to the student's final transcript.

VI. STUDENT RIGHTS

VII. Students have the following rights in regard to student grade appeals and all appeal hearings:

- A. The right to a written notice of the instructor's position and to be informed of one's rights prior to any hearing or investigation of the appeal.
- B. The right to receive, upon request and in advance, a list of the witnesses who will appear to give evidence in any hearing or investigation of the charges. The provision of such a list of witnesses shall not preclude the testimony of witnesses who were unknown at the time of such a request.

- C. The right to dispute the instructor's position and to request a hearing before the dean of the school in which the course in question is offered.
- D. The right to bring witnesses to give evidence on the part of the student and to examine any witnesses brought by the instructor. Only the student may present the student's case and examine witnesses. Postponement of a scheduled examination or hearing may be allowed on the basis of unavailability of important witnesses but only if the cause for unavailability is reasonable.
- E. The right to bring an observer to any hearing. Members of the College community or parents or guardians may be selected to be present as the student's observer. Observers are present for "moral support" and cannot actively participate in the hearing.

VIII. GENERAL POLICIES GOVERNING GRADE APPEAL ACTIONS AND HEARINGS

- A. A student who leaves the Brockport area is responsible for transportation and other expenses related to his/her right to be present at any hearing as scheduled.
- B. Failure to appear on the date fixed for a dean's grade appeal hearing, unless there is a continuance for good cause approved by the dean prior to the hearing, will result in a ruling against the student's appeal and the student forfeits any right to further appeal of this grade.
- C. All hearings are closed to the public.
- D. A grade appeal hearing shall not be bound by technical rules of evidence, but may include testimony or evidence that is relevant and material to the issues and which will contribute to a full and fair disposition of the appeal.
- E. Cameras or other types of recording equipment are not permitted in a hearing.
- F. The term "business days" used in this code with reference to scheduling and notification means days on which the administrative offices of the College are officially open for business.

IX. Time Schedule for Grade Appeal Events

EVENT	DEADLINE
Letter of appeal due to department chairperson.	Within a 30 calendar day period from date of Registrar's posting semester grades.
Student's informal attempt to discuss and resolve conflict with instructor/chairperson.	
Instructor/chairperson respond to student.	
Student may continue appeal by notifying department chair and filing a dean's level appeal letter.	Within two weeks of receiving departmental decision on appeal or by end of the 30-day limit whichever is later.
If the student wishes to engage in a dean's level appeal, department chairperson sends appeal materials forward to dean.	Within one week of being notified by the student that s/he wishes to pursue a dean's level appeal.
Dean's decision on whether a dean's level hearing is justified by student appeal.	Within one week of dean's receiving the student's letter of appeal and departmental materials.
Dean's hearing date	Set in as timely a manner as possible.
Dean communicates a decision on appeal to the student.	Within one week of the dean's or designee's hearing.