

Grade Grievance Procedure

Division of Academic Affairs
Eastern Michigan University



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Timeline for Steps in the Grade Grievance Procedure

(This timeline is derived from appropriate sections in the Grade Grievance Procedure. The page number from which it is taken is underlined in parentheses following each item.)

Step I

- The student must contact the instructor within *ten (10) working days* after the start of the following semester: i.e., the semester following the one in which the disputed grade was given. (Step I, p. 4. Also see General Notes #3 on page 9 for the timing regarding, spring- summer)

Step II

- A written grievance must be filed within *twenty (20) working days* after the start of the next semester following the one in which the disputed grade was given. (Step II, p. 5)
- Within *ten (10) working days* after receipt of the written grievance, the department head must schedule a hearing before the Department/College Grievance Committee. (Step II, p. 5)
- The Committee hearing shall be open unless the student or instructor requests a closed hearing. This request should be conveyed in writing to the department head prior to the hearing . . . (After the hearing) The committee will meet in executive session and will present its findings, in writing, to the department head within *ten (10) working days*. (Step II, pp. 6 and 7)
- The department head will forward the committee's written decision to the student and the instructor within *five (5) working days* of this committee's decision/recommendation. (Step II, p. 7)

Step III

- Either the instructor or the student grievant may submit a written appeal of the prior decision at Step II by the Department/College Grade Grievance Committee within *ten (10) working days* of written receipt of that decision, if at least one of three conditions is met:
 1. The Office of the Provost determines that there is evidence that established procedures for Step II were violated; or
 2. There was at least one dissenting vote at the Step II level; or
 3. New evidence or new witnesses not previously considered or heard at Step II become available. (Step III, pp.7)
- Within *twenty (20) working days* of the receipt of the appeal, the University Grade Grievance Committee shall issue a written Step III decision to both the instructor and the student. (Step III, p. 8)

A. Introduction

The Grade Grievance Procedure provides each student with the opportunity to appeal formally a final grade in a course because he or she believes that the grade has been awarded capriciously or unfairly. Capricious or unfair-grading may include but is not limited to the assignment of a course grade to a student: (1) on some basis other than relevant performance in the course; (2) by resorting to standards different from those which were applied to other students in that course; or (3) by an unreasonable and/or unannounced substantial departure from the instructor's previously articulated standards.

This procedure is not intended to handle disputes that may arise about the grading of individual exams or assignments during the semester. When such disputes arise, the student should contact the instructor immediately, rather, than waiting until the end of the semester. Class action grievances by one student on behalf of several students or an entire class are not permitted.

B. Step I

If a student wishes to appeal a final grade, the student must contact the instructor within *ten (10) working days* after the start of the following semester: i.e., the semester following the one in which the disputed grade was given (see General Notes #3, p. 9, for the spring-summer policy). If the instructor is teaching on campus the next semester, but is temporally unavailable or simply cannot be reached during this ten-day period, then the student should deliver a written request for an appointment with him/her, stating the reason, to the department head no later than the ten (10) day period. With the aid of the department head in scheduling an appointment, the instructor and the student must then meet as soon as possible and discuss the disputed grade privately. In the event that the department head has difficulty in assisting the student in scheduling the appointment, a detailed written record of communication or attempts to communicate between the department head and the instructor will be maintained by the department head. Whenever possible, conflicts over grades should be resolved informally between the instructor and the student as a result of this Step I discussion.

If the instructor has left the University permanently, or is not available for a period of sixty (60) days or more (e.g., if the instructor is away on a sabbatical leave, medical leave; or in his/her "off semester" on a Plan C appointment), then the department head shall act on his/her behalf and make a decision either in support of or against the grievance. In making this decision, the department head shall review all available grade records, discuss the matter with the student, and with written consent of the student, request and evaluate within *ten (10) working days* a written statement by the instructor concerning the disputed grade, when possible. The department head cannot act in this manner on behalf of the instructor during the spring-summer period because the instructor is not teaching during either the spring or summer session, unless the disputed grade affects the student's plans to graduate that year.

C. Step II

If the grade dispute is not resolved in Step I to the student's satisfaction and he or she still believes that the grievance has merit based on facts of the case, the student has the right to file a formal written grievance with the department head. In the written grievance, the student must indicate whether he/she requests that the case be heard by a Departmental or College Grade Grievance Committee. The department head will forward the written grievance immediately to the chairperson of the appropriate (Department or College) Grade Grievance Committee.

Guidelines for filing a formal grievance are as follows:

1. A grievance must be based on evidence that the instructor has been capricious and/or unfair in awarding a grade. The written grievance must describe specifically the perceived capricious or unfair action of the instructor. The student also should present all other evidence or documentation in support of his or her allegations. Disagreement with an instructor's judgment in and of itself is not a basis for a grievance, nor is disagreement with an instructor's grading standards, if such standards have been described in advance for the class, and have been applied fairly to all students in the class.
2. A written grievance must be filed within *twenty (20) working days* after the start of the next semester following the one in which the disputed grade was given.

Within ten (10) *working days* after receipt of the written grievance, the department head in consultation with the chairperson of the Department/College Grade Grievance Committee will schedule a hearing before the Committee. The department head cannot simply make a personal judgment that the grievance is without merit, and thus refuse to give it to the Department/College Grade Grievance Committee. However, after scheduling the hearing, the department head may request a closed three-person meeting in his/her office with just the instructor and the student, to discuss informally the disputed grade one final time. If either the instructor or the student refuses to attend such a meeting, the department head cannot require his/her attendance, and the grievance is then held as previously scheduled. If a closed meeting is held, the department head shall act only as a facilitator or a mediator. His/her role is restricted solely to promoting further discussion, not to imposing his/her judgment and/or making a decision in the case. If the dispute is resolved in this meeting, the written grievance shall be withdrawn and the scheduled hearing canceled. The student will provide written verification of withdrawal of the grievance to the instructor and department head at the conclusion of the meeting. If the dispute is not resolved, the grievance is then held as previously scheduled. In such cases, the department head shall not communicate his/her opinions/judgments regarding the grievance and/or the discussion at the closed meeting to the members of the Department/College Grade Grievance Committee.

The Department Grade Grievance Committee shall be composed of three (3) faculty members and two (2) students. The faculty members shall be selected by appropriate department procedures. In undergraduate student grievances, the student representatives shall be selected from the list of representatives designated annually (no later than October 15 each year) by Student Government for each department in that particular college. In graduate student grievances, the student committee members must be graduate students. The graduate student representatives will be selected from the list of representatives designated annually (no later than October 15) by the Graduate School for each department in that particular college.

The College Grade Grievance Committee shall be composed of three (3) faculty members and two (2) students. One faculty person and one student must be from the department from which the grievance originated. The other faculty and student representatives must be from different departments within the college. The dean of the college in which the grievance originates will select the appropriate faculty and student representatives to serve on a particular grievance committee from the approved designated lists. The faculty approved to serve on the committee shall be designated by the College Council from a list of faculty submitted by each department by October 15 each year. In undergraduate student grievances, the student representatives shall be selected from the list of representatives designated annually (no later than October 15 each year) by Student Government for each department in that particular college. In graduate student grievances, the student committee members must be graduate students. The graduate student representatives will be selected from the list of representatives designated annually (no later than October 15) by the Graduate School for each department in that particular college.

The student grievant may, however, request in advance of the hearing in writing that the two (2) students be excused and that his or her grievance be heard only by three (3) faculty members.

This option applies regardless of whether the grievance is being heard by the Department or College Grade Grievance Committee. The committee shall conduct a hearing according to the following guidelines:

1. Prior to the hearing, any written information in support of either the student or the instructor shall be distributed to committee members by the department head. In addition, both the student grievant and the instructor shall be provided with copies of these same written materials. All available written information shall be presented at this time.
2. A detailed record shall be kept of the hearing, preferably a taped sound recording. If a written record is kept, that record shall be signed by the Grievance Committee asserting that the written record is a true record of the hearing proceedings.

Written or recorded records of any Step II grievance shall be kept on file in the college dean's office and copies shall be provided, upon request, to the student who has filed the grade grievance or the faculty member against whom the grievance was filed. Costs associated with duplicating grade grievance records shall be borne by the individual(s) requesting copies.

3. The hearing shall be open unless the student or instructor requests a closed hearing. This request should be conveyed in writing to the department head prior to the hearing.
4. Both the student and instructor shall be permitted an adviser at the hearing. Advisers must be members of the University community, i.e., students in good standing or full-time faculty or staff members.
5. The Department/College Grade Grievance chair shall begin the hearing by beginning the tape recorder (or announcing the name of the person who will be taking minutes) and reviewing the guidelines and procedures under which the hearing shall be conducted.

The committee chair will then announce, "This Step Level II Grade Grievance Hearing is being held on (date). (Name of student) is grieving the grade of (grade) received during the (semester) in (class prefix, number, and section identification number) taught by (instructor). The following committee members are in attendance today: (members give their names)."

6. In order, the student and the instructor will present their cases. Both the student and the instructor may call witnesses, and the student, instructor, adviser(s), and committee members all have the right to question any witnesses that are called. The student and the instructor should be asked for brief closing statements.

7. The chair will then close the hearing with, "This Step Level II Grade Grievance Hearing is now concluded." The committee will meet in executive session and will present its findings, in writing, to the department head within *ten (10) working days*. The written decision/recommendations- will be signed by the members of the committee. The department head will forward the committee's written decision to the student and the instructor within *five (5) working days of this committee's decision/recommendation*.
8. If determined through the grievance process that a student's grade is to be changed, the following process will be used:
 - a. The Chair of the grade grievance committee will forward the committee's recommendation for the change of grade to the faculty member, Department Head and the student (grievant).
 - b. The faculty member shall have *ten (10) working days* from the issuance of the committee's recommendation to file a grade change or respond otherwise to the committee.
 - c. If the faculty member fails to change the grade or appeal the decision within the allotted time or notifies the committee of his/her intent not to comply with the recommendation to do so, the department head will file the grade change form in accordance with the committee's recommendation.
 - d. The student, faculty member, Department Head, and Grievance Committee Chairperson will receive copies of the completed grade change form.
9. Either the student or the instructor may appeal the decision/recommendations of the Department/College Grade Grievance Committee to the University Grade Grievance Committee under the conditions listed below. This appeal must be filed within *ten (10) working days of receipt of the decision*.

D. Step III

Either the instructor or the student grievant may submit a written appeal of the decision at Step II by the Department/College Grade Grievance Committee within *ten (10) working days* of written receipt of that decision, if one of the following conditions is met:

1. The Office of the Provost determines that there is evidence that established procedures for Step II were violated; or
2. There was at least one dissenting vote at the Step II level; or
3. New evidence or new witnesses not previously considered or heard at Step II become available.

In the absence of 1, 2, or 3 above, simple disagreement with the decision rendered at Step II is not sufficient basis for an appeal. In other words, there is no automatic right of appeal in every case requiring that the University Grade Grievance Committee reconsider the entire grievance case. If the appeal is based on new evidence or new witnesses, the written appeal statement must explain precisely how this evidence or testimony relates directly to the alleged unfair or capricious awarding of the disputed grade. If said evidence or witnesses had been available prior to the Step II hearing, the hearing shall be remanded back to the Step- II departmental committee. Only newly discovered evidence and/or witnesses may be introduced at the Step- III hearing level (it shall be the responsibility of the petitioner to demonstrate that the evidence and/or witnesses were not available at Step II).

The appeal shall be submitted to the provost or his/her designee with a copy to the dean of the appropriate college. The University Grade Grievance Committee shall be chaired by the provost or his/her designee *and shall have the following* additional members: the dean of the *involved college* or his/her designee; two (2) faculty members, one of whom is from the involved college, but not from the department in which the grievance originated; and one (1) student appointed by Student Government (in the case of undergraduate grievance) or by the Graduate School (in the case of graduate grievances). The two faculty members shall be selected by the provost or his/her designee from an available pool of nominees representing all colleges.

The University Grade Grievance Committee shall review all written documents that were available to the Department/College Grade Grievance Committee, the written or taped recording of the Step II hearing, and the final report and decision of the Step II Committee. The University Grade Grievance Committee may reconvene the participants in the Step II hearing to answer questions, if desired.

Within *twenty (20) working days* of the receipt of the appeal, the University Grade Grievance Committee shall issue a written Step III decision to both the instructor and the student. This decision shall be final; no further appeal is possible.

E. Records

When the Grade Grievance Procedure results in an instructor's grade being changed without his or her agreement, then all University records containing that grade in which the name of the instructor appears shall be identified by an asterisk (*). On these records, the asterisk will be footnoted with the following statement: "This grade is a result of an appeal procedure." On those records in which the instructor's name does not appear, the grade will not be asterisked, nor will there be any other indication that the original grade was changed.

F. General Notes

1. The time limits/deadlines for submitting grievances/appeals, holding meetings, making decisions are to be followed by all parties. However, extensions of the limits may be requested in writing by any of the involved parties. Such requests must originate prior to the expiration of the stated time limit. The dean of the involved college will make the decision to approve or to deny each request for a time limit extension at Step I or Step II. Decisions regarding Step III time limit extensions will be made by the Office of the Provost.
2. For Department Grade Grievance Committees, each academic department shall select the faculty members for the Department Grade Grievance Committee annually by October 15. The committee will hear all Step II grade grievances during the next twelve months in cases where the student requests the hearing at the departmental level. Substitute members shall be selected to replace any committee member who is personally involved in a grade grievance. Also, substitute members shall be selected to replace any faculty member who is unavailable for an extended period of time (e.g., spring and/or summer). For College Grade Grievance Committees, annually by October 15, each academic department shall select faculty members to serve on the College Grade Grievance Committee (at least one person to serve as a regular member of the Committee and one as an alternate). The Committee will hear all Step II grade grievances during the next twelve months in cases where the student requests the hearing at the college level. Substitute members shall be selected to replace any committee member who is personally involved or has a conflict of interest in a grade grievance. Also, substitute members shall be selected to replace any faculty committee member who is unavailable for an extended period of time (e.g., spring and/or summer, sabbatical, etc.).

3. Each college shall select two (2) faculty members plus one (1) alternate who are available during a twelve-month period for assignment to the Step III University Grade Grievance Committee. These selections shall be made by the appropriate college-level faculty advisory council/committee at the beginning of the academic year (by October 15). Unlike the Department/College Grade Grievance Committee, this Step III University Grade Grievance Committee may, of necessity, have a different membership for each grievance.

Grievances relating to grades awarded for the winter semester ending in April or for the Spring term ending in June shall normally be pursued the next fall, measuring all stated deadlines with respect to the start of the fall semester in September. However, if the instructor is teaching on campus during the spring or summer session and the student is enrolled on campus during the same session, then with their mutual agreement, the grievance can be pursued during the spring or summer. However, should either the instructor or the student prefer to wait, then action of the grievance will be postponed until the fall semester. The only exception in which the grievance shall be pursued during the spring or summer session without the consent of the instructor who is teaching on campus is for any case in which the disputed grade affects the student's plans to graduate that year. In such cases, if the instructor is unwilling to participate, the department head may act on his/her behalf.

4. Throughout this procedure, the title "department head" shall be interpreted to include program directors or program coordinators for appropriate academic units in which there is no administrator with the title of "department head."