

MEMORANDUM

Senate Executive Committee, Robert Fossum, Chair

FROM: Conference on Conduct Governance, Nicholas Burbules, Chair

DATE: February 8, 2002

CG.01.13

Enclosed is the final version of Revised Rule 26 as approved by CCG (CG.01.13). It is designed to eliminate the confusion and delay caused by existing Rule 26. Under the existing rule, the Capricious Grading Committee may be required to meet as many as three times to resolve a single complaint. First, to determine threshold issues under Section 26C; then to determine whether mediation is possible under Section 26D; and finally to hold the fact finding hearing under Section 26E. In addition, the review in 26C requires the committee to decide issues based only on the student's appeal that usually cannot be determined solely from that information.

Revised Rule 26 streamlines the process and requires only one hearing. Under the Revised Rule, the DEO serves a solely administrative role in (1) collecting the complaint and response, (2) determining that the complaint was timely, and (3) determining that the student has conferred with the instructor. Once this is done, the DEO forwards the paperwork to the Committee, which schedules a hearing to resolve the matter.

This approach clearly defines the role and duties of all parties, and eliminates multiple hearings by the committee acting in multiple capacities. It could cut weeks off the time required to resolve a typical capricious grading complaint.

Additions are underlined – deletions are marked with a ~~strikethrough~~.

26. Procedures for Review of Alleged Capricious Grading--All Students

- A. The following procedures are available only for review of alleged capricious grading. ~~and not for~~ They are not to be used: 1) to review of the judgment of an instructor in assessing the quality of a student's work, or 2) in cases involving alleged violations of academic integrity (See Rule 33). Capricious grading, as that term is used herein, constitutes any of the following: (1) the assignment of a grade to a particular student on some basis other than performance in the course; (2) the assignment of a grade to a particular student by resort to more exacting or demanding standards than were applied to other students registered for the same credit in that course; (3) the assignment of a grade representing a substantial departure from the instructor's previously announced standards.
- B. A Capricious Grading Committee shall be elected from the faculty by the faculty of each academic unit (or if the academic unit consists of nine or fewer faculty members, of the school or college). If the instructor of the course is a member of the committee, that instructor shall be disqualified from the consideration of ~~that appeal~~ any appeal involving the instructor.
- C. A student who believes that a semester grade is improper and the result of capricious grading should first confer promptly with the instructor in the course or, if the instructor is unavailable, with the department or unit executive officer or designee (DEO). If the student and the instructor (or, in the instructor's absence, the ~~unit executive officer or designee (DEO)~~ are unable to arrive at a mutually agreeable solution, the student may file an appeal with the DEO within six working weeks after the start of the next semester. ~~to a committee elected from the faculty by the faculty of the unit offering the course. If the academic unit consists of nine or fewer full-time faculty members, the appeal will be directed to a similarly constituted committee of the school or college.~~
- D. The student shall file an appeal by submitting to the DEO committee a written statement particularizing the basis for the allegation of capricious grading and presenting any available supporting evidence. The DEO ~~The appeal shall be dismissed if: (1) the allegation, if true, would not constitute capricious grading; (2) the appeal was not timely; or (3) the student has not conferred with the instructor or, if the instructor is unavailable, with the head of the department. If the appeal is not dismissed, the committee shall submit a copy of the student's written statement to the instructor of the course with a request that the instructor promptly submit a written response thereto. If, upon the basis of these papers, it appears that the dispute may be attributable to inadequate or incomplete communication between the parties, the committee~~

may arrange to meet with the student and instructor individually to discuss the problem.

- E. ~~If such a meeting is not held or, if held, such meeting does not result in a mutually agreeable solution~~ The DEO shall then submit the appeal and response to the unit's Capricious Grading Committee. The committee shall proceed to hold a fact-finding session concerning the allegations set forth in the appeal. A quorum consisting of 75 percent of the elected committee is required for this session. Both the student and the instructor shall be entitled to be present throughout this session and to present any evidence relevant to the manner in which the grade was assigned, including testimony by other persons. Both the student and the instructor shall have an opportunity to question or refute any evidence presented. The confidentiality of all evidence shall be preserved. The student and instructor may each be accompanied by a person to assist them in presenting evidence. The session shall not be open to the public.
- F. At the close of the session, the committee shall deliberate privately. If a majority of the elected committee, or a majority of those remaining if the instructor is disqualified under the procedure outlined in the second paragraph above, shall find the allegation of capricious grading not supported by substantial evidence, it shall dismiss the appeal. If the committee finds the allegation of capricious grading to be supported by substantial evidence, the committee shall proceed to determine the most appropriate remedy. The committee may direct the instructor to grade the student's work anew or to give the student a new examination in the course, or may take such other action as will bring about substantial justice in the individual case. However, except in the most extraordinary circumstances the committee should not award the student a new grade in the course. The decision of the committee shall be reported in writing to the student, the instructor, and the departmental office. The committee's decision is final.
- G. The committee is not authorized to reprimand or otherwise take disciplinary action against the instructor. Evidence put before the committee shall be admissible in any disciplinary proceedings that may thereafter be undertaken against the instructor, but the disciplinary body shall make an independent determination of whether that evidence and any other information before that body constitutes sufficient proof of the conduct charged.
- H. None of the established procedures available to the instructor to raise grievances before the Faculty Advisory Committee or alleged violations of academic freedom before the Senate Committee on Academic Freedom and Tenure shall be abridged or affected by the actions of the committee. (See Rule 33.)