

## Document IX

### **GUIDELINES FOR APPEALING UNFAIR AND/OR CAPRICIOUS FINAL GRADES**

Updated 10/07

#### **I. Purpose**

A UL Lafayette student who feels that he/she has received an unfair and/or capricious final grade in a course at UL Lafayette has a right for his/her complaint to be heard in a fair and unbiased manner consistent with existing due process guidelines. The following procedure is the mechanism whereby the student can realize that right.

#### **II. Conditions for Appealing Grades**

- A. The following appeal procedure shall not be used to question the professional judgment of an instructor or the content of an examination. Only final grades in a course may be appealed. Individual test scores in any course are not subject to this appeal procedure. Such problems should be handled through discussion between the student and the appropriate instructor and/or department head.
- B. In order to avoid any misunderstanding of the reasons why a final grade may be appealed, the following is a list of the conditions that are grounds for appeal:
  - 1. When the student contends that the professor has violated the professor's own specified grading standards resulting in a detriment to the student's final grade. In this regard it should be noted that the syllabus including the instructor's grading criteria is a plan not a contract. For many reasons an instructor may modify these criteria during the term of a course. Such changes are proper if announced in writing and/or using course management software to all students in the class.
  - 2. When the student contends to have been subject to grading criteria different from those used to evaluate the academic work of other students in the class.
  - 3. When the student contends that the instructor demanded as a condition of passing a course any condition not germane to the subject matter of the course.

#### **III. Procedure for Appealing Grades**

- A. A student who contends that he/she has received an unfair and/or capricious final grade under one of the conditions which are grounds for appeal should follow the procedure outlined below.
  - 1. In the case of a grade awarded at the end of a fall or summer session, the student MUST initiate the appeal procedure within twenty (20) school days of the end of the fall semester or summer session in which the grade was received. If the grade in question is given at the end of a spring semester, the appeal will not be heard until the subsequent fall semester, and the twenty (20) school-day period during which the appeal must be initiated will begin on the first class day of that subsequent fall semester.
    - a. The appeal procedure is initiated by the student notifying the University Ombudsman of his/her intention to appeal a final grade and providing the Ombudsman with his/her name and student number, the instructor's name, the course name and number, the grade received, and the semester in which the grade was received. The student will furnish in writing to the Ombudsman an account of why he/she feels that the final grade received in the course in question was unfair and/or capricious. The Ombudsman may assist the student in the

preparation of this written complaint, which must include a specific designation of the grounds for the student's appeal, as listed in II-B above.

- b. The University Ombudsman should at this time accomplish the following:
    - 1) Ensure that the twenty (20) school-day period for appeal has not passed.
    - 2) Ensure that the student's reason for appealing the final grade is consistent with the "conditions which are grounds for appeal" as given in II-B above.
    - 3) Explain this procedure to the student in order that he/she may be knowledgeable concerning the appeal process.
    - 4) If the student's appeal involves disciplinary matters the Ombudsman should consult with the Office of the Dean of Students and help the student to resolve these issues and proceed no further with a grade appeal.
    - 5) If the student grade appeal involves allegations of sexual harassment or retaliation related to sexual harassment, the Ombudsman should inform the student that the procedure is for the student to talk to the Office of the Dean of Students, the university Title IX officer, or the Counseling Center. The grade appeals process should be put on hold until the harassment issue is resolved.
  - c. The student will have fifteen (15) school days from the date of initiation of the appeal to accomplish that portion of the procedure outlined in III-A-2 below. If the student does not report back to the Ombudsman as specified in III-A-3 below within the allotted fifteen (15) school-day period, it will be assumed that the problem has been resolved to everyone's satisfaction, and the appeal case will be closed.
2. The student meets, talks, and presents her or his written complaint in a meeting with the instructor, the department head, and the appropriate academic dean (dean in charge of area in which course is offered—not necessarily the student's academic dean or if the grade in question is in a graduate course, the Graduate Dean) in an attempt to resolve the final grade problem. The dean will actively try to resolve the issue at this meeting. If a solution that is acceptable to all parties concerned is reached, the appeal case is considered closed with no further action required. Fifteen (15) school days are allowed for this portion of the grade appeal.
  3. If the final grade problem is not resolved by the procedure in III-A-2 above, the student will contact the Ombudsman and the following steps in the appeal process will be instituted.
    - a. The Ombudsman will investigate the student's complaint in order to acquaint himself/herself as much as possible with all the facts of the case and accumulate evidence concerning the student's charges. This investigation must be completed within fifteen (15) school days. If the Ombudsman cannot substantiate the student's charges he/she is to inform the student that the appeal should not go forward.
    - b. If the Ombudsman finds a basis to go forward with the grade appeal, within ten (10) school days of the completion of III-A-3a above, the Ombudsman will call a meeting between the student, the instructor, and the Ombudsman. The Ombudsman will notify the instructor's department head and dean of the meeting, and either one or both of them may attend if they wish. The primary order of business at this meeting will be to ensure that both the student and the instructor understand the nature and extent of the grading complaint. The Ombudsman should consider it her/his duty to mediate the dispute. Obviously, if a settlement of the case can be effected at this point, it would be welcomed. The Ombudsman shall put in writing the nature of the agreement, if one is reached and the instructor

and the student will sign the agreement. The Ombudsman shall send copies to the student, the instructor, the department head, the dean, and the Vice President for Academic Affairs.

- c. Within ten (10) school days after the meeting between the student, the instructor, and the Ombudsman has been held, if a settlement has not been reached and the student wishes to pursue the appeal, he/she will prepare, with the assistance of the Ombudsman, seven copies of his/her written complaint and any supplemental material and hand deliver copies to the appropriate instructor, department head, Vice President for Academic Affairs, and the Chair of the Grade Appeals Committee. The student and the Ombudsman will each keep a copy of this letter of complaint and supplements.
  - d. The instructor shall have ten (10) school days after receiving the student's written complaint and any supporting materials to prepare his or her response and supporting materials and hand deliver them to the Chair of the Grade Appeals Committee.
  - e. The Chair of the Appeals Committee shall provide each member of the hearing committee - at least two (2) days before the hearing – the student's complaint and supporting materials, the instructor's response and materials, Parts I and II of this policy, and the internal guidelines of the committee. The student and faculty materials must be returned to the Committee Chair at the conclusion of the hearing.
4. Upon receipt of the materials mentioned in III-A-3c and III-A-3d above, the chair of the Grade Appeals Committee will call a meeting of the committee; the meeting should take place no later than ten (10) school days after receipt of the materials. The purpose of the meeting will be to hear the student's complaint and the instructor's response and to determine whether the student's complaint should or should not receive further hearing. The Grade Appeals Committee will conduct the hearing in accordance with the following guidelines.
- a. At least five (5) members of the Grade Appeals Committee, preferably a mix of faculty and students, must be present during the hearing.
  - b. An audio recording of the hearing must be made.
  - c. The student, the Ombudsman, the instructor, and the instructor's department head will appear before the Grade Appeals Committee. The student and the instructor may each bring an advisor of his/her choice drawn from the university community.
  - d. The following procedure will be followed during the hearing unless the procedure is changed before the hearing by majority vote of the Grade Appeals Committee.
    - 1) The student and/or Ombudsman presents the student's complaint and evidence to support the allegation(s).
    - 2) The instructor and/or his advisor presents the instructor's response to the charges and evidence to support his/her position.
    - 3) Each side may present a rebuttal.
    - 4) The members of the Committee ask any questions relevant to the criteria in IIB that they feel necessary to clarify the matter under study.

- 5) When the members of the Committee are satisfied that they have the information necessary for action on the student's complaint, all non-members will be asked to leave the room.
  - 6) The Committee Chair will remind the committee that the professional judgment of an instructor or the content of an exam shall not be questioned and all appeals must meet one or more of the criteria listed in IIB. After any needed discussion, the Committee will determine one and only one question by secret ballot—whether or not the facts as presented provide sufficient reason for a further hearing of the case. All members of the Committee present must vote for or against the question. A majority vote is required to sustain the appeal. A tie vote, as is the case in parliamentary procedure, is in effect a negative vote.
5. The Grade Appeals Committee must recommend that the student's complaint either should or should not receive further hearing. The Committee's decision should be communicated verbally to the student and the instructor after the hearing if they are still present. The decision must be delivered in written form to the Academic Vice President along with the audio recording of the hearing by the Chair of the Committee within one (1) school day of the conclusion of the hearing. In addition, the Chair must notify in writing, the Ombudsman, the student, the instructor, the instructor's department head, and the instructor's dean of the Committee's decision; notification should occur within three (3) school days of the conclusion of the hearing.
- a. In the event of a negative recommendation by the Committee, it's work is done and the appeal process normally ends at this point. However, in order to ensure total due process, the student has the opportunity to appeal the decision of the Grade Appeals Committee to the Committee on Academic Affairs and Standards (CAAS) for undergraduate cases and to the Graduate Council for graduate cases.
    - 1) Any appeal of a negative decision by the Grade Appeals Committee must be made by the student through the Ombudsman. If a student decides to appeal, within five (5) school days of his receipt of the written notice of the negative decision of the Committee, the Ombudsman will notify the Vice President for Academic Affairs and the Secretary of the CAAS or the Dean of the Graduate School, as appropriate, in writing of the student's intention to appeal. This written notice of intent to appeal must set forth in detail the reasons why the student is appealing the committee's decision.
    - 2) If the appeal is to the CAAS, the secretary of the CAAS will constitute a three-member subcommittee of the CAAS to hear the appeal. The subcommittee will consist of one academic dean, one faculty member, and one student; the secretary shall choose the three by lot from the CAAS membership. (A CAAS member who is directly involved in the case at hand—e.g., the dean of the accused instructor's college—may not serve on the appeal subcommittee.)
    - 3) If the appeal is by a graduate student, the Dean of the Graduate School will constitute a three-member subcommittee of the Graduate Council to hear the appeal. The subcommittee will consist of two members of the Graduate Council chosen by lot and the Graduate Student Organization President or his/her appointee. (A Graduate Council member who is directly involved in the case at hand may not serve on the appeal subcommittee.)
    - 4) The meeting of the Graduate Council or CAAS appeal subcommittee must be held within ten (10) school days of the receipt of the written notification of the intent to appeal. This meeting will be for the purpose of considering the student's request for a further hearing. The subcommittee of the CAAS or the Graduate Council will have access to the letter requesting a further hearing, the student's original letter of complaint and any supplementary material, the

faculty member's response and any supplementary material and the audio recording of the hearing before the Grade Appeals Committee for use in deciding whether or not the student's case deserves further hearing. Either body may request other evidence which it feels is pertinent to the case.

- 5) If the CAAS or Graduate Council appeal subcommittee rules that the case should not receive further hearing (in effect, upholding the decision of the Grade Appeals Committee), the appeals case ends at this point and the student's appeal is denied. The Vice President for Academic Affairs must be notified in writing of the ruling and must notify in writing the student, the Ombudsman, and the instructor; such notification must occur within three (3) school days after the ruling is made. If the ruling is in the student's favor, the procedure outlined in III-A-6 below will be put into effect.
6. In the event of a positive recommendation by the Grade Appeals Committee, the appeal case will be heard by either the CAAS, for undergraduate students or by the Graduate Council, for graduate students.
    - a. The hearing should follow the same guidelines as those for the hearing before the Grade Appeals Committee [see III-A-4d-(1) through (6)] with one exception: both the student and the instructor may call witnesses to support their respective positions. The student and the instructor may each bring to the hearing an advisor of his/her choice drawn from the University community.
    - b. The hearing will be held as soon as practical after the Academic Vice President has been notified of the Grade Appeals Committee's favorable decision, but no later than fifteen (15) school days from this notification date or fifteen (15) school days from the favorable decision on an appealed Grade Appeals Committee decision. The CAAS or the Graduate Council, as appropriate, will be notified of the hearing date by the Secretary of the CAAS or the Dean of the Graduate School, depending on which body will hold the hearing.
    - c. The CAAS or the Graduate Council, as appropriate, must by secret ballot, first decide one question: whether the student received an unfair or capricious final grade (as defined in Part II) in the course in question. The burden of proof of the allegation rests with the student. A tie vote, as is the case in parliamentary procedure, is in effect a negative vote.
    - d. The decision reached by the CAAS or the Graduate Council will be binding on all parties involved.
      - 1) In the event that the decision is against the student, the appeals case ends and the student's appeal is denied.
      - 2) In the event that the decision is in favor of the student, the CAAS or the Graduate Council will then decide, by means of a secret ballot, the student's final grade for the course in question. If the challenged grade is an "F", the grade (except in unusual circumstances) shall be changed to "CREDIT." If the challenged grade is "B", "C", or "D", the CAAS or the Graduate Council may recommend either the grade of "CREDIT" or a "LETTER GRADE" as the facts of the case warrant. The Chair of the CAAS or the Graduate Council will then notify the Vice President for Academic Affairs of the Committee's decision. The Vice President for Academic Affairs will then direct the Registrar to carry out the recommended grade change, citing enough of the facts of the case to justify the grade change for the Registrar's records.

- e. The Chair of the CAAS or the Graduate Council must notify the Vice President for Academic Affairs of the ruling within one (1) full school day. The Academic Vice President must notify in writing the student, the Ombudsman, and the instructor of the decision within three (3) school days of the ruling of the CAAS or Graduate Council.