

From: Cooper, Brian
Sent: Monday, March 03, 2014 5:19 PM
To: Souffrant, Eddy
Cc: Zenk, Leslie; Wyse, Matt
Subject: Appeal of Final Course Grades

Eddy,

FAPSC considered the proposed changes to the Appeals policy at our February 28 meeting. We agree that the changes will improve clarity and saw nothing in them we would question or want to change. We voted unanimously to support the proposed revisions.

Best,
Brian

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MEMO

Date: August 26, 2013

To: Eddy Souffrant
President of the Faculty

From: Joan F. Lorden 
Provost and Vice Chancellor for Academic Affairs

Re: 2013-2014 Faculty Council Agenda

Welcome to a new academic year! I look forward to working with you and the Faculty Council on a number of policy-related items that I believe demand our attention. I have outlined below what I see as the biggest issues in my order of priority. When you have had a chance to outline your own, I would like to see if we can come up with a joint list to present to the appropriate standing committees of the Faculty Council or to specifically appointed task forces. We need to bear in mind that changes in one policy may interact with others. Thus, broad consultation with the campus is essential, particularly with the Registrar, the Associate Deans' Council, the Student Success Working Group, students, and academic advisors. My office stands ready to assist in this.

In order of priority, my list includes:

- 1. Student Success Regulations/Course Withdrawal Policies** (*carry-over from 2012-2013*). The number one priority this year will be implementation of the Regulations associated with the new Board of Governors policy on "Fostering Undergraduate Student Success," that has been issued by the UNC General Administration. Part of this work includes the ongoing work that FAPSC began in 2011 with changes to our course withdrawal policies. It is imperative that the policy changes associated with these regulations be considered by Faculty Council as soon as possible to allow for the necessary planning and implementation. <http://provost.uncc.edu/policies/grading>
- 2. Definition of Majors and Minors Policy** (*carry-over from 2012-2013*). Continuing on the work of FAPSC over the last two years, this policy is out of date and in need of review, particularly in terms of how it applies to concentrations. I hope for a resolution to this during fall term. <http://provost.uncc.edu/policies/definition-majors-minors>

3. **Policy and Procedures for Student Appeals of Final Course Grades** (*carry-over from 2012-2013*). As was suggested last year, the procedures need to be reviewed for overall clarity and ease of use for our students. I have asked the Associate Deans to provide some initial ideas on opportunities for improving the clarity of this policy, and their suggestions are being gathered and will be sent at a later date. As a policy that is managed by the Office of Legal Affairs, following any changes approved by Faculty Council, I will then present the changes to the Chancellor's Cabinet.
<http://legal.uncc.edu/policies/up-410>
4. **Students who return after receipt of a degree** (*carry-over from 2012-2013*). There were 619 total "second degree" or "5th year" students in fall 2012; these students' goals for returning are varied: they may want to earn an entire second baccalaureate degree, add a major or minor, or simply take classes with no degree in mind. This causes complications in terms of financial aid eligibility and degree requirements including the fact that "second degree" students do not currently meet the required SACS standard of earning 25% of the degree at UNC Charlotte. The specific policy-related questions include but are not limited to:
 - What should be the minimum number of hours required to award a second degree? A model seen at other institutions is to require completion of a minimum of 30 hours to receive a second degree.
 - Should there be a generic post-baccalaureate certificate developed for those students who enroll for a reason other than to complete a second degree?
 - We have a provision for a "Baccalaureate Minor" which may need to be eliminated or defined more clearly.<http://provost.uncc.edu/policies/declaring-undergraduate-majors-minors>
<http://provost.uncc.edu/policies/registration>
<http://provost.uncc.edu/policies/baccalaureate-degree-requirements>

There are also five policies that are due for their five-year review in addition to two policies that did not get reviewed last year. I am requesting that FAPSC review each of these policies for relevance, accuracy, or gaps, and any changes (if needed) should be considered by the Faculty Council.

5. **Readmission of Former Students** (*carry-over from 2012-2013 review*)
<http://provost.uncc.edu/policies/readmission-former-students>
6. **Termination of Enrollment** (*carry-over from 2012-2013 review*)
<http://provost.uncc.edu/policies/termination-of-enrollment>
7. **Academic Appeal and Grievance**
<http://provost.uncc.edu/policies/academic-appeal-and-grievance>
8. **Academic Credit**
<http://provost.uncc.edu/policies/academic-credit>
9. **Academic Records and Transcripts**
<http://provost.uncc.edu/policies/academic-records-transcripts>

10. Baccalaureate Degree Requirements

<http://provost.uncc.edu/policies/baccalaureate-degree-requirements>

11. Graduation: Undergraduate

<http://provost.uncc.edu/policies/graduation-undergraduate>

Thank you for your attention to these important issues as we start the new academic year. I look forward to our discussion.

cc: Chancellor Dubois
Deans
Senior Staff

University Policy 410.1, Request for Review of a Final Course Grade: Guidelines for Students

Comment [1z1]: EXPLANATION: All of this language already exists in the policy/procedure. Omit this duplicative document and instead refer students, faculty and staff to the new combined document.

Policy Details

See: University Policy 410, Policy and Procedures for Student Appeals of Final Course Grades

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~~Students at UNC Charlotte have the right to appeal a final course grade under certain conditions. A final course grade will be deemed to have been assigned impermissibly or arbitrarily if a student can establish, with a preponderance of evidence, that:~~

- ~~1. The course grade was based upon the student's race, color, religion, national origin, age, sex, disability, sexual orientation, or for some other arbitrary or personal reason unrelated to the instructor's exercise of his or her professional academic judgment in the evaluation of the academic performance of the student; or~~
- ~~2. The course grade was assigned in a manner not consistent with the standards and procedures for evaluation established by the instructor, usually at the beginning of the course in the course syllabus but supplemented on occasion during the semester in other written or oral communications directed to the class as a whole; or~~
- ~~3. The course grade assigned by the instructor was the result of a clear and material mistake in calculating or recording grades. Individual elements (e.g., assignments, tests, activities, projects) which contribute to a course grade are generally NOT subject to appeal or subsequent review during a grade appeals procedure. However, individual elements may be appealed under these procedures providing all of the following conditions are met:~~
 - ~~a. The student presents compelling evidence that one or more individual elements were graded on arbitrary or impermissible grounds (defined in 1-3 above in this section);~~
 - ~~b. Grounds can be established for determining a professionally sound grade for the appealed element(s); and~~
 - ~~c. The ensuing grade for each appealed element would have resulted in a different course grade than that assigned by the faculty member.~~

~~Allegations that sexual harassment was the reason a final course grade was impermissibly or arbitrarily assigned by the instructor must be addressed according to procedures set forth in University Policy 502 rather than from the following procedures:~~

Procedures

~~As soon as possible after the student receives the formal grade report of a final grade that the student believes is incorrect, the student shall first discuss it with the instructor who assigned the grade. If the student is unable to resolve the grievance over a final course grade through consultation with the instructor, a written request for review of the course grade shall be~~

~~submitted to the Chair of the Department or the Director of the interdisciplinary degree program in which the course was taught.~~

~~Written requests for review of a final course grade by a department chair or program director must be submitted within the first four weeks of the next regular academic semester. Requests for review submitted after the deadline will be heard only in exceptional cases as determined by the Dean of the college in which the appealed course grade occurred.~~

~~Students requesting a grade review assume the burden of proof. Therefore, the "Request for Review" must include:~~

- ~~a. A statement of the reasons the student believes the grade was impermissibly or arbitrarily assigned;~~
- ~~b. The steps taken to resolve the disagreement over the assigned course grade; and~~
- ~~c. The resolution sought.~~

~~The "Request for Review" shall be accompanied by any evidence the student believes supports the conclusion that the grade was impermissibly or arbitrarily assigned. Evidence might include papers, tests, syllabi, or written documentation from witnesses. The student must demonstrate that the instructor applied irrelevant or impermissible criteria in evaluating the student's academic performance, that the instructor failed to follow his or her course evaluation standards, or that the course grade was assigned as the result of a clear and material mistake in calculating or recording grades. That the student simply disagrees with the assigned grade does not constitute a basis for a review. Students can obtain advice and assistance from the Dean of Students on how to request a grade review.~~

~~A student alleging that the course grade assigned was impermissible or arbitrary due to sexual harassment by the instructor should follow the procedures set forth in University Policy 502 rather than those set forth here.~~

~~*CAUTION: Falsification or fabrication of information by the student in support of a final course grade appeal can cause the student to be subject to disciplinary action under the Code of Student Academic Integrity.*~~

University Policy 410, Policy and Procedures for Student Appeals of Final Course Grades

Policy Details

See: [University Policy 410.1, Request for Review of a Final Course Grade](#)

I. Statement of Policy

The purpose of the [Final Course Grade Review Policy](#) [Policy and Procedure for Student Appeals of Final Course Grades](#) is to establish a uniform and clear procedure for mediating and settling cases involving contested final grades assigned in undergraduate and graduate courses. The [pPolicy](#) seeks to articulate and to protect both the rights of students for fair and impartial evaluation of their academic performance and the responsibilities of faculty members as the determiners of student grades. A course grade assigned in a manner consistent with University policy can be changed only by the instructor. University administrators can direct a grade to be changed only when it is determined through the procedure established by this policy that the faculty member assigned the course grade impermissibly or arbitrarily as defined herein.

Faculty Responsibility. It is a fundamental principle of higher education that faculty members are expected to exercise their professional judgment in evaluating student performance. At the same time, faculty members have the responsibility to specify in each of their courses at the beginning of the academic term: a) course requirements and expectations for academic performance; and b) procedures for evaluating performance (method(s) of evaluation and grading scales). Faculty members must also communicate clearly to all students in the course any subsequent additions to or changes in these requirements, standards and procedures. Finally, faculty members have the responsibility to apply the specified grading criteria equitably to the academic performance of all students in the course regardless of their race, color, [religion](#), [gender \(including actual or perceived gender identity and gender expression\)](#), [sexual orientation](#), [age](#), [national origin](#), [physical or mental disability](#), or [veteran status](#). ~~creed, national origin, sex, age, sexual orientation, disability, or other personal characteristics.~~

Student Responsibility. Students have the responsibility to know and adhere to the University policies and standards pertaining to them. As students willingly accept the benefits of membership in the UNC Charlotte academic community, they are obligated to uphold and observe the principles and standards articulated in [The UNC Charlotte Code of Student Academic Integrity](#) and [The UNC Charlotte Code of Student Responsibility](#).

H. Applications and Definitions

This [pPolicy](#) applies only to final course grades. However, course grades which result from alleged violations of the Code of Student Academic Integrity can NOT be appealed under this policy, since separate procedures established by the Academic Integrity Board take precedence in such cases (see the [Dean of Students](#)).

For purposes of this [pPolicy](#), a course grade is deemed to have been assigned arbitrarily or impermissibly if, by a preponderance of the evidence, a student establishes that:

Comment [Iz1]: QUESTION FOR LEGAL: Do we need to write "Dean/Dean designee", "Provost/Provost designee", "Chair/Chair designee" throughout? Amy Kelso's (Legal Affairs) response: We can just define "Dean" as "Dean or designee", "Provost" as "Provost or designee," etc. in the first instances, and then we don't have to repeat it each time.

1. The course grade was based upon the student's race, color, religion, gender (including actual or perceived gender identity and gender expression), sexual orientation, age, national origin, physical or mental disability, or veteran status~~race, color, religion, national origin, age, sex, disability, sexual orientation~~, or for some other arbitrary or personal reason unrelated to the instructor's exercise of his or her professional academic judgment in the evaluation of the academic performance of the student; or
2. The course grade was assigned in a manner not consistent with the standards and procedures for evaluation established by the instructor, usually at the beginning of the course in the course syllabus but supplemented on occasion during the semester in other written or oral communications directed to the class as a whole; or
3. The course grade assigned by the instructor was the result of a clear and material mistake in calculating or recording grades. Individual elements (e.g., assignments, tests, activities, projects) which contribute to a course grade are generally NOT subject to appeal or subsequent review during a grade appeals procedure. However, individual elements may be appealed under these procedures providing all of the following conditions are met:
 - ~~a.~~
 - ~~b.~~ The student presents compelling evidence that one or more individual elements were graded on arbitrary or impermissible grounds (defined in 1 - 3 above in this section); and
 - ~~a.~~
 - ~~e.~~ Grounds can be established for determining a professionally sound grade for the appealed element(s); and
 - ~~b.~~
 - ~~d-c.~~ The ensuing grade for each appealed element would have resulted in a different course grade than that assigned by the faculty member.

Allegations that sexual harassment was the reason a final course grade was impermissibly or arbitrarily assigned by the instructor must be addressed according to procedures set forth in University [University Policy 502](#) rather than from the following procedures.

III. Procedure for Appeal Process

Step 1. Consultation with Instructor: When a student believes that a course grade is incorrect, the student shall first discuss it with the instructor who assigned the grade. The instructor will explain how the grade was determined and attempt to resolve any disagreement. The student's inquiry to the instructor should occur as soon as possible after the formal grade report is received and no later than five business days after the first day of classes of the next regular academic semester. (For grades that were received during fall semester, the next regular academic semester is spring semester. For grades that were received during spring semester or summer session, the next regular academic semester is fall semester.)~~and no later than...~~ (to align with rest of policy; see Step 2).

Comment [Iz2]: EXPLANATION: Provides needed deadlines and clarity around the phrase 'next academic semester'

Step 2. Application for Appeal of Course Grade: If the student is unable to resolve the grievance through consultation with the instructor, a written request for review of the course grade may be submitted to the Chair of the Department, ~~or the~~ Director of the ~~interdisciplinary degree~~ program in which the course was taught, or designee. Written Rrequests for review must

be submitted within the first four weeks after the first day of class of the next regular academic semester. (For grades that were received during fall semester, the next regular academic semester is spring semester. For grades that were received during spring semester or summer session, the next regular academic semester is fall semester.) Requests for review submitted after the deadline will be heard only in exceptional cases as determined by the Dean of the college or designee in which the appealed course grade occurred.

To initiate a grade review, the student should forward a written request for review of a final course grade to the Department Chair or Program Director in whose unit the course was offered. Students requesting a final course grade review assume the burden of proof. Therefore, the request for review must include:

1. A statement of the reasons the student believes the grade was impermissibly or arbitrarily assigned as defined in the policy; and
2. The steps taken to resolve the disagreement over the assigned course grade; and
3. The resolution sought.

The written request for review of a final course grade shall be accompanied by any evidence the student believes supports the conclusion that the grade was impermissibly or arbitrarily assigned. Evidence might include papers, tests, syllabi, or written documentation from witnesses. The student must demonstrate that the instructor applied irrelevant or impermissible criteria in evaluating the student's academic performance, that the instructor failed to follow his or her course evaluation standards, or that the course grade was assigned as the result of a clear and material mistake in calculating or recording grades. That the student disagrees with the assigned grade does not constitute a basis for a review. Students can obtain advice and assistance from the Dean of Students on how to request a grade review.

A student alleging that the course grade assigned was impermissible or arbitrary due to sexual harassment by the instructor should follow the procedures set forth in University Policy 502 rather than those set forth here.

CAUTION: Falsification or fabrication of information provided by the student may be subject to disciplinary action under the Code of Student Academic Integrity.

Step 3. Mediation by Chair or Program Director: Within ten ~~working~~ business days¹ of receiving the "Request for Review," the Department Chair or Program Director will attempt an informal resolution of the disagreement between the student and the instructor. The chair or Program Director shall send written correspondence to the student with the resolution (or lack thereof). The correspondence shall include the rationale for the outcome and option for a next step in the process if appropriate. If the Chair or Director is unable to resolve the disagreement within ten ~~working~~ business days, the Chair or Director shall forward the student's "Request for Review" to the College Dean with a ~~formal, written~~ statement of the Chair's or Director's understanding of the facts.

Comment [Iz3]: EXPLANATION: While "business" may not be the preferred educational terms, seems like it is more accurate for this purpose and follows other policy language at the University. In University policies, business day refers to any day the University is open.

Comment [Iz4]: EXPLANATION: specify written, email is acceptable.

¹ Business Day – Any day the University is open

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Step 4. Initial Review by Dean: ~~Upon receipt~~ Within five business days of the request and statement of the Chair or Director, the Dean should invite the student and instructor to submit any supplemental written statements they wish. ~~by a specified deadline. The student and instructor should be given five business days to submit any supplemental statements to the Dean.~~ ~~If the Dean determines that the facts alleged in the student's written request for review of the final course grade or in the supplemental statement could, if true, constitute a violation of this policy, the Dean, within ten working days, shall appoint an ad hoc "Grade Review Committee."~~ Within ten ~~working~~ business days after receiving information from the Chair or Director, and any supplemental statements from the instructor and/or the student, the Dean will review the written request for review of a final course grade and any supplemental statements. If the Dean determines that the facts alleged in the student's written request for review of the final course grade or in the supplemental statement could, if true, constitute a violation of this policy, the Dean, within ten working business days, shall appoint an ad hoc "Grade Review Committee." If the Dean concludes that the facts alleged by the student would not constitute a violation of the policy, the Dean may dismiss the grade review by informing the student in writing of his/her decision. The written correspondence shall include the rationale for the decision and option for a next step in the process if appropriate. The student then has ten working business days in which to appeal this decision by the Dean to the Provost or designee whose decision is final.

Comment [Iz5]: EXPLANATION: Provides deadlines for ease of following the process.

Comment [Iz6]: EXPLANATION: Section moved later in paragraph

Step 5. Grade Review Committee: The ad hoc Grade Review Committee shall consist of three faculty members outside the department who are appointed by the ~~appropriate~~ Dean of the discipline or program in which the course was taught. ~~Two of the faculty members shall be selected from "neighboring" disciplines or programs whose methods and techniques of teaching and testing are as similar as possible to those of the discipline or program of the course in question.~~ One of these ~~two~~ three faculty members shall be named by the Dean to serve as chair of the Grade Review Committee. ~~In addition, the Dean shall select one faculty member from a "non-neighboring" discipline.~~

Comment [Iz7]: EXPLANATION: It was noted that this stipulation is unnecessary complicated and that simply three faculty members outside of the department is sufficient.

The purpose of this Committee is to determine whether the facts support the student's contention that the grade was impermissibly or arbitrarily assigned as defined in ~~section II of this Policy~~ the policy. It is not the function of the Review Committee to reevaluate the student's work to determine whether the Committee agrees with the professional judgment of the faculty member who assigned the grade.

Within ten business days from his/her appointment, ~~the~~ the Committee Chair shall convene the Committee ~~not later than ten working days from his/her appointment~~ to examine the student's written request for review, the factual report of the Departmental Chair or interdisciplinary degree program Director, any written statement received by the Dean from either the student or the instructor, and any additional relevant documentation. Additionally, the Committee may request oral presentations from both parties. Witnesses may be questioned by Committee members and by the persons directly involved in the review. Neither the student nor the faculty member may be accompanied or represented in the hearing by legal counsel or other advisor. The Committee may consider only such evidence as is offered by the parties and at the hearing(s) and need consider only the evidence offered that it considers fair and reliable. The burden of proof shall be on the student to satisfy the Committee that a preponderance of the evidence

supports a conclusion that the grade was awarded arbitrarily or impermissibly as defined in section II the policy. All decisions of the Committee shall be made by majority vote.

The conduct of the review shall be under the control of the Committee Chair. Within ten working business days from the conclusion of its hearing(s) on the matter, the Committee will provide a formal, written report to the Dean. The Committee report must include the Committee's finding as to whether or not the grade assigned was awarded arbitrarily or impermissibly as defined in Section II Step 2 of this policy procedure. If such a determination is made, the Committee shall specify a recommended course of action which could include assignment of a specific grade to replace the one originally assigned or implementation of some process to reevaluate the student's work.

Step 6. Review by the Dean: Within ten working business days after receiving the Committee's report and recommendations and other documentation assembled in the review, the Dean will make a final decision which s/he will then communicate in writing to the student, faculty member, and the Department Chair or interdisciplinary degree program Director. The written communication to the student shall include the rationale for the decision and option for a next step in the process if appropriate.

Step 7. Final Appeal: ~~Other than a~~ An appeal to the Provost submitted by the student as part of Step 4 of this Policy procedure, will be considered to determine whether the facts support the student's contention that the grade was impermissibly or arbitrarily assigned as defined in section II of this the Policy. It is not to reevaluate the student's work to determine whether the Provost agrees with the professional judgment of the faculty member who assigned the grade. An appeals to the Provost submitted by the student following Step 6 of this Policy procedure, beyond the College Dean will be considered ~~by the Provost~~ only if the student is able to provide a reasonable basis to support the contention that the procedures prescribed in this document were not followed in the disposition of the student's request for review of a contested grade. These appeals must be made in writing to the Provost within ten working business days of the Dean's decision. The decision of the Provost is final. The Provost will send a letter to the student with the decision, include the rationale.

Comment [Iz8]: EXPLANATION: Changes are consistent with current practice and clarify roles.

IV. Substitution Provisions

In the event that the faculty member whose grade is being reviewed is also a Department Chair or interdisciplinary degree program Director, the Dean shall do those things required by the Chair or Director. In the event that the faculty member whose grade is being reviewed is also a Dean, the Provost can name an appropriate substitute to perform the functions of the Dean as required by this policy.

(Approved by the UNC Charlotte Faculty Council, April 16, 1998XXX)