

Grade Appeals & Complaints Against Faculty

The purpose of these Guidelines is to provide a mechanism for the review of student grade appeals and complaints regarding faculty performance within the framework of existing University, college and department policies and rules. For this reason, those policies and rules may not themselves be the proper subject matter of a complaint under these Guidelines.

Normally, the resolution of grade appeals or complaints will proceed by the following route: (1) to the chair of the department (program director of the program in the College of Nursing, or Assistant/Associate Dean in the College of Professional Studies^[1]) involved, then if necessary, (2) to the committee constituted to handle complaints, and finally if necessary, (3) to the dean of the college or where appropriate the Graduate Dean of Liberal Arts and Sciences. The University, however, believes that each student and faculty member deserves to be treated as an individual with courtesy and respect. Consequently, it is impossible to develop a policy that will govern or control every situation. The following procedures were created to apply in most situations that may occur; however, where the faculty member, dean and the Provost (or designee) believe that the circumstances may require special consideration, e.g. where the complaint is of a very personal and sensitive nature, the procedures may not be followed or used in every respect. In no event, however, shall a deviation from these procedures be permitted with respect to the obligation of the committee under section III to rely in its decision making only upon information which has been communicated to the faculty member, thus permitting the faculty member the opportunity to respond. These procedures may be modified at the University's discretion according to the University's norms and procedures.

In the sequel, "chair" shall also imply program director (or Assistant/Associate Dean in CPS as noted) and "dean" shall likewise imply Graduate Dean of Liberal Arts and Sciences where appropriate. These procedures apply to student grade appeals and complaints. Individuals who are not University students may not use these procedures.

A. **Faculty Performance Complaints**

1. Student complaints concerning an instructor's handling of a class, classroom presentation, professional demeanor, or course policies should be directed to the chair of the faculty member involved (or Associate Dean in the College of Professional Studies). Student complaints about faculty that are received through either ODEI's Climate Concerns mechanism or Ethics Point will also be referred, via the faculty member's dean's office, to the department chair and resolved through the procedures outlined in this policy. As appropriate, ODEI may include the diversity dean in the faculty member's college as an additional resource for resolving the complaint. If the complaint is against the chair, these procedures shall be modified such that the dean shall undertake the responsibility as the chair under the Guidelines and the Provost (or designee) shall undertake the responsibilities of the dean under these Guidelines. Normally, such complaints should be made within six months of the end of the course in which the complaint arose.

2. Identified Complaints: When a person makes a complaint and provides his or her name, the chair will advise the individual to approach the faculty member. The chair's goal will be to arrange a meeting of the parties to permit the issue to be resolved at the local level if at all possible. This also permits the faculty member the opportunity to address the matter directly with the student, which may eliminate the possibility that simple misunderstandings have contributed to the problem. If the Complainant does not agree to a joint meeting, the chair will advise the faculty member of the details. If the Complainant

requests that his or her identity remain confidential or the chair considers it appropriate, the identity of the Complainant will remain confidential. The chair will inform the Complainant of the results of the meeting with the faculty member. For cases involving potential sexual harassment, please refer to the section on **SEXUAL HARASSMENT POLICY** in this *Faculty Handbook*.

3. Anonymous Complaints: The chair should express displeasure with any anonymous complaint and point out that such complaint (if made by telephone) will not be accepted. If an anonymous written complaint arrives, the chair should inform the faculty member of the details of the complaint.
4. The faculty member shall be presumed to have acted appropriately unless otherwise determined in accordance with these guidelines.
5. The chair shall make reasonable efforts to mediate the complaint. The chair may consult with others, such as the diversity dean of the college, in connection with their review of the complaint. In the event that the complaint cannot be amicably resolved in the chair's judgment, the chair may make such disposition of the complaint as the chair deems warranted. The chair shall ordinarily communicate their disposition of the complaint to the student initiating the complaint and the faculty member. If the complaint was referred through ODEI's Climate Concerns mechanism or through Ethics Point, its resolution should be conveyed to the appropriate University office—either ODEI for a Climate Concern or the Provost's Office in the case of an Ethics Point concern.
6. If either the student or the faculty member is dissatisfied with the chair's disposition of the complaint, she or he may contact the department committee constituted to handle complaints. This elected or appointed standing committee of the department should be duly constituted following the department's own policy. If a department has too few members to reasonably form such a committee the department, less the faculty member involved, shall constitute a committee of the whole. The student or faculty member should present her or his complaint via a formal written and signed statement to the committee within seven days of the chair's disposition of the matter. The committee shall consider the complaint in accordance with the procedures described in Section III below.

B. Grade complaints

1. Student complaints concerning a grade should be directed to the chair of the faculty member involved (Assistant Deans in the College of Professional Studies). The chair shall normally require, but do no less than urge, a student who brings a complaint about a grade in the first instance to try to resolve the matter with the course instructor. That failing, the chair should attempt to resolve the issue between the student and instructor. The chair may consult with others in connection with his or her review of the complaint. Such complaints should be made according to the following deadlines:

Spring and Summer Semester grade complaints: Last Friday in August

Fall Semester grade complaints: Last Friday in January

2. If the complaint is against the chair, it should be directed to the dean and these procedures shall be modified such that the dean shall undertake the responsibilities of the chair under these Guidelines and the Provost (or his or her designee) shall undertake the responsibilities of the dean under these Guidelines.
3. In the event that the complaint cannot be amicably resolved in the chair's judgment, the chair may make such disposition of the complaint as the chair deems warranted. The chair shall ordinarily communicate his or her disposition of the complaint to the student initiating the complaint and the faculty member.
4. In a particularly difficult case the chair may elect to refer the matter to the departmental committee for fact finding and recommendations. The committee shall consider the chair's referral of the matter in accordance with the procedures described in Section III and send its recommendations in

writing to the chair. The chair shall be guided in his or her determination by widely accepted professional norms of academic freedom which normally recognize the instructor as the authority in determining grades. The chair shall communicate his or her determination of the complaint to the dean, the faculty member involved, and the Complainant. In general, the formal procedures described below will only take place after a final course grade has been given.

C. Department or College Committee

Upon a referral from the chair in the case of a grade complaint or upon a written complaint from a student or faculty member dissatisfied with a chair's disposition of a faculty performance complaint, the committee shall meet within a reasonable time to determine how best to handle the review of the particular matter. The committee may convene hearings appropriate in its judgment to the particular situation presented. The committee procedures may include by example and not by limitation, individual interviews, closed hearings, and review of documentation. The committee is not bound, however, by formal rules of evidence. All interviews and hearings shall be conducted in appropriate University facilities designated by the committee and shall be closed to the public. Every committee member need not attend every interview or hearing session. The University does not permit legal counsel to participate in hearings or interviews of the committee on behalf of the student or faculty member. Only information which has been communicated to the faculty member, thus permitting the faculty member an opportunity to respond thereto, shall be relied upon by the committee in reaching its conclusions. The committee shall reach its decision by majority vote.

In the case of a grade complaint, the Committee shall provide its findings of fact and written recommendations to the chair for consideration in the chair's determination of the matter. In making its recommendation to the chair, the committee shall base its decision on clear and convincing evidence and on the principle that the locus of authority in determining grades normally is placed with the instructor, especially in those cases where the instructor is acting in accordance with principles that have been clearly delineated in the course syllabus. In the case of a faculty performance complaint, the committee shall provide its findings of fact and written decision to the student, faculty member and chair. The Committee shall make its decision based on the preponderance of evidence it has reviewed.

D. Appeals Process

In the extraordinary case when a student or faculty member is unwilling to accept the decision of the chair with respect to a complaint or the departmental complaint committee with respect to a faculty performance complaint, she or he may appeal the decision in writing to the dean within seven days of that decision but only on the following basis:

1. material procedural defect in the Committee, or
2. material procedural defect in the chair's handling of the matter, or
3. new material evidence not reasonably available at the time of the committee or chair's review of the matter.

All written deliberations concerning the complaint shall be forwarded to the dean to aid in the decision. In the course of his or her review of the appeal, the dean may, but shall not be required to, consult with others, interview the Complainant, faculty member, chair, committee members, or others. The decision of the dean shall be final.

E. Complaints Involving Discrimination and Harassment

For cases of grade complaints or faculty performance complaints which may involve sexual harassment or discrimination in violation of University policies. Please refer to the sections on **SEXUAL HARASSMENT POLICY and DISCRIMINATION AND HARASSMENT POLICIES** in this *Faculty Handbook*.

For grade appeals or faculty performance complaints based on allegations of discrimination based on disability, including those related to academic or classroom accommodations, please refer to the University's Section 504 Disability Grievance Procedures.

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[1] Some programs in the College of Professional Studies do not have a program director. In situations when a complaint is raised for those programs, the associate or assistant dean as noted will serve in that capacity.