

Academic Policy: Grade Appeal	Effective date: Revised Feb, 2020 Replaces: 2017 version
Application: Academic Sector Access: Public	Position responsible for facilitating compliance: Provost

## **POLICY OBJECTIVE**

Niagara University is committed to the just and equitable evaluation of academic work. The standards for grading shall be outlined in a course syllabus; students who believe the award of a grade is not in accordance with the standards outlined in the syllabus must follow the below procedure for appealing a grade.

## **POLICY**

### **I. Grades Warranting Appeal**

A grade appeal is warranted if the student is able to provide evidence that the instructor did one or more of the following:

- a. Diverted from or arbitrarily changed the standards of evaluation in the syllabus;
- b. Held a different student to a different standard;
- c. Assigned a grade based on something other than that student's performance in the course.

Students needing guidance as to what may warrant a grade appeal should consult with the Office of Academic Affairs.

### **II. Grade Disputes Specifically Excluded from this Process**

- a. Any grade that involves an accusation of the violation of academic integrity should be referred to the academic integrity policy rather than this policy.
- b. Students concerned that a grade was determined in whole or in part on the basis of discrimination based on race, color, gender, sexual orientation, military status, disability, predisposing genetic characteristics, marital status, or other status, should refer their concern directly to the Office for Equity and Inclusion.

### **III. Oversight of the Grade Appeal Policy**

In extraordinary circumstances not accounted for in the procedures of this policy, or if any party does not adhere to the timelines established in this policy, the Provost will

issue guidance consistent with the overall fair and collaborative spirit of the policy. The Provost's decisions regarding the procedure will be final.

#### **IV. Revision of this Policy**

Any revision of this policy must be approved by the Senate, upon the advice of the Senate Academic Policy Committee.

#### **V. Grade Appeals Filed By Groups of Students**

Should a group of 4 or more students have similar complaints about the grades in a particular class, they will initiate the grade appeal process at the level of the Academic Supervisor, who will act as mediator between the instructor and the group of students (see Procedure: *Formal Process: Student, Instructor and Academic Supervisor*, below). In the case of a final grade, should mediation fail to reach a satisfactory resolution, the group may submit a jointly written appeal to the Dean. Non-final grades may not be appealed to the Dean.

#### **VI. Grade Appeals for Program-Wide Assessments**

For grades in a program-wide assessment that are not directly affiliated with a course, the immediate academic supervisor will serve as the 'instructor of record.'

#### **VII. Grade Appeal Board (GAB)**

- a. The GAB will consist of at least 10 tenured faculty selected by the Committee on Committees. This will include representation from each college. Further, at least 4 members will have taught at the graduate level.
- b. Members of the GAB will ordinarily serve a 3 year term.
- c. Members of the GAB may serve consecutive terms on the GAB.
- d. The GAB will meet at the beginning of each academic year to review the procedure for academic grade appeals. At this meeting, the GAB will also select a chair.

### **POLICY GUIDELINES**

#### **I. General Guidelines for Students**

- a. Students are expected to be familiar with the grading standards set out in the course syllabus for each course in which they are enrolled.
- b. Excepting minors under 18, under no circumstances may a parent, friend, fellow student, or other individual be authorized by the student to contest a grade on their behalf.

c. To demonstrate adherence to deadlines, students are required to make requisite submissions via official Niagara University e-mail accounts.

d. In general, the student is expected to work with the instructor as much as possible to resolve the dispute. Should mediation with the instructor not work, the student may contact the instructor's Academic Supervisor for guidance and a possible appeal.

e. Expedited proceedings: Students whose graduation, professional certification, or visa status warrants an expedited procedure shall submit a letter requesting an expedited process to the Dean of the college offering the course. The letter must include the relevant dates, basis for the request, and all supporting materials. The Dean will work with the Chair of the GAB to determine an appropriate timeline.

## **II. General Guidelines for Instructors**

a. Instructors should be mindful that, except for students under 18, parents, guardians, and others may under no circumstances be the conduit through which a student contests a grade. Instructors who are contacted by parents, or any other third party, should check the student's FERPA status on the myNU FERPA database prior to discussing any educational record or matter with a parent. Instructors with questions about FERPA may contact the Registrar or General Counsel.

b. Instructors shall include the standards for grading a course in the course syllabus.

c. Instructors may always seek guidance about grading concerns from their Academic Supervisor, their Dean, or the Provost.

d. Instructors shall submit full grade rolls to the Academic Supervisor or Dean if called upon.

e. The instructor is expected to participate in all meetings with the student and academic supervisor. If the instructor cannot participate in a timely fashion, the instructor will work with the Academic Supervisor to find a way to handle the situation as fairly and quickly as possible. If the instructor cannot participate in this process, the Academic Supervisor will move the appeal forward. If, in an extraordinary circumstance, an instructor chooses not to participate in the process, they must document their reason in writing to their Academic Supervisor and Dean, at which point the Academic Supervisor will move the appeal forward.

f. To demonstrate adherence to deadlines, instructors are required to make any requisite submissions via official Niagara University e-mail accounts.

## **III. General Guidelines for Academic Supervisors**

a. Generally, the Academic Supervisor is the chair of the department in which the course is being offered. There are two primary exceptions to this.

1. If the course is offered in a particular program such as Writing 100 or a course in Women's Studies, the director of the program shall be the Academic Supervisor.
2. When the chair or program director is teaching the course, the Academic Supervisor is the Dean or someone appointed by the Dean. If the Dean is teaching the course, the Academic Supervisor is the Provost or a representative appointed by the Provost.

b. If there is any dispute in identifying the Academic Supervisor, the Dean of the college offering the course will determine the Academic Supervisor.

c. Should the Instructor be unwilling or unable to participate in this process for any reason, the Academic Supervisor will determine how best to assure that the appeal process moves forward in a way that all sides are fairly represented.

d. The role of the Academic Supervisor is to try to mediate between the instructor and the student. It is expected that the Academic Supervisor always respect both parties and make a good faith effort to be fair to both parties.

e. To demonstrate adherence to deadlines, the Academic Supervisor is required to make any requisite submissions via official Niagara University e-mail.

f. Academic Supervisors should be mindful that, except for students under 18, parents, guardians, and others should under no circumstances be the conduit through which a student contests a grade. Academic Supervisors who are contacted by parents, or any other third party, should check the student's FERPA status on the myNU FERPA database prior to discussing any educational record or matter with a parent. Academic Supervisors with questions about FERPA may contact the Registrar or General Counsel.

## **PROCEDURE**

**I.** An "Academic Day" is any weekday (Monday - Friday) when classes are in session and academic offices are open, excluding summer.

### **II. Appealing a Grade Given During the Semester**

a. When concerned about a non-final grade, a student must first meet with the instructor and honestly attempt to resolve the dispute without lodging a formal appeal.

b. If the result of the meeting regarding a non-final grade is not satisfactory to the student, the student will notify the instructor's Academic Supervisor. A group appeal

bypasses the informal meeting with the instructor, and begins directly with the Academic Supervisor, as outlined below.

c. The Academic Supervisor will schedule a meeting with the student and the instructor. This meeting will be run as an informal and friendly mediation session, where it is hoped the matter of the non-final grade can be resolved to the satisfaction of all. The student must attend this session and must participate in good faith for further complaints to be registered. The Academic Supervisor will determine when the mediation session has ended.

d. If the mediation session does not determine a resolution about the non-final grade that is satisfactory to the student, the student may file a formal written complaint with the Academic Supervisor. The student may ask the Academic Supervisor for guidance in preparing the written complaint.

5. After the student files a formal complaint of the non-final grade, the Academic Supervisor shall retain the complaint, having forwarded a copy to the Dean's office, and do nothing further, unless after the final grade is issued, the student files an appeal of that final grade.

### **III. Procedure for Appealing a Final Grade**

#### **Informal Process: Student and Instructor**

1. To appeal a final grade, the student must request a meeting with the instructor, and try to reach an understanding that will resolve the dispute without a formal appeal. This request must be made within five (5) academic days of the start of the next semester. The instructor must then schedule the meeting to take place within ten (10) academic days of the student's request.

2. If the instructor is unavailable, the student will contact the Academic Supervisor directly. The Academic Supervisor will determine how best to assure that the appeal moves forward while all sides are fairly represented.

3. A group appeal bypasses the informal meeting with the instructor, and begins directly with the Academic Supervisor, as outlined below.

#### **Formal Process: Student, Instructor and Academic Supervisor**

4. If the dispute is not resolved during the informal meeting between the student and the instructor, the student may submit the relevant materials and an explanatory cover letter to the Academic Supervisor within five (5) academic days after the day of the meeting with the instructor. A group appeal must submit their cover letter and relevant materials to the Academic Supervisor within ten (10) academic days of the start of the semester.

5. Within ten (10) academic days of the student submitting their materials, the Academic Supervisor will meet with the instructor and the student. The Academic Supervisor will act as an impartial mediator between the instructor and the student, in the hopes that the dispute will be resolved to everyone's mutual satisfaction. If the Academic Supervisor sees fit, she or he may end a meeting, review materials and call a second meeting.

6. The Academic Supervisor is expected to facilitate a successful mediation in the course of one session with the instructor and the student. If a second session is necessary, the Academic Supervisor must schedule this meeting to take place within five (5) academic days after the day of the first session. If the dispute is not resolved at the conclusion of the second session, the appeal will move to the Dean, as per the procedure below.

**Formal Process: Dean**

7. If, after the conclusion of the mediated session(s) with the instructor, the student is not satisfied, the student may file a formal written appeal with the Dean of the college offering the course (if the Dean is the Academic Supervisor, this filing should be sent to the Provost). The student must do this within five (5) academic days of the end of the mediation with the Academic Supervisor.

8. The written appeal to the Dean must include any supporting evidence and an explanatory cover letter outlining the reason the student believes the grade is not in accordance with the standards outlined in the syllabus. The student will copy the instructor and the Academic Supervisor when submitting their appeal to the Dean.

9. Within five (5) academic days after the submission of the appeal to the Dean, with copies to the Instructor and Academic Supervisor, the instructor and the Academic Supervisor may submit a written response to the Dean, summarizing their decisions, along with any supportive documents, to the Dean, with a copy to the student.

10. Within ten (10) academic days after receiving the appeal from the student and the responses from the instructor and academic supervisor, the Dean -- or someone appointed by the Dean -- will determine if the appeal warrants a review by the Grade Appeal Board. The Dean is not required to meet with the instructor or the student, but may do so if the Dean determines a need to hear from one or both parties.

a. If the Dean determines that the appeal is not warranted, the instructor's grade stands. The Dean's decision is final.

b. If the Dean determines that the appeal is warranted, the Dean will forward all relevant documents to the Chair of the Grade Appeal Board.

**Formal Process: Grade Appeal Board**

11. After receiving the appeal, the chair of the Grade Appeal Board (GAB) will identify three members of the GAB to serve on a hearing panel. If the course is offered at the graduate level, the members of the panel must have taught graduate level courses at Niagara University. The chair will select members of the hearing panel in a way that distributes the workload fairly to all members of the GAB, and with an eye to selecting members who will be knowledgeable about the class under review but have no conflict of interest and risk no appearance of bias. The chair of the GAB may select himself or herself to serve on a particular panel.

12. The hearing panel will appoint a chair from the three members of the panel. If they cannot agree, the chair of the GAB will make the decision. If the chair of the GAB is on the Hearing Panel, a vote by the 7 other members of the GAB shall determine who will be chair. The chair of the hearing panel will be responsible for facilitating and documenting the process of the hearing.

13. The student and instructor are expected to cooperate as needed with the hearing panel.

14. The hearing panel will review the case within ten (10) days of the appointment of the hearing panel chair. In the case of an expedited appeal, the Dean will work with the chair of the GAB to determine an appropriate timeline.

15. The hearing panel will base their decision upon the written materials submitted.

16. If at least two members of the hearing panel determine a need to call in the parties for further information, the chair of the hearing panel will schedule a meeting with the members of the panel, the instructor, and the student. This meeting must be scheduled as expeditiously as possible, and both the instructor and the student will be given an equal opportunity to represent their case and answer questions by members of the panel. The chair of the hearing panel is responsible for the orderly and respectful conduct of the proceedings, which shall not resemble a court of law, but rather, a fact-finding body charged with protecting the integrity of the university's grading process. The hearing panel will discuss the merits of the appeal only after both the instructor and the student have been excused.

17. If the hearing panel determines that a grade change is not justified, the instructor's grade stands. The chair of the hearing panel will inform the chair of the GAB and the Dean of the panel's decision. The Dean will communicate the decision to the instructor, the student, and Academic Supervisor. The ruling of the hearing panel is final.

18. If the hearing panel determines that the grade should be changed, the chair of the hearing panel will notify the chair of the GAB and the Dean. The chair of the GAB will sign and submit a grade change form with the Office of Records. The Dean will notify the

instructor, the student, and Academic Supervisor of the grade change. The ruling of the hearing panel is final.

#### **IV. Timeline for appealing a final grade**

An “Academic Day” is any weekday (Monday - Friday) when classes are in session and academic offices are open, excluding summer. Grade appeals for summer courses must be filed at the beginning of the subsequent fall semester, as outlined below.

1. The student requests a meeting with the instructor within five (5) academic days of the start of the next semester. In the case of a group appeal, the process begins immediately with the Academic Supervisor, who must receive the written appeal within ten (10) academic days of the start of the semester, then proceed with #4, below.
2. A meeting between the instructor and the student takes place within ten (10) academic days after the student’s request.
3. If the dispute remains unresolved, the student submits the appeal to the Academic Supervisor within five (5) academic days after the meeting with the instructor.
4. The Academic Supervisor mediates a meeting between the instructor and the student(s) within ten (10) academic days.
5. If necessary, the Academic Supervisor schedules a second mediated session within five (5) academic days after the first meeting.
6. If the dispute remains unresolved, the student(s) submits the appeal to the Dean, with copies to the instructor and Academic Supervisor, within five (5) academic days after the last meeting with the Academic Supervisor.
7. The instructor and Academic Supervisor may submit a written response to the Dean within five (5) academic days, with a copy to the student(s).
8. The Dean determines whether or not the appeal warrants review by the Grade Appeal Board (GAB) within ten (10) academic days after receiving the appeal and any responses from the instructor and Academic Supervisor.
9. The chair of the GAB will form a hearing panel, who will review the appeal documents within ten (10) academic days of the appointment of a hearing panel chair and make a final determination.