III-1.20(B) UMCP PROCEDURES FOR REVIEW OF ALLEGED ARBITRARY AND CAPRICIOUS GRADED--UNDERGRADUATE STUDENTS

APPROVED BY PRESIDENT DECEMBER 4, 1990

PURPOSE

The following procedures are designed to provide a means for undergraduate students to seek review of final course grades alleged to be arbitrary and capricious. Before filing a formal appeal, students are urged to resolve grievances informally with the instructor and/or the administrator of the academic unit offering the course. Students who file a written appeal under the following procedures shall be expected to abide by the final disposition of the appeal, as provided in Paragraph E, below, and shall be precluded from seeking review of the matter under any other procedure within the University.

DEFINITIONS

When used in these procedures:

A. The term "arbitrary and capricious" grading means:

1. the assignment of a course grade to a student on some basis other than performance in the course; or,

2. the assignment of a course grade to a student by resorting to unreasonable standards different from those which were applied to other students in that course; or,

3. the assignment of a course grade by a substantial, unreasonable and unannounced departure from the instructor's previously articulated standards.

B. The words "day" or "days" refer to normal working days at the University, excluding Saturdays, Sundays and University holidays.
C. The word "administrator" is defined as the administrative head of the academic unit offering the course.

PROCEDURES

A. A student who believes his/her final grade in a course is improper and the result of arbitrary and capricious grading should first confer promptly with the instructor of the course. If the instructor has left the University, is on approved leave, or cannot be reached by the student after a reasonable effort, the student shall consult with the administrator. If the student and the instructor or administrator are unable to arrive at a mutually agreeable solution, the student may file an appeal within twenty days after the first day of instruction of the next semester (excluding summer terms) to a standing committee consisting of three tenured faculty members of the academic unit offering the course. If the instructor of the course is a member of the committee, that instructor shall be disqualified and replaced by a tenured faculty member selected by the administrator.

B. The student shall file an appeal by submitting to the committee a written statement detailing the basis for the allegation that a grade was improper and the result of arbitrary and capricious grading, and presenting relevant evidence. The appeal shall be dismissed if:

1. the student has submitted the same, or substantially the same complaint to any other formal grievance procedure; or,

2. the allegations, even if true, would not constitute arbitrary and capricious grading;

3. the appeal was not timely; or,

4. the student has not conferred with the instructor or with the instructor's immediate administrative supervisor, in accordance with Paragraph A of these procedures.

C. If the appeal is not dismissed, the committee shall submit a copy of the student's written statement to the instructor with a request for a prompt written reply. If it then appears that the dispute may be resolved without recourse to
the procedures specified in Paragraph D, below, the committee will attempt to arrange a mutually agreeable solution.

D. If a mutually agreeable solution is not achieved, the committee shall proceed to hold an informal, non-adversarial fact-finding meeting concerning the allegations. Both the student and the instructor shall be entitled to be present throughout this meeting and to present any relevant evidence, except that the student shall not be present during the discussion of any other student. Neither the student nor the faculty member shall be accompanied by an advocate or representative. The meeting shall not be open to the public.

E. The committee shall deliberate privately at the close of the fact-finding meeting. If a majority of the committee finds the allegation supported by clear and convincing evidence, the committee shall take any action which they feel would bring about substantial justice, including, but not limited to:

1. directing the instructor to grade the student's work anew; or

2. directing the instructor to administer a new final examination or paper in the course; or

3. directing the cancellation of the student's registration in the course; or

4. directing the award of a grade of "pass" in the course, except that such a remedy should be used only if no other reasonable alternative is available. The committee is not authorized to award a letter grade or to reprimand or otherwise take disciplinary action against the instructor. The decision of the committee shall be final and shall be promptly reported in writing to the parties. The administrator of the academic unit shall be responsible for implementing the decision of the committee.