

## I-8.1 Grading Challenges (Yale Gordon College of Arts and Sciences, Merrick School of Business, and the College of Public Affairs)

*Reviewed: April 2019; March 2020*

*Approved by UFS, Provost March 2020*

- I. Students have the right to a course grade based on their actual course performance as compared to an articulated standard that is applied to all those taking the course. Each instructor must therefore be able to articulate a uniform, identifiable standard that is applied in calculating any part of a student's course grade. That standard must relate to the course syllabus, academic instruction, and the assignments and materials that were provided to the class. Students may seek review of any grading that is alleged to be arbitrary and capricious. It is expected that faculty will be responsive when presented with a requested review and not take any longer in the process than is absolutely necessary. The policy sets time limits, but these are maximums that are not to be exceeded.

### II. **Definitions:**

1. Consistent with University System of Maryland policy, "arbitrary and capricious" grading means:
  - The assignment of a grade on some basis other than performance in the course;
  - The assignment of a grade in a non-uniform fashion, that is, by applying different standards to this student or by applying the standards in a different way than that in which they were applied to other students in the same course; or
  - The assignment of a grade in a way that represents a substantial and unreasonable departure from the instructor's articulated standards.
2. Working Days – A day that is not a weekend and not a day when the University is closed for any reason. When a timeline is measured in working days, the days are counted beginning with the day after a meeting occurs or after a grade is available. The final working day (of 20, for example) is the due date for an action.

**All requests for a review of a final course grade must be made within 20 working days after the relevant course grade has been posted within the University of Baltimore grading system or after the grade deadline for the session, whichever is later.**

### III. **Informal Process:**

- A. A student who believes that an instructor treated the student unfairly in grading will initially consult with the instructor informally to discuss the concern. The student should request this meeting in writing (written communications by e-mail are

acceptable for this purpose) and should keep a copy of the request.

- B. Within 20 working days after receiving such a request, the instructor will consult with the student informally and discuss the student's concerns. This informal consultation will ideally be held in person, but may also take place by telephone conference or through an e-mail conversation if necessary to accommodate both participants.

At the consultation, the student will explain the student's concerns about the grade and reason for believing the grade to be unfair. The instructor will refer the student to the portion of this policy that provides the standards and processes for grading challenges. The instructor will also explain the standard the instructor uses for grading in the particular course and how the student's grade was determined based on application of that standard. If the student and instructor are able to reach an agreement about how to address the student's grading concern during or as a result of the informal consultation, the matter will be considered resolved.

The faculty member will, as soon as possible, send a brief email summarizing the resolution to the student; this must happen within 20 working days of the meeting, and both parties will retain a copy of this message until at least 100 working days after all of the final grades from the course are posted.

- C. If a student requests a meeting but the instructor does not respond within 20 working days after the request, or if the instructor is unavailable to consult in person, by phone, or by e-mail within that period, the student may proceed with the formal appeals process described below.

#### **IV. Formal Process:**

- A. If the student's grade concern has not been resolved through informal consultation with the instructor, the student may present the matter in writing, within 20 working days from receipt of the instructor's message after meeting with the student, to the division or department chair of the academic program in which the course was taught. The division or department chair will serve as the decision-maker for the grade challenge. If the division chair has a conflict of interest with regard to the appeal, the dean of the relevant school will designate an unbiased decision-maker.

The student's written submission will:

- state that the consultation requirements of the informal process have been met or could not be met, as described above
- state clearly the reasons or grounds for challenging the grade, particularly the manner in which the grade is alleged to be "arbitrary and capricious," as defined above

- contain a concise statement of the facts relevant to the challenge and
  - contain the resolution sought.
- B. Within 20 working days after receiving a written submission from a student challenging a grade, the decision-maker will meet jointly with the student, the instructor who gave the grade, and any other person who can be helpful to a determination. It is preferable that this meeting be conducted in person. If it is not possible to hold the meeting in person within the 20-working-day time period, the meeting may also be conducted by conference call if all parties involved agree to that. At the meeting, the decision-maker will confirm the student's reasons for raising the challenge and will request that the instructor explain the standard he or she uses for grading in the particular course and how the student's grade was determined under that standard.
- C. If the instructor is no longer available or reachable for some reason, the decision-maker will either
- a. (a) stand in the stead of that instructor to discuss the grade complaint or
  - b. (b) identify a person within the program to represent the instructor in the grade dispute.
- The decision-maker will need to work with the appropriate dean's office to secure the syllabus from the syllabus repository and any relevant materials from Sakai.
- D. If the instructor is reachable but declines to meet and provide the information described above or fails to respond to the decision-maker's request for a meeting, the decision-maker will presume that the grade was given in an arbitrary and capricious fashion.
- E. While it is preferable for the decision-maker to meet with the student and instructor at the same time, if the decision-maker believes the situation warrants separate conversations, or if the student refuses to participate in a joint meeting with the instructor, then the decision-maker may confer separately with the student and with the instructor.
- F. Within 20 working days after meeting with the student, the instructor, and any other appropriate person(s), the decision-maker will make a written decision on the student's claim and provide that decision to each of the parties. The issue to be decided is whether the grade was given in an arbitrary and capricious fashion, as defined above. If so, the grade challenge should be upheld and the grade changed in a fair and equitable manner, as determined by the decision-maker. If not, the grade should remain in place.

The decision-maker has 20 working days from the time of the last meeting related to the case to convey the decision to the student. If this timeline is longer than 20 working days after meeting with the student, the decision-maker must provide notice to the student so the student knows when the response will be due.

- V. Appeal of grading challenges:** Either the student or the instructor may appeal the decision on a grade challenge in writing within 20 working days of the written decision. The appeal will be submitted to the dean of the school in which the course was taught or that dean's designee. If appealing to the dean or the dean's designee will create a conflict of interest in the judgment of the provost, the provost will designate an unbiased person to hear the appeal.

The written appeal will state:

- why the person appealing contends that the decision is unsupported by substantial evidence in view of the entire record;
- that there was a substantial departure from or denial of rights or procedures provided to the person appealing by these student academic grievance policies and procedures;  
**or**
- that there is new evidence, previously unavailable, which if proven accurate would substantially alter the decision on the matter.

The person considering the appeal will:

- provide a notice of the appeal to the parties involved;
  - request a response from the party who did not appeal;
  - review all materials related to the appeal;
  - make a final and binding decision as to whether the grade was given in an arbitrary and capricious fashion; and
  - provide a written notice of the decision that was made on the appeal to each of the parties within 20 working days following the submission of the written response.
- VI.** If the student has an unresolved academic integrity case for the course in which the grade is being challenged, the academic integrity matter will be resolved first. If there is an unresolved academic integrity matter in another course, that policy process and the grade challenge process will be implemented at the same time.

***Students about to graduate should note that grades cannot be changed after a degree has posted. Students applying for graduation should quickly alert the registrar if a grade appeal is in progress.***