

UNIVERSITY OF BALTIMORE

I-8.2 Grading Challenges (School of Law)

I. Grading Policy

There are several different mechanisms for evaluating a student's work, including examinations, classroom participation, papers, and performance in a clinical or simulation course. For all of these, students have the right to a grade that is based on their actual course performance as compared to an articulated standard applied to all those taking the course. Grading, however, is not and cannot be an exact science. The rights under this policy, therefore, are limited to ensuring that students receive the faculty member's good faith evaluation of their work. Moreover, in order for the protection of anonymous grading to be meaningful, students do not have the right to negotiate with a faculty member for a higher grade once an examination has been graded.

II. Grading Standards

A. A professor shall have a written uniform, identifiable standard which shall be applied to all examination answers and other student work used to calculate any part of a student's grade in the course. This standard may, but need not, quantify the precise allocation of points used to calculate the grade. A written copy of this standard must be shown, upon request, to the students who were graded under that standard.

B. Grading student work other than examinations, such as papers, performance in a clinical or simulation course, and classroom participation, requires far greater flexibility. Accordingly, the uniform, identifiable standard for such work may be much more general than for examinations.

C. A professor must keep for one year, from the date grades are posted on My UB, some record from which he or she can inform the student of the manner in which the student was evaluated and graded in the course.

III. Grounds for Challenging a Grade

A. As provided by the policies of the University System of Maryland, the only recognized grounds for challenging a grade are:

1. that a clerical error, such as arithmetic, recording, or actual failure to have read a substantial part of a student's answer, was committed by the faculty member or an administrator, or

2. that the grade was awarded in an arbitrary or capricious manner.

B. Arbitrary and capricious grading is defined as the assignment of a grade without any reasonable basis or on the basis of a standard other than that described in Section II. A.

IV. Procedures for Challenging Grades

A. Challenges to a law school grade must be initiated by the student by consultation (discussion of the grade) with the faculty member responsible for the grade, within sixty (60) days after the first day of classes of the next semester (spring semester for fall semester grades and fall semester for spring semester and summer session grades). If the grade is not published on my UB by the first day of classes of the next semester, then the deadline shall be extended until sixty (60) days after it is published.

Such consultation shall include a meeting with the professor and a review by the student of the graded bluebook or paper along with any other written explanatory material made available by the faculty member, such as the written standard used in the grading process, or model answers.

B. If the faculty member is not available for consultation within the sixty (60) day period set forth above, the Associate Dean for Academic Affairs may extend the period for challenging a grade for an additional reasonable period, or may permit the student to file the formal complaint without the consultation.

C. The purpose of the consultation is for the faculty member to explain the basis of the student's grade. The faculty member is only permitted to change a grade due to clerical error. When submitting a change of grade form to change a student's grade on the basis of a clerical error, a faculty member shall identify with particularity on the change of grade form the exact nature of the clerical error. The faculty member is not permitted to change a grade on the basis of a revised view of the quality of the work.

D. A student may meet with the Associate Dean for Student Affairs to discuss what constitutes appropriate grounds to challenge a grade. Such meetings are for advisory purposes only. Nothing said by the Associate Dean for Student Affairs should be taken as agreement that a challenge is valid, nor will it have any effect on the decision of the Associate Dean for Academic Affairs.

E. After consultation or waiver of consultation by the Associate Dean for Academic Affairs, a student may present a formal written challenge to the grade to the Associate Dean for Academic Affairs. This challenge must be filed within twenty (20) calendar days after the consultation or the waiver, and must be on an official grade challenge form, available from the Associate Dean for Academic Affairs or the Associate Dean for Student Affairs.

F. The student's written challenge shall state:

1. that the student has complied with the consultation requirement of section IV. A
2. facts which, if found to be true, would be sufficient to show the basis for the claim of clerical error or for the claim that the grade was awarded in an arbitrary or capricious manner, and
3. the remedy or resolution sought.

G.

1. The Associate Dean for Academic Affairs shall dismiss the grade challenge for failure to state a prima facie case for any of the following reasons:

- failure to allege timely compliance with procedural requirements,
- failure to allege one of the allowable grounds for appeal under section III., or
- failure to state sufficient facts for the associate dean to determine whether the student has stated a prima facie case for one of the allowable grounds.

2. If the challenge is dismissed for failure to state a prima facie case, the student may file an amended challenge within ten (10) working days of receiving the notice of dismissal.

H. The Associate Dean for Academic Affairs shall determine whether the student has complied with the above procedures and whether the student has stated a prima facie case, and, if so, meet with the student (or in the case of a group of students, a chosen representative of the group) and the faculty member. The Associate Dean may determine whether to meet with the student and faculty member together or separately. The Associate Dean may also conduct any necessary further investigation. The Associate Dean shall change a grade that is being challenged or award other appropriate relief, if he or she determines that the original grade is incorrect because of clerical error or was awarded in an arbitrary or capricious manner. At the request of the faculty member, the Associate Dean also has the discretion to decide whether to change a grade due to the discovery of an egregious error in grading, which, in the opinion of the faculty member, would amount to a constructive arbitrary and capricious grade if unchanged. Within twenty-five (25) working days from the receipt of the written challenge, the Associate Dean for Academic Affairs shall issue a written decision to the student(s) and faculty member. Prior to issuing a decision, the Associate Dean for Academic Affairs shall consult with the Dean and in that consultation the Dean shall review the entire record. The decision issued by the Associate Dean after that consultation shall be the final decision of the School of Law.

V. Appeal

A. The student or faculty member may appeal the decision of the Associate Dean to the Provost of the University of Baltimore in writing within ten (10) working days of receiving the written decision from the Associate Dean.

B. The only basis for an appeal of a decision of the Associate Dean to the Provost shall be a clear error of substance or procedure by the Associate Dean. The basis for the appeal and the remedy sought must be clearly stated by the student or faculty member.

C. The Provost, to the extent possible, shall rule on the appeal on the basis of the written pleadings and the written decision of the Associate Dean.

D. The Provost shall render a binding, final decision on a grade challenge appeal within twenty (20) working days of receipt of an appeal.

VI. Exclusivity of Procedure

These rules state the only grounds and procedures for challenging a grade received in a course at the University of Baltimore School of Law. These rules implement the University of Baltimore Student Policies and Procedures for Grievances by students, are consistent with those grievance procedures, and are based upon student rights protected therein. These rules also implement and are consistent with University System of Maryland policies concerning grade appeals.