

Grade Appeal/Academic Grievance



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PROCEDURE FOR GRADE APPEALS

a. Scope of Review

Grade appeals must be based on problems of process and not on differences in judgment or opinion concerning academic performance. The burden of proof rests on the student to demonstrate that one or more of the following occurred:

- The grading decision was made on some basis other than academic performance and other than as a penalty for academic misconduct.
- The grading decision was based upon standards unreasonably different from those which were applied to other students in the same course and section.
- The grading decision was based on an unreasonable departure from previously articulated standards.

The chairperson, grade appeal committee or dean may recommend grade changes but shall have the power to alter grades only in cases of clearly established procedural error or substantial capriciousness or arbitrariness in evaluation.

b. Timeline

The formal procedure must be started within 45 calendar days after the contested decision or grade was officially recorded. The grade appeal process officially begins on the date the *Academic Appeal* document is received by the faculty member.

c. Appeal Record

Any appeal must be in writing, dated and headed with the words "Academic Appeal." Once a formal appeal is presented to a faculty member, it must be presented in its original form at all later levels of appeal, although new statements may be added at any time.

Any evidence and all direct and supporting statements once made, become part of the permanent record of the appeal and must be produced at each level of appeal.

At each level of appeal, a written, dated decision and written reasons for the decision must be provided to the affected party or parties-the student, the faculty member and any person who has rendered a decision at an earlier level of appeal.

Students are permitted to submit evidence in writing. At the discretion of the University, students may be invited to present their appeal in person.

d. Grade Appeal Process

First Level: Appeal to the Faculty Member

A student will, where possible, attempt to resolve the issue informally with the professor before filing a written grievance. Should attempts at informal resolution fail, the student may wish to file a formal grade appeal. After receiving a formal appeal, the faculty member shall assure that a written decision with express reasons is available or delivered to the student within 30 calendar days. Should the student fail to take further action within seven calendar days after receiving the faculty member's decision, that decision



shall stand. If the student is dissatisfied with the decision or does not receive a response from the faculty member within 30 calendar days, s/he may proceed to the second level of appeal.

Second Level: Appeal to the Department Chair/Program Director

If the student elects to continue the appeal, s/he may appeal to the chair of the department or program director if there is no chair. The chair or director shall assure that a written decision or recommendation about the appeal is available or delivered with express reasons within 30 calendar days after receiving the appeal.

If the student is dissatisfied with the decision or does not receive a response from the chair or director within 30 calendar days, s/he may proceed to the third level of appeal. Should the student or faculty member fail to take action on the chair's decision or recommendation within seven calendar days following its receipt, the accepted recommendation of the faculty member or new decision by the department chair shall be final.

Third Level: Appeal to Dean

If the student elects to continue the appeal after the chair's decision or recommendation has been received, s/he may take the matter to the dean of the appropriate academic unit (or the dean's designee) within seven calendar days.

The dean shall ascertain within 30 calendar days whether the appeal procedures at the first and second levels have been duly followed; if they have not, s/he will require that they be followed before taking further action.

The appeals committee shall consist of three faculty members chosen by the dean or the dean's designee. The dean or designee shall serve on the appeals committee as chairperson without vote. All deliberations of the committee will be closed and confidential.

Faculty from the same department as the faculty member involved in the case may not serve on the appeals committee.

The appeals committee should meet as soon as possible, but no later than 30 calendar days after a written, dated request for appeal at this level has been received and the Dean has ascertained that appeal procedures at the first and second levels have been duly followed. The presence of all eligible committee members (the three faculty members and the dean or designee) shall constitute the quorum.

A written recommendation shall be furnished by the appeals committee and transmitted through the office of the dean to all affected parties within seven calendar days after the conclusion of the committee's deliberations.

The decision of the appeals committee is final.

Note: There is a separate grade appeal procedure for courses taught in the College of Law. Students with grade appeals in College of Law courses should consult the specific guidelines for academic grade procedures for that unit.

PROCEDURE FOR ACADEMIC GRIEVANCES FOR GRADUATE STUDENTS

Active students may seek resolution of complaints or grievances through the Academic Grievance Procedure during their enrollment at the University of Denver.

Graduate units may have additional requirements specific to their accreditation or professional standards. It is the responsibility of the student to determine whether his/ her graduate unit has specific requirements and the responsibility of the unit to ensure that those requirements are addressed prior to advancing the grievance to the Office of the Provost. In the event of conflict between any grievance process published in unit manuals or websites, the process outlined in the *Graduate Policy Manual* will govern.

a. Eligible and Ineligible Concerns

Eligible Concerns

These procedures may be used only by active students with the following concerns:

- A grievance regarding academic standing during their enrollment at DU.
- An academic decision made by a faculty or staff member, administrator or committee of the University of Denver that directly and adversely affects the student—e.g., program termination, academic suspension, removal from a course, termination of GTA or GRA appointment.
- The grievance must be based on problems of process or concerns of bias, retaliation, or other impropriety and not on differences in judgment or opinion concerning academic performance.

Note: Students who wish to appeal a termination from a program must do so within one term following their last term as an active student.

Ineligible Concerns

These Procedures may not be used to resolve the following concerns:

- appeals related to disciplinary actions taken by the Conduct Review Board
- grade appeals
- admission decisions

b. Formal Grievance Process

First Level: Informal Resolution

Students are expected to attempt to resolve complaints informally with the faculty or staff member, administrator or committee responsible for the academic decision. This attempt must include discussion of the complaint with the involved party or parties. *If all reasonable informal efforts to resolve a complaint fail, the student may file a formal grievance.*

If the complaint involves a charge of unlawful discrimination, the student may report the situation to an appropriate supervisor who must immediately notify the Office of Diversity and Equal Opportunity.

Second Level: Submission of the Formal Grievance to Program Director/Chair

If a student elects to file a formal grievance, s/he must do so within 30 calendar days into the next quarter after the contested decision or grade was officially recorded and during which the student is enrolled at

DU. All grievances must be filed in writing, signed and dated by the grievant, and include supporting documentation at the time it is filed. The grievant must minimally provide the following:

- a clear description of the decision being grieved,
- the basis or bases for challenging the decision,
- the identity of the party or parties who made the decision,
- the specific remedy or remedies requested, and
- a description of all informal resolution attempted.

The decision of the Program Director or Department Chair must be issued in writing within 30 days of receiving the grievance and shall include all of the following:

- a copy of the student's formal grievance,
- relevant findings of fact,
- decision and the reasons for the decision reached, and
- the remedy which is either granted or denied and/or any alternative remedies suggested.

Third Level: Submission of the Formal Grievance to Dean

The party who finds the resolution unsatisfactory may appeal the decision in writing to the dean of the academic unit within five working days of receiving the Program Director or Department Chair's written decision.

The dean may render a decision on the matter or may refer the grievance to a standing grievance/appeal committee or establish an ad hoc committee to hear the matter. When an ad hoc committee is established, the student who lodges the appeal may designate one of the faculty members who will serve on this committee. This member must be tenured or tenure-track faculty from the University of Denver. Members of the unit involved in the grievance may not serve on the ad hoc committee and must recuse themselves if they are members of the standing committee.

The committee may, at its discretion, receive from the student, relevant faculty or staff members or other individuals, any additional evidence or argument that it deems necessary to resolve the grievance. The appeals committee will begin deliberations as soon as possible and provide the dean a written recommendation no later than 30 days after the date that the dean's office received the written, dated request for appeal at this level. The dean will make a final decision and distribute it to all affected parties within five working days after receiving the committee's recommendation.

Fourth Level: Submission of the Formal Grievance to Provost

The party who finds the resolution unsatisfactory may appeal the decision to the Provost within five working days of receiving the dean's decision. The Provost will hear only those grievances based on problems of process or concerns of bias, retaliation, or other improprieties and not on differences in judgment or opinion concerning academic performance. Within five working days after receiving the appeal, the Provost may refer grievance appeals to appropriate bodies or personnel. If the issue is referred to the Graduate Council, its Chair will appoint three members of the Council as a Grievance Committee to hear the case and shall designate one of the committee members to serve as Chair.

Anyone called upon by the Provost or his/her designee shall submit a written recommendation within 30 days of receiving the case. The Provost is the final authority in the matter and will report the disposition of the case to all involved parties within 30 days of receiving a recommendation from his/her designee.

Scope of Review

Any University agent charged with reviewing a formal grievance may, at his/her discretion, gather additional relevant facts if necessary and/or meet with involved parties. The reviewer will base his/her decision on documented evidence.

Deviation from Procedures

In unusual circumstances, the Provost, at his/her sole discretion, may approve or direct a deviation from these Procedures, for example, postponement of a time limit or elimination or addition of a step in the process.

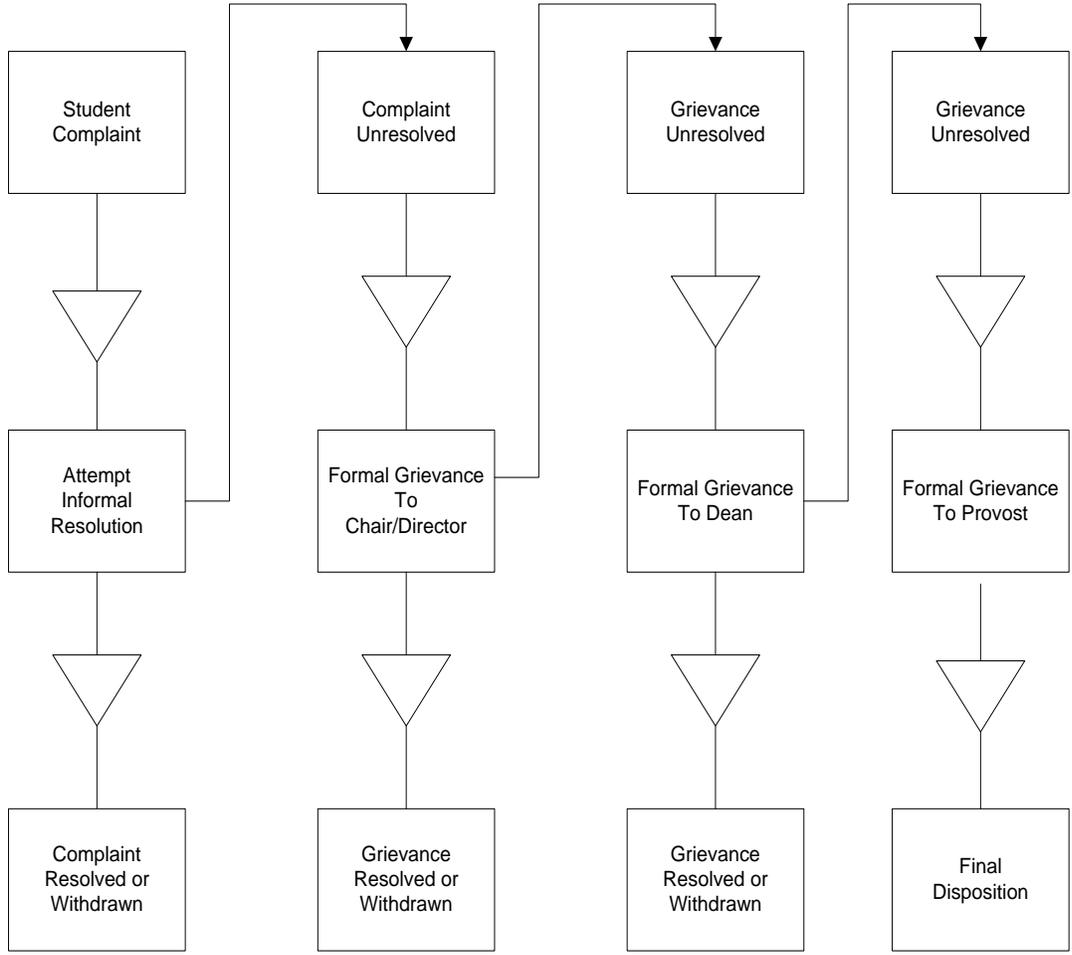
Grievance Record

Documentation in support of a grievance will be held by the person responsible for considering the grievance at that stage and passed along to the person responsible for the next step, if any. A record of meetings or interviews must be made and kept as part of the grievance record as well. The complete grievance record will consist of the original grievance, all documentary evidence and all formal decisions made at each step of the process.

Failure to Meet Deadlines

If after a formal grievance is filed, the University agent charged with review of the grievance fails to meet any deadline at any stage of the process, the grievant may proceed directly to appeal to the next higher University administrator in the manner prescribed by these Procedures, subject to the relevant time limitation calculated from the date of the missed deadline. The failure of any University administrator to meet any deadline shall not entitle the grievant to any relief requested, nor shall such a failure be construed as tantamount to a decision in the grievant's favor. Any grievant who fails to meet the deadlines imposed by these Procedures will be bound by the decisions previously made. The following flowchart summarizes the Procedure for Academic Grievance:

Procedure for Academic Grievance



**The Provost may refer grievance appeals to appropriate bodies or personnel.*