Faculty Senate Resolution Number F-2018-03

To: Joe Bertolino, Ed.D., President, Southern Connecticut State University
From: Maria Diamantis, Ed.D., President, SCSU Faculty Senate

The attached Resolution of the Faculty Senate is entitled: RESOLUTION Regarding the Grade Appeal Document and Form

This Resolution was approved by Faculty Senate on: December 5, 2018

[ X ] This Resolution is presented for APPROVAL
[ ] This Resolution is presented for INFORMATION

In accordance with the CSU-AAUP Contract (Article 5.10), "When the Senate makes a written recommendation to the President, the President shall acknowledge and respond to the recommendation in writing within fifteen (15) school days of receiving the Senate’s recommendation."

After considering this resolution, please indicate your action on this form and return it to the President of the Faculty Senate.

Maria Diamantis, Ed.D., President, Faculty Senate

Date

cc: Robert S. Prezant, Ph.D., Provost and Vice President for Academic Affairs

ACTION OF THE UNIVERSITY PRESIDENT

To: Maria Diamantis, Ed.D., President, SCSU Faculty Senate
From: Joe Bertolino, Ed.D., President, SCSU

Resolution for Approval:
[ ] Resolution APPROVED
[✓] Resolution DISAPPROVED (Provide comments below or attach statement)

Comments

Resolution for Information:
[ ] Resolution NOTED (applies to Informational Resolutions only)

Comments

Joe Bertolino, Ed.D., President, SCSU
Date
In accordance with SCSU educational mission, this policy articulates the procedure and criteria for the appeal of a final course grade. This Grade Appeal Procedure is intended to be fair, equitable and transparent.

The Grade Appeal Procedure consists of three levels:

1) Level 1 – Discussion with instructor
2) Level 2 – Mediation with chairperson
3) Level 3 – University Academic Standing Committee (UASC)

I. Grounds for Grade Appeals: Palpable Injustice

The sole acceptable basis for a grade appeal is the demonstrable commission of a "palpable injustice" in the determination of a student's final grade by the instructor. Students may use the appeals process when there is evidence to show that:

1. A mathematical or clerical error resulted in the entry of an incorrect grade; or
2. A final grade was determined by methods and criteria different from those used for determining the final grades of others in the same class; or
3. A final grade was assigned arbitrarily, capriciously, or on the basis of bias or prejudice, without reference to grading criteria as established (for instance) in the syllabus, assignment instructions, and/or university catalog.

A grade appeal is not warranted by any other standard than a "palpable injustice," as defined above. Grade appeals are not warranted when other faculty members simply disagree with the grade, would have assessed the student's work differently, would have graded differently, would have rounded off to the next highest grade, or would have preferred a different evaluation procedure. Neither is a grade appeal warranted on the basis of a student's or other faculty members' perceptions of poor, unprofessional, or incompetent teaching, which are subject to evaluation and action by means of distinct procedures defined in the faculty Collective Bargaining Agreement.

II. Assumptions

A. The award of grades is the responsibility of the instructor of the course.

B. Grade appeal procedures apply only to the change of a grade under conditions specified in section 4.2.2.2 of the Collective Bargaining Agreement. They may be implemented after a final grade has been submitted or after a request for a late withdrawal has been denied by the instructor.

C. All parties work in good faith to arrive at a resolution during all stages of the process.
III. General Guidelines

A. Grade appeals must be initiated on an individual basis by the student claiming a palpable injustice.

B. A student may submit a grade appeal at any time within the required timeframe (see IV. A-D); however, they are reviewed only in the fall or spring semester after the grade is received, hereafter referred to as Appeal Semester. This includes courses taken during summer, winter, or spring break sessions. For courses of an 8-week (or fewer) duration, the grade appeal may be made in either of the next two 8-week semesters directly following the semester in which the grade was received. The deadlines for the 8-week courses appear in parentheses for each level.

C. Graduating students will typically appeal the grade following the established Grade Appeal Procedure. If, however, a graduating student is appealing a grade that prevents the student from graduating, it is recognized that time of graduation may be affected if the established Grade Appeal Procedure is followed. In this case, attempts will be made by the instructor, Department Chairperson, and UASC to resolve the issue in an expedited manner.

D. The week of Spring Break shall not be counted when determining how long the grade appeal has been in process.

E. If the student’s graduation may be delayed due to the appeal process, permission may be given by the Chairperson to take subsequent or required courses within the Department.

F. All parties shall retain all records of the process. It is the responsibility of the student to verify that any agreed upon change to a grade has been implemented by the end of the appeal semester (i.e. by checking on the grade in Banner). If necessary, the student may request the assistance of the Department Chairperson in order to verify that the grade has been changed.

G. All Grade Appeal Forms and documents must be typed; no handwritten forms will be accepted.

IV. Required Procedures

A. Level 1 - Discussion with Instructor: Notification of Department Chairperson

   Deadlines - end of week 1 of the Appeal Semester for student to submit Grade Appeal Form to instructor; end of week 2 to reach agreement. (8-week courses - same)

   Student attempts to resolve the issue through discussion with the instructor on the basis of submission of the Grade Appeal Form to both the instructor and the department chairperson. The student and instructor attempt to settle the matter in good faith. If an agreement is reached to change the grade, the instructor shall submit the grade change form to the Registrar’s Office within one week. If an agreement is not reached by the end of week 2; or if the student has been unsuccessful in contacting the instructor (with the help of the instructor’s Chairperson, if needed); or if the instructor refuses to participate, the student may go to Level 2 by submitting the Grade Appeal Form to the instructor’s chairperson by the end of week 3.

B. Level 2 - Mediation with Instructor’s Chairperson/Program Director

   Deadlines - end of week 3 of the Appeal Semester for student to submit Grade Appeal Form to instructor’s chairperson; end of week 5 to reach agreement (8-week courses, end of week 3 to submit and end of week 4 to reach agreement)

   The student completes the Grade Appeal Form and sends it, along with all previously submitted Grade Appeal Forms, to the chairperson/program director by the end of week 3 (8-week courses, end of week 3). The chairperson/program director shall assist the instructor and the student in an attempt to settle the matter. If an agreement

Deleted: Grade appeals are made

Deleted: It is the responsibility of the student to ensure that any agreed upon change to a grade has been implemented by the end of the appeal semester
is reached to change the grade, the instructor shall submit the grade change form to the Registrar's Office. If these parties fail to reach an agreement by the end of week 5 (8-week courses, end of week 4), the student may go to Level 3 by submitting the Grade Appeal Form to the UASC by the end of week 6 (8-week courses, end of week 5).

If the instructor is either unavailable or is chairperson, proceed directly to Level 3.

C. Level 3 - UASC

Deadlines - end of week 6 of the Appeal Semester for student to submit grade appeal form to UASC; end of week 9 for UASC to render decision. (8-week courses, end of week 5 to submit and end of week 7 to reach decision)

The student completes the Grade Appeal Form and sends it, along with all previously submitted Grade Appeal Forms, to the President of the University Faculty Senate, who will forward it to the UASC by the end of week 6 (8-week courses, end of week 5). Upon receipt of the Grade Appeal Form, the UASC shall forward the document to the appropriate instructor's Dean. The Dean shall monitor the appeal process thereafter to insure that the procedures and schedule are followed.

The sole basis for the UASC's deliberations and decision concerning a student's grade appeal shall be the standard of "palpable injustice" as defined by Article I of this document. The UASC shall render its decision following a hearing to which the instructor, student, and others whom it deems appropriate shall be invited by the end of week 9 (8-week courses, end of week 7). The student, instructor, department chair/director, and the relevant Dean shall be notified in writing of the committee's decision, which shall include a written rationale. The UASC shall notify the Registrar if a grade change is required. The decision of the UASC shall be final, unless the Dean determines that a procedural violation has occurred at any level (see, for example III. D. Deadlines and deadline extensions). In such an instance, the matter shall be returned to the UASC for reconsideration.

D. Deadlines and deadline extensions

1. "By the 2nd week" means 2 weeks (14 calendar days) into the semester, starting with the 1st day of classes. Other deadlines are to be interpreted similarly.

2. A Dean of the appropriate school may extend any grade appeal deadline only at the student's request and only if the student provides written evidence that physical or mental incapacitation led to the missed deadline. The request must be made, in writing, no later than the end of the first week of classes following the original grade appeal semester.

V. Interpretation

This section may not be invoked with respect to the interpretation of any item of the Collective Bargaining Agreement. If an issue develops concerning interpretation of this Document whether initiated by the Senate, a faculty member, or any member of the administration, a binding decision on such an issue shall be made:

A. by agreement between the President of the University and a majority of the Executive Committee of the Faculty Senate or, failing to obtain agreement on an issue by this method;
B. by a committee consisting of one member selected by the Senate Executive Committee, one selected by the President of the University, and one selected by the first two committee members, who, by a two-thirds vote shall decide such an issue.

VI. Implementation and Amendment

A. This document shall take effect upon approval by a two-thirds vote of the Faculty Senate with the concurrence of the President of the University.

B. This document may be amended by a two-thirds vote of the Faculty Senate with the concurrence of the University President.

Notes:
1. By grade is meant any of the grades specified in the University Undergraduate or Graduate Catalogs.
2. Semester means the January to May or the August to December sessions of classes.
Southern Connecticut State University

Grade Appeal Form

Name: (Last)________________________(First)________________________(M.I.)____

Student ID:________________________

Course Department Code:__________Course Number:__________Section:____

Semester course taken: (circle) FALL SPRING WINTER SUMMER

Year course taken:_______________Instructor:________________________

Explain, in detail, why you think a palpable injustice has occurred. A palpable injustice occurs when a faculty member has been demonstrably inconsistent and unfair to the student. Please also attach any relevant documentation.

________________________________________________________________________

________________________________________________________________________

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Use additional sheets if necessary.
GRADE APPEAL FORM PART 2: DOCUMENTATION

I. LEVEL 1 – Discussion with the Instructor

To be completed by the student and submitted to the instructor and the instructors’ department chairperson, to be filed for future reference.

1. Were you able to contact the Instructor regarding grade appeal? (circle) Y N

   Date of contact/s or meeting/s: (dd)___ \ (mm)___ \ (yr) ___

   (dd)___ \ (mm)___ \ (yr) ___

   Was a resolution reached? (Check one) YES ☐ NO ☐

2. Provide a summary of grade appeal decision. If resolution not reached, the student may proceed to Level 2. (Use additional sheets if necessary)

   ______________________________________________________

   ______________________________________________________

   ______________________________________________________

   ______________________________________________________

   ______________________________________________________

   NAME OF SUMMARY AUTHOR: _____________________________

   If resolved, A signature from both parties signifies that the student and instructor have met and discussed the grade appeal. An agreement has been reached regarding the grade appeal and concludes the grade appeal process.*

   Grade Prior to Appeal _______   Grade Following Appeal (if changed) _______

   STUDENT SIGNATURE __________________________ Date: ____________

   INSTRUCTOR SIGNATURE __________________________ Date: ____________

   * Both the student and the Department Chairperson shall retain a copy of this signed agreement. If an agreement is reached to change the grade, the Instructor shall submit the grade change to the Registrar’s office. If the appeal continues to the next level, forms from the preceding appeal levels must be included with the new appeal.
II. LEVEL 2 – Mediation with the Chairperson

To be completed by the student

1. Were you able to contact the Department Chairperson? (circle) Y N
   Date/s of contact/s or meeting/s: (dd) \ (mm) \ (yr) ___
   (dd) \ (mm) \ (yr) ___
   Was a resolution reached? (Check one) YES □ NO □

2. Provide a summary of grade appeal decision. If resolution not reached, the student may proceed to Level 3. (Use additional sheets if necessary)

________________________________________

________________________________________

________________________________________

________________________________________

NAME OF SUMMARY AUTHOR: ________________________________

If resolved, a signature from all parties signifies an agreement has been reached regarding the grade appeal and concludes the grade appeal process.*

Grade Prior to Appeal ________ Grade Following Appeal (if changed) ________

STUDENT SIGNATURE ___________________________ Date: _____________

INSTRUCTOR SIGNATURE ___________________________ Date: _____________

CHAIRPERSON SIGNATURE ___________________________ Date: _____________

* Both the Student and Department Chairperson shall retain a copy of this signed agreement. If an agreement is reached to change the grade, the Instructor shall submit the grade change to the Registrar’s office. If the appeal continues to the next level, forms from the preceding appeal levels must be included with the new appeal.
III. LEVEL 3 – University Academic Standing Committee (UASC)

To be completed by the student

1. Date of grade appeal submission to Faculty Senate President
   
   (dd)____ 
   (mm)____ 
   (yr) ____

To be completed by Faculty Senate President

2. Date grade appeal forwarded to UASC
   
   (dd)____ 
   (mm)____ 
   (yr) ____

The following is to be completed by UASC

3. Date grade appeal forwarded to relevant Dean
   
   (dd)____ 
   (mm)____ 
   (yr) ____

4. Provide a written rationale of UASC grade appeal decision. (Use additional sheets if necessary)

   ____________________________________________
   ____________________________________________
   ____________________________________________
   ____________________________________________
   ____________________________________________
   ____________________________________________

SIGNATURE OF UASC CHAIRPERSON ________________________________

DATE OF GRADE APPEAL FINAL DECISION: (dd)____ 
   (mm)____ 
   (yr) ____

Grade Prior to Appeal ________ Grade Following Appeal (if changed) ________

DATE GRADE CHANGE SUBMITTED TO REGISTRAR: (dd)____ 
   (mm)____ 
   (yr) ____

DATE DECISION AND WRITTEN RATIONALE SENT TO STUDENT, INSTRUCTOR, DEPARTMENT
CHAIR/DIRECTOR, AND RELEVANT DEAN: (dd)____ 
   (mm)____ 
   (yr) ____
Grade Appeal Form Instructions

A student may submit a grade appeal only in instances in which there is evidence that an instructor has committed a "palpable injustice," as defined by Article I of the Grade Appeal Procedure document, in the determination of a student's final grade. A palpable injustice can be claimed if an instructor has committed a "palpable injustice" as defined by Article I of the Grade Appeal Procedure document. Grade appeals can be submitted only in the fall or spring semester after the grade is received (Appeal Semester). This includes 8-week courses and courses taken during summer, winter, or spring break sessions. See Grade Appeal Procedure document for additional details and important deadlines.

The Grade Appeal Procedure consists of three levels:

1) Level 1 – Discussion with Instructor
2) Level 2 – Mediation with Chairperson
3) Level 3 – University Academic Standing Committee (UASC)

Grade Appeal Procedures and Deadlines

LEVEL 1 – DISCUSSION WITH INSTRUCTOR

If a student decides to appeal grade based upon palpable injustice, the student completes and submits the Grade Appeal Form to the Instructor and the instructor’s Department Chairperson before the end of Week 1 of the Appeal Semester (same for 8-week courses). The student and Instructor will attempt to reach a resolution regarding grade appeal.

Level 1 Resolution Deadline: End of Week 2 of the Appeal Semester (same for 8-week courses)

LEVEL 2 – MEDIATION WITH CHAIRPERSON

(Note: If Instructor is also Department Chairperson, student may skip to Level 3)

If a resolution regarding the grade appeal is not reached between the student and the instructor after Week 2, the student may submit the Grade Appeal Form to the Department Chairperson before the end of Week 3 of the Appeal Semester (same for 8-week courses). The Chairperson will act as mediator during the continued grade appeal discussion between the student and Instructor.

Level 2 Resolution Deadline: End of Week 5 of the Appeal Semester (end of Week 4 for 8-week courses)

LEVEL 3 – UNIVERSITY ACADEMIC STANDING COMMITTEE (UASC)

If a resolution regarding the grade appeal is not reached after Week 5 (Week 4 for 8-week courses) and following mediation with the Chairperson, the student may submit the Grade Appeal Form to UASC via the Faculty Senate President by the end of Week 6 of the Appeal Semester (end of Week 5 for 8-week courses). UASC will review the grade appeal and render a final decision.

Level 3 Final Decision Deadline: End of Week 9 of the Appeal Semester (end of Week 7 for 8-week courses)
Concerns from Academic Affairs and from Student Affairs regarding Faculty Senate Academic Misconduct Resolution No. F-2018-02 and Grade Appeal Resolution F-2018-03.

**Grade Appeal**

§ “Grade appeals are made only in the fall or spring semester after the grade is received”. While the document provides for department Chairpersons to waive pre-requisites, that provision is explained later in the document. It’s important that it be stipulated here as well.

§ “If, however, a graduating student is appealing a grade that prevents the student from graduating, it is recognized that time of graduation may be affected if the established Grade Appeal Procedure is followed. In this case, attempts will be made by the instructor, Department Chairperson, and UASC to resolve the issue in an expedited manner.” Attempts will be made? Only if it’s convenient? This provision is too weak and too important to be so weak.

§ “It is the responsibility of the student to ensure that any agreed upon change to a grade has been implemented by the end of the appeal semester.” The language here is unchanged. Students have no ability to ensure that their grades are changed as they possess neither the logistical means nor the authority to assign grades on Banner.

§ “The student completes the Grade Appeal Form and sends it, along with all previously submitted Grade Appeal Forms”. This language is new. It implies either that students are constantly completing and resubmitting Grade Appeal forms or that they are responsible for submitting previous grade appeal requests, doesn’t it?

§ The document leaves the academic deans almost totally out of the process.

§ Defining palpable injustice more clearly means fewer grade appeals. This also puts more of a burden on the students and makes it more likely that the instructor will not be happy with the student even questioning a grade since the student has to notify the department chairperson.

§ "It is the responsibility of the student to ensure that any agreed upon change to a grade has been implemented by the end of the appeal semester." If the faculty member doesn't enter the change of grade, how does the student ensure it gets done?

§ Still no process for resolving grade appeals in the summer.

Overall Concern – The policies appear to be written more in the context of protecting faculty than simply outlining a fair and just process to be followed. The responsibility and burden seem to be much more on the student than equally between the faculty and student. For example it is the students responsibility to assure a change is completed once agreed upon, instructors can refuse to participate (although it says they will attempt to resolve in good faith). Refusing to participate does not seem to be in good faith.

Section I - Why is the paragraph outlining what is not warranted needed? Seems that we should simply identify the grounds for appeal. It should be up to the committee to determine whether the ground is met or not. It also seems that the impalpable injustice is only able to be against an individual student. Is it not possible that there is an injustice against the whole class. Why does the behavior have to be different between students. For example, just because the faculty member was arbitrary to all students
equally does that mean there is no impalpable injustice. The CBA requirements around dealing with faculty behavior is evident but there still remains a question of whether a student has any recourse for poor, unprofessional or incompetent teaching. In addition, the grounds are asking for evidence that a student may not have access to such as other student grades.

Section III – There is an ongoing issue with relation to grade appeals only being heard during fall and spring semesters. While I get that they have put a caveat that if it impacts graduation that an “attempt” can be made to assist with the timing. What if people are not willing, then the student suffers because the faculty are not willing to participate. In addition, while they put a caveat for forward progression allowing chairpersons to alter subsequent and required course or pre-requisite this does not mean that chairpersons will allow. I know of a couple of instances in which chairs were not willing to do this even though they had the ability again putting the student in a difficult situation. This section also highlights it is the student responsibility to verify the change took place. If we made the error why is it not the Department responsibility to assure the change was completed.

Section IV – There are concerns regarding record keeping. It is too vague on where official documents and decisions on appeals are to be kept. While there appears to be an effort to address this concern by having the appeal go to the chair at level one, it is still not clear how a decision is relayed to the student and where that is record kept. It would seem that a faculty member would need to document their decision, send to student and file with the department. The same would be true for level two. There is a statement that suggests a Dean can return the case to the committee if there are procedural issues, however, it is uncertain how this might alter the decision (or even protect the student procedural due process) as there is not a ground to be considered regarding procedural issues. Lastly in this section, there are concerns over the standard in which a Dean can extend the deadline. “Incapacitation” is a very high standard. This should be more flexible to allow the Deans to extend the deadline.

Forms – The forms are not consistent with the policy and lack clarity on the record keeping process.

**Academic Misconduct**

Introduction – There needs to be some clarity around academic misconduct and behavior. The instructor handles the academic sanction and the panel determines any behavioral outcomes as well as and academic sanction that are raised on appeal.

Section 1 – There are concerns regarding dismissal from a program. These policies are not vetted to assure that students are afforded an opportunity to receive notice, participate and appeal. I believe by combining academic misconduct with dismissal from program procedures is not appropriate. In the last section the policy references department committees to review instances of academic misconduct. What process is being used, how are students aware and understand these processes, are they a decision making body, is their right to appeal etc.

Section 3 - Sub-section 3 needs to be clarified. While a faculty member can make a recommendation for discipline through the student code of conduct it should be clarified that this is a recommendation and the student conduct makes a decision on whether it merits a hearing or administrative review. There is some contradictory language in this section.
Section 4 – There needs to be clarity on the grading pending an appeal and who is responsible for making this happen. Seems to me the committee will need to take responsibility for this. This plays into my concern in the next section regarding timing. There should also be some language added about students appeal of the sanction. As is indicated in an earlier section the sanction needs to be commensurate about the act. If this is the case a student should have the ability to appeal an academic sanction based on the fact that it is not commensurate.

Section 5 – The hearings need to be scheduled at the beginning of an academic year and be set for the year. It is very difficult to try and coordinate only when needed. In addition, we know it is common for these to increase at the end of semesters. We need a way to assure that all of these are being heard as they impact students’ progress forward.

Section 6 - once again there is contradicting language. It indicates a student can challenge a member of the panel but it contradicts itself with who makes the final decision. In one sentence it says the chair and in another it says the director of student conduct.

Section 7 – We need to remove the designee as at this time the code only allows for the Provost. Until such time we can get this changed we need to remain consistent.

Section 10 #4 – States that hearings will take place within 10 days yet we do not follow this when we reach the end of the semester. This again raises the questions of timing and scheduling. We have to be more flexible as these situations can impact a student’s graduation or progression forward in their program.