



Instructions

Student Welfare and Grievance Committee Procedures for Grade Challenges (6/12/91)

1. Filing a Complaint

- a. A Student(s) may challenge his or her grade as determined by a member(s) of the faculty of the University during or within one year after the end of any credit course, qualifying or comprehensive examination, for which the student has been enrolled. A challenge to a grade may be pursued only on the basis of: malice, bias, arbitrary or capricious grade determination, or impermissible discrimination. In no event shall a challenge be pursued on the basis of the standards employed in setting grades, so long as those standards are employed impartially.

(Note: It is possible that several students may wish to challenge the grades they received from a member of the faculty. Likewise, a challenge may be directed against more than one member of the faculty in a team-taught course. Generally, however, the complaint involves one student vs. one professor, so for ease of language, the remainder of this document will be written as applicable to a single student challenging a single member of the faculty. Thus, where this document reads "student" it is equally applicable to "students". Where it says "faculty member", it is equally applicable to "faculty members".)

- b. The student should first attempt to resolve the question through consultation with the faculty member who assigned the grade. The student should then attempt to resolve the question through consultation with the administrator(s) directly above the faculty member. Having failed to resolve the matter after consultation with both the faculty member and his/her supervisors, the student may consult with and/or file a challenge with the Chairperson of the Student Welfare and Grievance Committee on the form provided.
- c. The chair will provide a copy of the grievance form to the challenged faculty member and a copy to the Vice-President for Academic Affairs. The faculty member may then respond to the complaint in writing to the Student Welfare and Grievance Committee Chairperson, who will send a copy of the response to the student complainant and to the Vice-President for Academic Affairs.

2. Conciliation

- a. The chairperson shall then appoint a member of the Student Welfare and Grievance Committee to serve as a conciliator(s) to attempt to reconcile the problem. In the event that the grade challenge involves a graduate student, the conciliator must be a member of the graduate faculty.

(Note: Where appropriate, the Chair of the Student Welfare and Grievance Committee may appoint a committee of conciliators. It is customary, however, to appoint only one conciliator.)

- b. The conciliator will meet with the student and with the faculty member in an attempt to resolve the problem in an informal manner. If the faculty member is no longer employed by the University, reasonable effort must be made by the conciliator to reach him/her.
- c. The conciliator shall report to the Full Committee in a timely fashion, normally not to exceed three weeks from the date of appointment by the Chair of the Student Welfare and Grievance Committee. The Committee may
 - i. Notify the Vice-President for Academic Affairs, the student, and the faculty member that the conciliation effort was successful;
 - ii. Request that a further effort at conciliation (perhaps with a new conciliator) be made;
 - iii. Dismiss the case with notification to the Vice-President for Academic Affairs, student and faculty. (To re-emphasize: challenges can be made only for malice, bias, arbitrary or capricious grade determination, or impermissible discrimination. Students may not challenge a grade simply because the class was 'too hard', or, 'I thought it was an "A" paper and I got a "B" on it');
 - iv. Refer the matter to a Hearing Committee.

3. Appointment of a Hearing Committee

- a. If the Committee finds that a Hearing Committee should be formed to resolve the issue, the Chair shall appoint a committee from the membership of the Student Welfare and Grievance Committee comprised of a chair and two additional members. The person who served as conciliator is not eligible for service on the Hearing Committee. In the case of a challenge involving graduate credit, the members of the hearing committee must be members of the graduate faculty.
- b. Upon preliminary review, the Hearing Committee may conclude that a prima facie case does not exist and dismiss the complaint.

4. Notification of Parties and General Procedures

- a. The hearing is designed to provide both parties ample opportunity to present, through either written or oral testimony, their side of the controversy. It should be noted, however, that these hearings are not courtroom proceedings and do not have to be conducted according to protocol.
- b. The committee is responsible for ruling on the admissibility of evidence and testimony as well as complaints from either party of procedural irregularities. The chair of the Hearing Committee shall exclude irrelevant, immaterial and unduly repetitious evidence and testimony.
- c. The chair of the Hearing Committee shall notify all parties, in writing, of the time and place of the hearing, allowing at least one week for parties to prepare for the hearing.
- d. Generally the hearing will feature oral presentation of the complaint, the response, the testimony of witnesses, questions and cross-examination of the other party and his/her witnesses. In addition to the oral testimony, written testimony and evidence may also be submitted (see V.)
- e. The faculty member does not have to respond to the complaint, nor does he/she have to appear at the hearing (see Vc. VIc).
- f. If either the student or faculty member cannot appear in person, he or she may request, in writing, that a paper hearing be conducted. Whenever the Hearing Committee concludes that the ends of justice would be better served with a paper hearing, the Committee may elect to conduct a paper hearing, in which the complaint, the response, and all appropriate testimony and evidence are in written form. (see VI).

5. Procedures for Hearings Involving Oral Testimony

- a. In the event that the student does not appear before the Hearing Committee within a reasonable time (norm 15 minutes) and no satisfactory explanation for the absence in forthcoming, the complaint may be dismissed.
- b. The student shall present his/her case to the Hearing Committee. It is recommended that this presentation not exceed ten minutes.
- c. The faculty member in question may be present during the student presentation, and shall be given the opportunity to respond to the challenge. It is recommended that this response not exceed ten minutes. As noted previously, faculty members do not have to appear before the Hearing Committee. In the event that the faculty member does not appear before the Hearing Committee within a reasonable time (normally 15 minutes) and no satisfactory explanation for the absence is forthcoming, the hearing will proceed without him/her.
- d. Parties wishing to have more time to present their case should inform the Hearing Committee Chair.
- e. Following the presentation of the complaint by the student, and the response (if any) by the faculty member, the members of the Hearing Committee may address questions to either party.
- f. Either party may have the assistance of a university student or employee (not an attorney) as an advisor. This advisor is there only to advise the student or faculty member. The advisor may address either the Hearing Committee or other parties in attendance.
- g. Either party may include, as part of their presentation, testimony from other persons.
- h. Either party (but not the advisor) may question the other party and his or her witnesses in the hearing, and may challenge evidence submitted by the other party. At all times, however, control of the hearing remains with the chair of the Hearing Committee. In the event that the questioning becomes unduly rude, intimidating or acrimonious, the chair of the Hearing Committee may direct that questions be addressed to the Chair for referral to the other party.
- i. In all cases involving a challenge to a grade, the burden of proof shall reside with the student.
- j. Following the presentation, the response, and questions, the Hearing Committee shall meet in executive session to reach its conclusions. (go to VI I)

6. Procedures for Hearings Involving Written Testimony

- a. Where appropriate, the Hearing Committee may conduct the hearing using written testimony and evidence from both parties.
- b. The chair of the Hearing Committee shall notify both parties, in writing, of the desire to conduct a paper hearing using written testimony and invite both parties to respond, in writing, within two weeks. The response should include a position statement with supporting testimony and evidence.
- c. Note: If the student fails to respond within the designated time, the complaint may be dismissed. The faculty member does not have to respond. If the faculty member fails to respond within the designated time, the matter shall proceed.
- d. Each party shall be sent a copy of the other party's initial position statement (if any) along with any supporting testimony and be invited to make a response. In addition, the Hearing Committee may address questions to either party. The parties will have two weeks to make their response, in writing.
- e. Note: If the student fails to respond within the designated time, the complaint may be dismissed. If the faculty member fails to respond within the designated time, the matter shall proceed.
- f. Each party shall be sent a copy of the other party's response (if any) along with any supporting testimony and evidence. In addition, the Hearing Committee may again address questions to either party. The parties will have two weeks to make their response, in writing.
- g. Note: If the student fails to respond within the designated time, the complaint may be dismissed. If the faculty member fails to respond within the designated time, the matter shall proceed.
- h. In all cases involving a challenge to a grade, the burden of proof shall reside with the student.
- i. After considering all materials, the Hearing Committee shall reach its conclusion. (go to VII)

7. Decision of the Hearing Committee

- a. The Hearing Committee shall make its decision to either:
 - i. Dismiss the challenge (with notification to the Vice-President for Academic Affairs, student, and faculty member) (see IX);
 - ii. Affirm the challenge with subsequent determination of the new grade (see VIII).
- b. The decision of the Hearing Committee is final. Since the members of the full committee were not privy to the information presented at the Hearing, the matter is not subject to review/ approval by the full SW&G Committee.

8. Determination of New Grade

The actual determination of the new grade shall be made as a separate proceeding by the Hearing Committee. Where the situation warrants, the Hearing Committee may solicit advice from the pertinent academic department.

9. Report of Hearing Committee

The conclusions of the Hearing Committee shall be reported to the full Student Welfare and Grievance Committee. Notification of the decision of the Hearing Committee shall then be made, in writing, to the student, the faculty member, the Vice-President for Academic Affairs, and the Registrar.

10. Appeal of the Decision

The decision of the Student Welfare and Grievance Committee is final. Should new information come to light, the student may begin the process anew by resubmitting his challenge as modified by the additional information.