

EASTERN NEW MEXICO UNIVERSITY
PROCEDURE FOR THE REVIEW OF GRADES

In order to provide a process by which a student may have a disputed grade reviewed, the following procedures have been established. It should be understood however, that the principle of academic freedom dictates that a faculty member is responsible for and has authority over grades which he/she assigns, and the criteria by which the student is evaluated. The intent of the procedures outlined below is to allow an objective review of the disputed grade when an issue of "fairness" or "equity" is raised by a student. No grade review request will be considered after a period of three calendar months from the last day of the semester in which the class was taken or three calendar months after the final grade is posted, whichever is later. All timelines below refer to calendar days.

Special provisions apply to those situations where a faculty member assigns a particular grade on the basis of the faculty member's determination that the student cheated or engaged in academic dishonesty or academic misconduct. Such situations are subject to the provisions set forth below at Section C.

A. Grade Review Process (where grade is not based upon cheating or academic dishonesty).

If a student wishes to have a grade reviewed, the steps below should be followed in the sequence shown:

1. The student should inform the faculty member who assigns the grade, hereafter called "the instructor," of the student's dispute of the grade within three (3) calendar months from the last day of the semester in which the class was taken or three (3) calendar months after the final grade is posted, whichever is later. This notice must be in writing and must be sent by the student to the instructor and the instructor's immediate administrative supervisor within the same time period.
2. Within fourteen (14) days of the written notice being given to the instructor, the student and the instructor should meet in an attempt to resolve the disagreement. The instructor should inform the student of his or her decision within seven (7) days of this meeting, in writing. If there is no resolution, or a resolution which is unacceptable to the student, the student may then proceed to Step #3.
3. Within seven (7) days of receiving the instructor's decision, the student may appeal the instructor's decision to the instructor's immediate administrative superior, in writing. If the administrative supervisor believes that the complaint may have merit, he or she should discuss it with the instructor, within seven (7) days of the student's written appeal. The student shall be informed in writing whether or not the instructor has changed the earlier decision within seven (7) days of the meeting between the administrative supervisor and the instructor. If the decision is unacceptable to the student, the student may proceed to Step #4.
4. Within seven (7) days of receiving the administrative supervisor's decision, the student may appeal to the dean of the college under whose auspices the course was taught, in writing. Upon receipt of the petition, the dean shall appoint an *ad hoc* review committee of three faculty

members from within the college.¹ The *ad hoc* committee will be composed of faculty members in the instructor's department or in closely allied fields. The committee shall examine available written information on the dispute, shall be available for meetings with the student and with the instructor at the request of the committee or of the respective party to the dispute, and may meet with others as it sees fit. The faculty committee shall inform the instructor of their decision within twenty-one (21) days after receipt by the dean of the student's petition. If the faculty committee, through its inquiries and deliberations, determines that compelling reasons exist to change the grade, it shall request that the instructor make the change, providing the instructor with a written explanation of its reasons and the appeal will proceed to step #5. If not, the student is informed of the committee's decision to sustain the instructor's grade; if the decision is unacceptable to the student, the student may proceed to Step #6.

5. If the committee recommends a change of the grade, then upon receipt of the committee's decision, the instructor will decide whether a change of grade is appropriate. Should the instructor decline, he or she shall provide an explanation to the committee for refusing. The instructor shall inform the committee of his or her decision within seven (7) days of the receipt of the committee's decision and the committee shall so inform the student with seven (7) days of the instructor's response. If the decision is unacceptable to the student, the student may proceed to Step #6. If the decision is unacceptable to the committee, the committee may proceed to Step #6.
6. The faculty committee, after considering the instructor's explanation and upon concluding that it would be unjust to allow the original grade to stand, may then recommend to the dean that the grade be changed within seven (7) days of the receipt of the instructor's decision. Alternatively or coincidentally, within seven (7) days of the student learning of the final decision under Step #4 or Step #5, if the decision is unacceptable to the student, the student may appeal the decision to the dean, in writing. The dean shall then either change or affirm the grade, notifying the instructor and the student of this action within seven (7) days of the receipt of the committee's recommendation or the student's appeal, whichever was earlier.
7. If the decision rendered under Step #6 is unacceptable to either the student or the instructor, then within seven (7) days of being notified of the decision, the student or the instructor may appeal the decision, in writing, to the Vice-President for Academic Affairs (VPAA). Only in unusual circumstances will the VPAA intervene in the process. If intervention is deemed necessary, the VPAA will submit a detailed rationale in writing to the instructor and student within seven (7) days of being notified of the appeal. If the VPAA takes no action or takes an action unacceptable to the student or instructor, then the student or instructor may proceed to Step #8.
8. If the VPAA declines to act under Step #7 within the time allowed or renders a decision unacceptable to the student or the instructor, then the student or the instructor may make a final appeal to the President, in writing, within fourteen (14) days of the student/instructor being notified in Step #6. Only in unusual circumstances will the President intervene in the process. If intervention is deemed necessary, the President will submit a detailed rationale in

¹ If the dean is also the instructor, the VPAA will assume the role of the dean in Step 3 and Step 5.

writing to the instructor and student within seven (7) days) of being notified of the appeal. This is the final step in the process; there is no further appeal beyond the President.

B. Grade Review Policy When the Instructor is Unavailable to Participate in the Process

If an instructor becomes deceased, mentally incapacitated, leaves without a trace, or for whatever reason refuses to cooperate with the university officials in the review process over a disputed grade, the university may proceed with the review process provided that the review procedure is started within three calendar months from the last day of the semester in which the class was taken or three calendar months after the final grade is posted, whichever is later.

A student filing for a grade review process will follow steps A(3) through A(8), omitting steps which relate to the absent instructor.

C. Grade Review Process Where the Grade is Based Upon Cheating, Academic Dishonesty or Other Academic Misconduct.²

A student seeking review of a grade should proceed according to the following steps, in the order indicated:

1. The student should meet with the faculty member who assigned the grade. Both the student and the faculty member will have at least 48 hours' advanced notice of the meeting, unless both of them agree to waive the requirement for prior notice. At the meeting, the faculty member will provide the student with a memo outlining the facts that support the faculty member's determination that the student cheated or engaged in academic dishonesty or misconduct. If, after reviewing the memo, the student admits that the student cheated or committed the act of misconduct described in the memo, then the faculty member will prepare a second memo describing the meeting and the student's admission. The faculty member will submit both memos to the Department Chair. If a student who admits to cheating (or academic dishonesty) still wishes to pursue the grade review process further, then he or she should proceed according to Steps A(3) to A(8), above. The procedures outlined below under Steps C(2) to C(5) are limited to those students who continue—after meeting with the faculty member—to deny that they cheated or committed an act of academic dishonesty or misconduct.
2. If, after meeting with the faculty member, the student is still unsatisfied with the grade, then the student should provide a written demand for a hearing to the dean of the college under whose auspices the course was taught. Such notice must be received by the dean within 3 days after the meeting between the student and the faculty member. Upon receipt of such notice, the dean will convene an ad hoc committee and schedule a grade review hearing. The dean will set the date, time and location of the hearing and will provide written notice to the student, the faculty member and the committee members. The hearing must take place within 21 days after receipt by the dean of the student's written notice. In addition, the student must receive written notice of the date, time and location of the hearing at least 3 days prior to the hearing, unless the student waives this requirement.

² Failure to comply with the faculty member's instructions, requirements or standards with respect to the completion or submission of course assignments does not constitute "misconduct," for purposes of these procedures. A student who seeks review of a grade resulting from the student's failure to follow instructions or procedures must follow the process outlined above at A(1) to A(8). The term "misconduct," as it is used in this Policy, refers to actual or alleged conduct involving moral culpability.

3. The ad hoc committee will be designated by the dean and will consist of three faculty members from within the college. One member of the committee shall be a faculty member from another department within the college. The three committee members will elect a committee chair from among themselves.
4. The following procedures will apply to the hearing before the ad hoc committee:
 - (i) Order of Proceedings: The hearing will be conducted in the following sequence:
 - a. Opening statement by the faculty member who assigned the disputed grade;
 - b. Presentation of witnesses, evidence and documents by the faculty member;
 - c. Cross-examination of the faculty member and the faculty member's witnesses by the student and the committee members;
 - d. Opening statement by the student;
 - e. Presentation of witnesses, evidence and documents by the student;
 - f. Cross-examination of the student and the student's witnesses by the faculty member and the committee members;
 - g. Closing statement by faculty member; and
 - h. Closing statement by student.

Note: The student or the faculty member may waive or omit any of the foregoing steps as he or she deems appropriate.

- (ii) The faculty member must attend the hearing and present evidence (in the form of personal testimony, documents or the testimony of other witnesses) to support the faculty member's determination that the student cheated or engaged in other academic dishonesty or misconduct. The faculty member will have the right to ask questions of (i.e., cross-examine) the student and also any witnesses who may testify on behalf of the student.
- (iii) The student must attend the hearing and present his or her case. The student will have the right to ask questions of (i.e. cross-examine) the faculty member and also any witnesses the faculty member may present. If the student fails to appear at the hearing, then the grade assigned by the faculty member will stand and the proceedings will be concluded.
- (iv) Hearings shall be confidential and shall be conducted in private. The chair of the committee will insure that all documents and information are kept confidential.
- (v) The student may bring one advisor to the hearing. The advisor's participation will be limited to advising the student. The advisor may not address the committee, examine or cross-examine witnesses or make arguments.
- (vi) The student shall be permitted to present a letter or brief to the committee setting out the student's factual, procedural or legal arguments. If a student presents such a letter or brief, then the student may still make verbal arguments and present witnesses and other documentary evidence. Or the student may elect to present the letter in lieu of verbal arguments. The student will be required to personally attend and participate in the

hearing and be subject to cross-examination, even if he or she elects to present a letter or brief to the committee.

- (vii) The committee chair shall decide and rule upon procedural and evidentiary matters. Formal rules of evidence and rules of civil procedure will not apply to the hearing. However, the committee chair may exclude certain evidence or testimony if he or she determines that it is unreliable, repetitive or of little probative value.
 - (viii) The ad hoc committee shall make a factual determination as to whether the student cheated or committed an act of academic dishonesty or misconduct. This is the only question that the committee will decide. The committee shall decide this issue according to a preponderance-of-the-evidence standard. That is, if the committee determines that the evidence indicates that it is more likely than not that the student cheated, or engaged in academic misconduct then the committee shall decide against the student. Likewise, if the committee determines that the evidence indicates that it is more likely than not that the student did not cheat or engage in academic misconduct, then the committee will find in favor of the student. If the committee determines that the evidence is equally weighted both ways, then the committee will find in favor of the student.
 - (ix) The ad hoc committee will reach a decision by majority vote. The committee's decision will be reduced to writing and delivered to the dean who convened the committee within 3 days after the conclusion of the hearing. The committee shall provide copies of its written decision to the faculty member and the student concerned.
5. If the ad hoc committee decides in favor of the student, then the faculty member must reassign a new grade. The revised grade cannot be based upon cheating or academic dishonesty or academic misconduct. If, after the grade is revised, the student is still dissatisfied with the grade, then the student may seek a review of the grade in accordance with the procedures outlined above under Sections A(1) to A(8).
6. The hearing procedures described herein in Sections C(1) to C(5) pertain only to grade reviews initiated by a student, and such proceedings are distinct from proceedings under the Student Code of Conduct. An act or alleged act of cheating or academic dishonesty might give rise to a grade review and hearing under this regulation, and such conduct or alleged conduct might also give rise to a separate proceeding pursuant to the Student Code of Conduct. Likewise, such conduct or alleged conduct might give rise to only one or the other of these two types of administrative proceedings. A faculty member who believes that a student cheated or committed an act of academic dishonesty may assign an adverse grade or the faculty member may initiate a charge against the student under the Student Code of Conduct. Or the faculty member may assign an adverse grade and also initiate a charge against the student under the Student Code of Conduct. Principles of double jeopardy do not preclude separate proceedings under this Policy and also the Student Code of Conduct for the same act or alleged act of cheating, academic dishonesty or academic misconduct. Similarly, the result in one such proceeding does not automatically mandate a particular result in the other proceeding. Ordinarily, however, the Adjudication Officer will dismiss a charge of cheating brought under the Student Code of Conduct if an ad hoc committee determines (following a hearing pursuant to this Policy) that the student did not cheat or engage in academic dishonesty or misconduct.

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