

COLLEGE OF ENGINEERING AND PHYSICAL SCIENCES GRADE APPEAL POLICY AND PROCEDURES

References:

UW Regulation 2-121. Change of Grades (6-10-20)

UW Regulation 11-1. Student Conduct (1-23-20)

Student Code of Conduct: <http://www.uwyo.edu/dos/conduct/index.html>

http://www.uwyo.edu/dos/_files/docs/studentcodeofconduct19.pdf

I. PURPOSE

The purpose of this grade appeal policy is to establish a clear, fair process by which students can contest a course grade. Grades involve an unusually sensitive and complex area for students and faculty. Whereas the student has a right to expect thoughtful, non-capricious grading, varied standards and individual approaches to grading validly exist in a university environment. Borderline grades can be especially difficult for clear-cut judgment by instructor and acceptance by the student. The College of Engineering and Physical Sciences supports resolution of academic concerns at the level closest to the issue through thoughtful consultations among the parties involved. This document sets forth procedures for those instances when student appeal to the college level is necessary.

II. DEFINITIONS

Appellant: The student or group of students who are appealing their grade in a course taught by the Appellee. If the Appellant is a group of students, the group's appeal shall be handled as one. By appealing in a group, individual students within the group waive their opportunity to appeal separately.

Appellee: The instructor of record of the course whose grade is being appealed by the Appellant.

Capricious Evaluation:

Applying different standards of evaluation to members of the same course without legitimate reason; or grading assignments or assigning course grades in a manner inconsistent with the articulated standards of evaluation for the assignment or the course.

Capricious Treatment:

Unpredictable or inconsistent actions that affect the student in an adverse way.

College Appeals Coordinator: An Associate Dean or designee appointed by the College Dean who will facilitate college-level hearings in cases of grade appeals.

Grounds for Appeal: One of two conditions on which the Appellant bases their appeal: (a) Capricious Evaluation, and/or (b) Capricious Treatment.

Hearing Officer: An impartial hearing officer selected from the Hearing Officer Pool by the College Appeals Coordinator. The Hearing Officer shall not be a member of the department of the Appellee.

Hearing Officer Pool: A pool of three or more tenured faculty members who represent at least two different Departments of the College. Members of the Hearing Officer Pool are appointed by the College Dean. They shall serve four-year terms and may serve consecutive terms.

Hearing Panel: A group of at least three members that includes: the Hearing Officer, at least one additional faculty member selected from the Student Appeals Pool, and at least one student selected from the Student Appeals Pool. The College Appeals Coordinator shall make the selections from the Student Appeals Pool. The panel members shall not be members of the department of the Appellee.

Student Appeals Pool: A pool of at least seven faculty members from the College, at least one from each department, and at least seven students from the College, at least one from each department. The faculty members shall be nominated by their department and appointed by the College Dean to serve four-year terms in the pool. The students shall be at least junior-standing and may include graduate students. The students shall be nominated by either the Joint Engineering Council or the College Appeals Coordinator and appointed by the College Dean to serve a one-year term in the pool. Faculty and students may serve consecutive terms.

Working Days: Calendar days excluding any days the University is officially closed due to holidays, winter closure or inclement weather.

III. PROCEDURES TO APPEAL GRADES

This policy and the procedures set forth below apply solely to student appeals of a course grade within the College. Instructors who have determined they made an error in a student's grade may change grades pursuant to the processes set forth in UW Regulation 2-121. Separate policies and procedures for charges involving academic dishonesty allegations are governed by UW Regulation 2-114. Grade disputes based, in whole or in part, on claims of discrimination as set forth in UW Regulations 4-2 and 4-3 should be referred to the University's Equal Opportunity Report and Response Unit and will be governed by those policies and procedures.

A. Informal Consultative Process

1. All grade dispute resolutions shall begin with consultation between the student or group of students and the instructor. The student or group shall request, in writing, that the instructor reconsider the grade. In this request, the student or group shall specifically identify their reasons supporting the request for reconsideration by the instructor. The student or group may also request to meet with the instructor to further discuss the student's request.
2. The instructor shall reply in writing to the student's or group's written request for reconsideration. The instructor is encouraged, but not required, to honor a student's or group's request to additionally meet to discuss the issue regarding the grade.

- (a) If during this initial review, the instructor determines that they made an error when determining the grade(s), the instructor shall follow UW regulation 2-121 and complete the University Registrar's procedures for correcting that error. This process requires that the instructor inform the student or group that an error was made and that the instructor is pursuing correction and that the error correction has received approval by the Department Head and the College Dean (or designee).
 - (b) If the instructor determines that there is no basis for reconsideration of the grade(s) and there was no error when determining the grade(s), the instructor shall inform the student or group in writing that their request for consideration of the grade has been denied and may, at their discretion, include a brief summary of how the grade(s) was determined in accordance with the course syllabus.
 - (c) If the instructor is not available, the Department Head can act in the instructor's place for this process.
3. If the student or group does not resolve their issues regarding their grade(s) with the instructor, the student or group shall then request, in writing, a meeting with the Head of the Department in which the course is offered. If the Department Head is the instructor whose grade is being challenged, or has acted in lieu of the instructor, the request for a meeting shall be to the Dean (or designee), who shall then conduct the steps in Sections III (A) steps 4-6 in lieu of the Department Head. In this request, the student or group shall include a brief summary of their interactions with the instructor.
4. The Department Head shall schedule and conduct separate meetings with the student or group and the instructor to provide both the student or group and the instructor an opportunity to present any relevant information pertaining to the grade(s) in the course and the reasons the student or group has requested reconsideration of their grade(s).
5. The Department Head shall then work with the instructor to resolve the grade dispute. If the Department Head and the instructor cannot reach agreement, the Department Head, the Dean (or designate) and the instructor shall work to resolve the grade dispute.
6. If the Department Head, instructor and Dean (if participating) agree on a response to the grade dispute, the Department Head shall communicate that response to the student or group and the informal consultative process is complete. If the student or group does not agree with the response, the informal consultative process has not achieved resolution and the student or group may initiate a formal appeal.
7. If the Department Head, instructor and Dean cannot agree on a response to the grade dispute, the Department Head shall notify the student or group that the informal consultative process is complete but has not achieved resolution and therefore the student or group may initiate a formal appeal.

B. Formal Appeal Initiation

1. Once the student or group has completed the Informal Consultative Process or if the Department Head/Instructor have not met the time deadlines within this policy to respond to the student or group through no fault of the student, then the student or group may move forward to initiate a formal written appeal with the College. If the Appellant is a group of students, only one formal appeal shall be filed on behalf of the group.
2. The formal appeal by the Appellant shall:
 - (a) Be written and signed by the Appellant.
 - (b) Clearly state the specific bases of the appeal.
 - (c) Provide a step-by-step description of the factual matters of the case.
 - (d) Include documentation of the Informal Consultative Process steps and results.
 - (e) Include a complete copy of the course syllabus with any amendments.
 - (f) Include copies of all relevant grading rubrics (if any).
 - (g) Include the specific remedy requested.
3. The formal appeal shall be submitted to the College Appeals Coordinator who will review the appeal for completeness and take one of the following steps:
 - (a) Return the appeal to the Appellant for further revision if the appeal is incomplete, (i.e., does not include all of the content mandated in Section (III)(B)). The Appellant may then be permitted to resubmit a revised appeal within a reasonable period of time set by the College Appeals Coordinator.
 - (b) Determine the formal appeal submitted by the Appellant contains the required information in Section III (B) and initiate the Appeals Hearing Procedures in Section IV.

IV. APPEALS HEARING PROCEDURES

A. Prehearing Procedures

The Wyoming Rules of Administrative Procedure shall not apply to Grade Appeal hearings.

1. The College Appeals Coordinator shall transmit a copy of the formal appeal to the Appellee. The Appellee shall provide a written response after receiving the appeal.
2. The College Appeals Coordinator shall select a Hearing Panel and inform the Appellant and the Appellee.
3. The Appellant and the Appellee may object to any member of the Panel. Such objections shall be in writing. The College Appeals Coordinator shall evaluate the objections and may in their sole discretion, replace a member of the Panel. The written objections shall remain with the record of the Appeal.

4. The College Appeals Coordinator shall schedule the hearing and inform all parties and the Hearing Panel of the date, time and location. The hearing may be held electronically if an in-person hearing is not feasible at the determination of the College Appeals Coordinator.
5. Prior to the hearing, the parties shall provide to the College Appeals Coordinator a list of witnesses (if any), all supporting evidence and written responses related to the appeal. The College Appeals Coordinator shall ensure that all materials are transmitted to both parties and the Hearing Panel.
6. If the Appellant wishes to be accompanied at the hearing by an advisor of their choice, the Appellant must notify the College Appeals Coordinator at least five (5) working days prior to the hearing. The role of advisor shall only be to consult with the Appellant, not to represent the Appellant. The advisor shall not have a speaking role during the hearing.
7. If the Appellee wishes to be accompanied at the hearing by an advisor of their choice, the Appellee must notify the College Appeals Coordinator at least five (5) working days prior to the hearing. The role of advisor shall only be to consult with the Appellee, not to represent the Appellee. If the Appellant has chosen an advisor who is an attorney, the Appellee may be accompanied by an advisor who is a University attorney. The advisor shall not have a speaking role during the hearing.
8. The Hearing Officer may have an advisor or an attorney at all hearings, regardless of whether the Appellant or Appellee request an advisor.

B. Hearing Procedures

1. The Hearing Officer shall preside over the hearing and have authority over all procedural matters during the hearing. This includes adhering to the time limits set forth for the hearing unless modifications to the hearing have been granted pursuant to an accommodation under the Americans with Disabilities Act (“ADA”) or the Hearing Officer determines other extraordinary circumstances warrant additional time for the hearing.
2. The hearing shall include the Hearing Panel, the Appellant, the Appellant's advisor (if applicable), the Appellee, and the Appellee's advisor (if applicable).
3. The hearing shall be closed unless both parties request and agree to an open hearing. An audio recording of the hearing shall be made by the College and shall be the official record of the hearing.
4. The order of the proceedings shall be:
 - (a) The Appellant presents their case justifying the appeal. (10 minutes maximum, not including questions from the Hearing Panel). Appellant may present witness testimony, if applicable. (5 minutes maximum per witness). The burden of proof during the hearing is on the Appellant.

- (b) The Appellee presents their response to the appeal. (10 minutes maximum, not including questions from the Hearing Panel). Appellee may present witness testimony, if applicable (5 minutes maximum per witness).
 - (c) The Appellant presents their rebuttal. (5 minutes maximum).
 - (d) The Appellee presents their rebuttal. (5 minutes maximum).
 - (e) Additional questions from the Hearing Panel.
 - (f) The Appellant presents their final summary. (5 minutes maximum).
- 5. Hearing Panel members may ask questions of the parties and witnesses at any time throughout the proceedings. Witnesses shall only be present in the hearing while giving their testimony and answering questions.
- 6. Any additional evidence brought to the hearing is subject to acceptance or rejection by the Hearing Panel without the presence of the parties. If the evidence is accepted, copies of additional evidence shall be provided to all parties.
- 7. Hearings shall not be adversarial in tone or fact. Rather, hearings shall be conducted in such a manner that the Hearing Panel and the parties have an opportunity to hear and present all pertinent information. The Hearing Officer may take appropriate action if necessary to maintain a professional atmosphere during the hearing.
- 8. After the Appellant's final summary, the Hearing Officer shall declare the hearing closed. The parties shall leave the hearing. No further evidence may be presented after the hearing is closed.
- 9. After the hearing is closed, the Hearing Panel shall deliberate and, by majority vote, render a decision. The Hearing Panel may:
 - (a) Decide the Appellant met their burden of proof, find for the Appellant and recommend granting the requested grade change,
 - (b) Decide the Appellant failed to meet their burden of proof, find for the Appellee and recommend that the grade remain unchanged, or
 - (c) Identify another solution and recommend that this solution be implemented.
- 10. The Hearing Officer shall prepare a report to be sent to the Dean and the College Appeals Coordinator. The report shall include:
 - (a) The names of the Appellant and Appellee,
 - (b) The course and semester the course was offered,
 - (c) A summary of the evidence presented,
 - (d) The Hearing Panel's findings, and
 - (e) The decision of the Hearing Panel.

V. IMPLEMENTATION OF THE DECISION

- 1. The Dean may approve or deny the decision of the Hearing Panel or has the discretion to remand the case back to the Hearing Panel for further evaluation prior to the Dean arriving at a final decision.

2. The Dean shall inform the parties in writing of the Hearing Panel's decision as well as the Dean's approval or denial of the decision. The Dean shall also indicate the remedies to be implemented, if any, and inform the Appellant that if they desire to appeal the College decision they may file a written appeal with the Associate Vice Provost for Undergraduate Studies in Office of Academic Affairs within ten working days
3. If an appeal is made to the Office of Academic Affairs, all relevant materials from the College Hearing shall be forwarded to Academic Affairs by the College Appeals Coordinator within ten working days after the Office of Academic Affairs receives the appeal from the Appellant.
4. The file of the case, containing the record of the hearing, all pleadings and evidence presented in the appeal, the written decision of the Hearing Panel, and the written decision of the Dean shall be maintained by the College Appeals Coordinator for a minimum of two years.

VI. TIME LIMITATIONS IN THE APPEALS PROCESS

1. All processes described in this policy through Section (V)(2) shall be completed prior to the end of the spring semester for grades received in the fall semester, prior to the end of the summer semester for grades received in the spring semester, and prior to the end of the fall semester for grades received in the summer semester (any sessions). Intermediate deadlines described in subsequent sections govern specific processes.
2. A student or group of students must initiate the Informal Consultative Process within 30 working days after receiving their final course grade.
3. The Informal Consultative Process shall be concluded within 30 working days after the student or group of students initiates the process by requesting that the instructor reconsider the grade.
4. The Appellant must initiate a Formal Appeal within seven working days of the conclusion of the Informal Consultative Process.
5. The hearing of the Formal Appeal shall be completed within 30 working days of the College Appeals Coordinator receiving the Formal Appeal.
6. The Hearing Officer's report to the Dean shall be submitted within 10 working days of the conclusion of the hearing of the Formal Appeal.
7. The Dean shall communicate per Section V.2 within 10 working days of receiving the report from the Hearing Panel.
8. The Dean may extend these time limitations in the event of extraordinary conditions. In that case, the Dean shall describe their reasons for modification, to be included with the file of the case.