

# North Dakota State University

## Policy Manual

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### SECTION 337 GRADE APPEALS BOARD

SOURCE: NDSU President Faculty Senate Policy

The Grade Appeals Board purpose and membership are established in Part XI of the [Faculty Senate Bylaws](#).

#### GRADE APPEALS BOARD PROCEDURES AND PREREQUISITES FOR APPEAL:

1. The Board may be utilized only after the student has exhausted all possible appeal routes within the college offering the course involved. Each individual college will be expected to specify such appeal routes, but the following guidelines should be adhered to as closely as possible and will apply in the absence of any specialized procedures.

The academic freedom of instructors is acknowledged in this policy and as such, the evidence for overturning a grade assigned by an instructor must be overwhelming and clearly demonstrate that the instructor used inappropriate or irrelevant factors in determining a course grade. Situations in which a student might consider an appeal include but are not limited to the following:

- perceived violations of the grading policy, as stated in the course syllabus
- other violations of NDSU policy pertaining to student grading
- influence of irrelevant factors such as race, sex, or personal animosity
- erroneous grading (e.g. mathematical error)
- inequitable grading
- medical or other hardship that 1) could justify either a course grade of "incomplete" or exemptions from specific grading components in the grade computation, and 2) was communicated with the instructor in a timely manner when the issue(s) arose.

Grade assigned as a result of Policy 335: Code of Academic Responsibility and Conduct may not be appealed using this policy and its processes.

a) A student who disputes an assigned grade may initiate a request for a change of a grade with the instructor within fifteen (15) instructional days of the first day of the semester immediately following the semester in which the grade was awarded. For Spring Semester courses, the request must be made within fifteen (15) instructional days of the start of Fall Semester.

An appeal is deemed formally initiated when the student presents the [Grade Appeal Form](#) to the instructor. The Grade Appeal should also include the following as supplementary material:

- the course syllabus including grading procedures
- the grade originally assigned and the requested grade change
- the justification for the proposed grade change based on the specific disputed criterion (e.g. an assignment, project, or exam grade) and the grading system outlined in the course syllabus.

The instructor must date and initial the form upon receipt. Within five (5) instructional days, the instructor shall inform the student, via NDSU email, of his/her decision, record the steps taken to resolve the appeal and the decision on the [Grade Appeal Form](#), date and sign the Form. If the appeal

is approved, the form along with a memo and/or Grade Reporting Form indicating the new grade shall be returned to Registration and Records. If the appeal is denied by the instructor, the Form is returned to the student to proceed to the next level if desired.

b) If there is an unsatisfactory decision at the instructor level, the student may present the appeal to the department chair/head within five (5) instructional days. The chair/head should return his/her decision on the appeal to the student. If the instructor is also the department chair/head or dean, he or she need only be consulted in the capacity of instructor and the appeal may be continued at the college level.

c) If an unsatisfactory decision is rendered at the department level, the student may proceed to the college dean within five (5) instructional days.

d) At each stage, the individual considering the appeal shall inform the student and instructor of his/her decision within five (5) instructional days, record the steps taken to resolve the appeal and the decision on the [Grade Appeal Form](#), and date and sign the Form.

e) Both the instructor and the student shall have the right at any time during the proceedings to call a meeting of all persons involved in submitting and considering the appeal and, optionally, to invite the Board to send an observer to that meeting.

f) In the event that the instructor is on leave from the University, the instructor may designate another faculty member from within the department to represent his/her interest in the grade appeal. If the instructor is no longer employed by North Dakota State University, or is not available to designate a substitute, the department chair/head shall represent the absent faculty. If the department head cannot act impartially, a substitute shall be designated by the dean.

2. In the event of an unsatisfactory decision at the college level, the student may submit a formal written appeal to the Grade Appeals Board Chair. Such an appeal shall be made within fifteen (15) instructional days after conclusion of the college proceedings as stated above.
3. A college dean or a department chair/head, with approval of the college dean, may change a grade without the instructor's approval in extraordinary circumstances. Such circumstances include avoiding a clear injustice or mistake (e.g., a clear mathematical error, violation of policy, or instructor refusal to respond to inquiries about the grade). In such cases, a note of record explaining the basis for the decision and the new grade shall be filed with the Registrar. An instructor can appeal such a grade change to the Grade Appeals Board pursuant to this Policy. Colleges can adopt procedures to implement this subsection.
4. The Grade Appeals Board Chair will handle appeals that proceed to that level.
5. In case of student appeal to the Grade Appeals Board, the Chair will send a copy of the appeal documents to the instructor within ten (10) instructional days. The instructor will have fifteen (15) instructional days to respond directly to the Board Chair with any additional information regarding the student's appeal.
6. The Board Chair will then distribute copies of the appeal document and the instructor's response to all Board members and the instructor within five (5) instructional days. If a Board member is unable to participate in the proceedings, his or her alternate will act for the member.
7. Each Board member (or alternate) must inform the Board Chair in writing within five (5) instructional days indicating whether there is a need to hold a meeting to discuss the appeal. If at least two-thirds of the members indicate that the student has not made a legitimate case for appeal, the appeal is denied

and the student is notified, through NDSU email, within five (5) instructional days of the Board's decision. Otherwise, the Chair will schedule a meeting of the Board within ten (10) instructional days.

8. A quorum for the meeting will consist of at least 50% of the faculty members and at least 50% of the student members. At this meeting, the Board will raise any questions unanswered by the appeal and instructor's response. The Board will then vote to decide whether to hold a hearing based on the evidence presented by the student and instructor. A hearing will be scheduled within fifteen (15) instructional days if a majority of members present vote to hold a hearing. If the appeal is denied, the Board Chair may provide a brief explanation for the decision.
9. If the Board decides to hear the appeal, it shall provide the instructor and student with a copy of any written statement provided to the Board by the other party.
10. If an appeal is made by the instructor of the course against the grade change instituted by the chair/head or the dean, the instructor will have recourse to the same procedures outlined for student appeal in 337.7.8.9.

## HEARING PROCEDURES

### 1. General Provisions

a) If the Board decides to hear an appeal, it shall designate from among its total membership a panel of seven members to hear the appeal. Four members of the panel shall be chosen by lot by the Board Chair from the faculty membership of the Board, and two additional members of the panel shall be chosen by lot by the Board Chair from the student membership of the Board. The seventh member of the panel shall be the Board Chair, who shall serve as a non-voting moderator of the hearing panel. In order to avoid any conflict of interest, a board member who believes that he/she may not be able to hear a case fairly shall recuse himself/herself and shall be replaced by his/her alternate. Both the student and the instructor shall be informed of the members slated to serve at the hearing. The student and the instructor shall each have one peremptory challenge to remove a board member from service on the hearing panel. A challenged board member shall be replaced by his/her alternate. In the event that a challenged board member is an alternate, another member of the board shall be chosen by lot to serve on the hearing panel. The word "Board" shall be used hereafter in these hearing procedures to describe the seven-member hearing panel so elected, or the full Board, in the event it decided to hear an appeal of a hearing panel decision.

b) All hearings are normally open only to those people who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the student, instructor, and Board Chair. Because the hearing involves non-directory academic record information, as defined by the Family Educational Rights and Privacy Act of 1974, it is not open to the public and the content may not be further disclosed without explicit written consent of the student involved.

c) The student, the instructor, and the Board, each shall have the right to be assisted during Board procedures by an advisor or other counsel who may observe the proceedings and advise his/her party. Unless allowed by the Board Chair, the advisor/counsel will not be permitted to address the Board or witnesses.

2. Evidence. Because this is an educational hearing, formal rules of evidence do not apply. Every effort will be made to allow all reasonable and relevant information to be presented for the Board's consideration.

a) The Board shall allow an initial presentation by the student and then by the instructor involved (or by the instructor and then by the student, in case of instructor appeal), after which it may call on such other witnesses as it deems necessary. In order to be able to accomplish this, the Board shall have the authority to compel the appearance or testimony of essential witnesses from the NDSU academic community.

b) Hearsay evidence is permitted; the members of the Board may consider such evidence and assign it any weight appropriate by each individual Board member.

c) An absolute right of cross-examination is not granted under this policy. All questions will be directed through the Board Chair. The Board Chair will allow all relevant and reasonable questions to be placed to either party or their witnesses, but retains the right to exclude questions that are redundant or irrelevant to determining responsibility. Persons answering questions will be given reasonable latitude by the Board Chair to respond to those questions fully.

d) Either party or their witnesses before the board will be permitted to elaborate on written documents previously submitted to the board in their oral presentations to the board.

e) Parties planning to bring exhibits to a hearing must generally provide copies of those exhibits to the other parties and the members of the board five (5) instructional days prior to the hearing to allow for a review of exhibits and the development of any pertinent questions. The Board Chair may permit deviations to this time restriction so long as the other party has sufficient time to prepare an adequate response. f) The Board Chair shall have the right to exclude from the hearing and the record any unreliable, biased or redundant evidence.

g) On questions requiring academic expertise, the Board shall rely heavily on the testimony of other members of the department involved, or throughout the NDSU academic community.

h) In reaching a decision the board shall consider only information produced at the hearing and will evaluate the information using the "more likely than not" standard of proof. The burden of proof shall be on the student to establish that his/her grade should be changed, or on the instructor that the original grade should be retained.

i) All hearings of the board will be recorded up to the point of the board's deliberations necessary to render a decision. A copy of the recording shall be retained in the Office of the Provost for a period not less than three (3) years. The board will allow controlled access to the record for review or transcription by either the student or the instructor.

### 3. Hearing outline.

a) The Board Chair will call the meeting to order and will introduce the members of the board and their function within the University community.

b) The Board Chair will describe the general outline of the hearing and read the evidentiary rules to the board. The Board Chair will read the following honesty statement.

"The University expects that all information presented in this hearing will be true and correct to the best of each person's knowledge. If a student willfully provides false information, he/she will be in violation of NDSU's Code of Student Behavior. As a result, he/she may be subject to disciplinary action. Dishonest behavior by any faculty or staff member will be reported to that person's supervisor for any necessary disciplinary action." All potential witnesses will be advised of this honesty statement in advance.

- c) The Board Chair will excuse witnesses from the room at this point.
- d) The Board Chair will introduce the student/instructor who will present the appeal and any evidence.
- e) The Board Chair will introduce the instructor/student who will respond to the student's/instructor's appeal and present any additional evidence.
- f) The student or the instructor will be allowed to present witnesses, who will be allowed to make statements and may be asked questions by the student, instructor, and/or members of the Board. Questions by both parties must be directed to the Board Chair, who will then determine if the question is relevant to the proceeding, ask if the respondent understands the question, and request a response. At the Board Chair's discretion, questions may be placed directly between parties. Permission to address parties may be withdrawn by the Board Chair at any time.
- g) The instructor or the student will be allowed to present witnesses, who will be allowed to make a statement and may be asked questions by the student, instructor and/or members of the Board. Questions by both parties must be directed to the Board Chair, who will then determine if the question is relevant to the proceeding, ask if the respondent understands the question, and request a response. At the Board Chair's discretion, questions may be placed directly between parties. Permission to address parties may be withdrawn by the Board Chair at any time.
- h) The board may compel the attendance of any essential witnesses from the NDSU academic community to present testimony. Such witnesses will be allowed to make a statement and may be asked questions by the student, instructor, and/or members of the board. Questions by both parties may be directed to the Board Chair, who will then determine whether the question is relevant to the proceeding, ask whether the respondent understands the question, and request a response. At the Board Chair's discretion, questions may be placed directly between parties. Permission to address parties may be withdrawn by the Board Chair at any time.
- i) Final questions will be permitted by the members of the board, who may question either party and/or their witnesses.
- j) The student shall have an opportunity to make a closing statement.
- k) The instructor shall have an opportunity to make a closing statement.
- l) Both parties and their witnesses will be dismissed for deliberations by the Board and recording will stop at this point. Only board members, the Board Chair, and the Board's counsel/advisor (if designated) may be present during deliberation.
- m) The voting members of the Board will determine, by two-thirds majority vote, if the student's/instructor's appeal should be granted. If the student's/instructor's appeal is granted, the Board Chair shall propose upholding the instructor's original grade, in case of instructor's appeal, or a revised grade in case of student appeal. A second vote shall then be held to determine by two-thirds majority vote whether the original, proposed, or alternate grade be accepted by the Board. The grade determination process shall be repeated until the board either approves a grade by a two-thirds majority in case of student appeal, or sustains the original grade in case of instructor's appeal. All votes shall be conducted by secret ballot.
- n) The Board Chair will send a written notice of the board's findings to the student, instructor, department head, and dean within ten (10) instructional days of the hearing. If the board votes to

change the student's grade, notice shall also be sent to the University Registrar regarding the grade change. If the original grade is retained, the relevant parties, including the Registrar, will be notified. The written notice shall include an explanation of the board's rationale in making its decision and a signed copy of the [Grade Appeal Form](#) attesting to the board's decision.

4. The Board may not release any information about its investigation to anyone but the parties directly involved. All Grade Appeals information is confidential and may not be disclosed in whole or in part except as provided under the Family Education Rights and Privacy Act (FERPA) or other applicable law or policy.

## APPEAL

Either the student or the instructor may request within fifteen (15) instructional days of a hearing panel decision, that the full Board hear an appeal from the decision, citing the material error(s) of process or procedure that could have affected the outcome by the hearing panel that would justify a new hearing. Appeals of outcome are not permitted. The Board shall meet to consider such a request, but no voting member of the hearing panel shall be eligible to vote on granting a new hearing. Instead, alternate members shall replace those Board members who served on the hearing panel. If a majority of the full Board votes to accept the appeal, it shall proceed to hold a hearing in accordance with the hearing procedures above, again using alternate members in place of those who served on the hearing panel. The Board Chair shall serve as a non-voting moderator at the appeal hearing, and a two-thirds vote by secret ballot of the full Board shall be required to uphold the student's appeal and approve a change in grade or to uphold the instructor's appeal and approve a grade change to what was originally posted. A separate simple majority vote shall determine what the student's new grade shall be. The decision of the Board is final.

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## HISTORY:

New	May 15, 1972
Amended	May 1986
Amended	April 1992
Amended	April 2000
Amended	April 2001
Amended	March 2002
Amended	December 2006
Amended	October 2007
Amended	February 2008
Amended	June 2009
Housekeeping	August 2009
Housekeeping	February 14, 2011
Housekeeping	May 31, 2011
Amended	November 07, 2011
Amended	April 28, 2016