

**UMBC UNDERGRADUATE PROCEDURES POLICY FOR THE REVIEW OF FINAL COURSE GRADES ALLEGED TO BE ARBITRARY AND CAPRICIOUS GRADING IN UNDERGRADUATE COURSES** **UMBC Procedures for Implementing USM Policy # III 1.20.01**

**I. POLICY STATEMENT**

The policy for the review of alleged arbitrary and capricious grading in undergraduate courses is intended to provide students with a means to seek review of a final course grade that is alleged to be arbitrary and capricious.

In accordance with the University System of Maryland (USM) Policy III 1.20, the following procedures have been implemented to provide students taking undergraduate courses at the University of Maryland Baltimore County (UMBC) with due process pertinent to the review of a final course grade that is alleged to be arbitrary and capricious (see definition in Section VI.).

**II. PURPOSE FOR POLICY PROCEDURES**

In compliance with the Board of Regents Policy III 1.20, this policy is designed to provide undergraduate students with a means for review of course grades alleged to be arbitrary and capricious. These procedures are designed to provide students taking undergraduate courses at UMBC with a timely, fair, and non-adversarial means to appeal a final course grade that is alleged to be arbitrary and capricious. These procedures **are not** designed to address general student complaints or disagreement with an instructor over teaching philosophy, teaching style, curriculum or any other instructional related matters. General student complaints or disagreements with an instructor that are outside the scope of the grade appeal procedures shall be handled by following the appropriate chain of command outlined by the [Student Complaint Resolution – Guiding Principles](#).

**III. APPLICABILITY AND IMPACT STATEMENT**

These procedures address all students (graduate and undergraduate) taking undergraduate courses at UMBC. These procedures are applicable based on the course level (i.e., undergraduate courses) regardless of the student level.

**IV. CONTACTS**

Direct any general questions about regarding this University policy procedure first to your department's administrative office. If you have specific questions, call to the following office:

<b>Subject</b>	<b>Contact</b>	<b>Telephone</b>	<b>Email</b>
Procedural policy Clarification	Office of Undergraduate Education – Academic Standards and Policy Specialist Academic Standards and Policy Administration	410-455-3874	academicpolicyquestions@umbc.edu

#### IV. DEFINITIONS

Arbitrary and capricious grading	(i) the assignment of a course grade to a student on some basis other than performance in the course, or (ii) the assignment of a course grade to a student by resorting to unreasonable standards or standards different from those which were applied to other students in that course, or (iii) the assignment of a course grade by a substantial, unreasonable and unannounced departure from the instructor's previously articulated standards.
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#### V. UNIVERSITY PROCEDURES

The following procedures must be adhered to in order to provide students taking undergraduate courses at UMBC with a timely, fair, and non-adversarial means for review of a final course grade that is alleged to be arbitrary and capricious. Students who file a written appeal under the alleged arbitrary and capricious grading procedures shall abide by the final disposition of the appeal, as provided in section V., 7., and are precluded from subsequently seeking review of the matter under any other procedure within the University.

##### A. REVIEW AT THE INSTRUCTOR AND DEPARTMENT LEVEL

- 1) An individual undergraduate student who believes that his/her grade in a course is ~~improper~~ as the result of arbitrary and capricious grading ~~should~~ shall first attempt to resolve the matter informally by consulting with the instructor of the course.
- 2) The student must contact the instructor in writing to request a meeting to discuss the claim. The student must initiate contact with the instructor within the first 15 university business days of the next full semester following the assignment of the original grade. The instructor shall accommodate a reasonable request to discuss and attempt to resolve the final grade within two weeks of the student's request. Students are encouraged to contact the department chairperson if the course in question is a pre-requisite for a required course the following term.
- 3) If the claim of arbitrary and capricious grading is not resolved or the request for a meeting with the instructor is denied or not possible, the student may submit a grade appeal in writing to the department chairperson within two weeks of a denied/not possible meeting request or following a meeting with the instructor. ~~/Program Director, who may rely on the assistance of other instructors who teach the same course or subject,~~
- 4) Within two weeks of receiving a written grade appeal from a student, the department chairperson has the option either to discuss the student's request jointly or individually with the student and the instructor to determine if the grade appeal can be resolved.
- 5) If the grade appeal can be resolved, the department chairperson shall provide a statement in writing to that effect to the student and the instructor with a copy to the dean.

- 6) If the grade appeal cannot be resolved, the department chairperson shall notify both the student and the instructor, informing the student of his/her right to file a formal, written grade appeal to the dean of the college for college level review.
- 7) If the student chooses to request a college level review, the student must file a written grade appeal to the dean of the instructor's college within two weeks of receiving the department level decision. The student's formal written appeal to the dean should contain:
  - The course by name and number and semester in which it was taken;
  - Copy of the course syllabus;
  - Documented evidence that the final course grade was arbitrary and capricious;
  - Documentation of efforts the student made to resolve the grade appeal with the instructor and the chairperson;
  - A statement of the resolution sought by the student.

## **B. REVIEW AT THE COLLEGE LEVEL**

- 1) ~~then with the Dean of the Instructor's College~~ Within two weeks of receiving a written grade appeal from a student, the dean shall review the documentation and render a decision.
- 2) After reviewing the grade appeal, the dean will confer with the instructor (if possible) and department chairperson, as well as other departmental faculty as appropriate. The dean may then dismiss the grade appeal if it is determined that the student has not established sufficient grounds to justify that the final course grade was arbitrary and capricious, as defined in these procedures, or the dean may determine the grading was arbitrary and capricious and recommend alternative remedies to be implemented by the Instructor. These remedies must be chosen to represent the best interests of the student. In either case, the dean shall notify, in writing, the student, the department chairperson and the instructor. A copy of any pertinent documentation should be retained in the office of the dean.
- 3) The dean's decision is *final* except in cases of an alleged procedural violation at the department or college level or if the dean has recommended a resolution(s) for which the instructor is unwilling to comply.

## **C. REVIEW AT THE UNIVERSITY LEVEL**

An institutional review shall only be administered by the vice provost of Undergraduate Academic Affairs, hereinafter referred to as "vice provost" in cases of an alleged procedural violation *or* when the dean has recommended a resolution and the instructor is unwilling to comply.

~~and finally with the Associate Vice Provost for Undergraduate Education. Students who file a written appeal under the alleged arbitrary and capricious grading procedures. If a satisfactory outcome is not forthcoming, the student (or a group of students with the same complaint) may file a formal appeal with the Associate Vice Provost for Undergraduate Education. This appeal must be made within the first four weeks of the Fall or Spring semester following assignment of the disputed grade, and it shall~~

be accompanied by a report of the student's effort to resolve the dispute informally and the consequences thereof.

#### **University Level Review on the Basis of a Procedural Violation:**

- 1) If a student requests an institutional review based on a procedural violation, the student must submit in writing within two weeks of receiving the dean's decision a written request which includes a copy of the original grade appeal presented to the dean and any documentation of the procedural violation.
- 2) The vice provost shall review the allegation of a procedural violation and may dismiss the grade appeal if it is established that there was no procedural violation.
- 3) If the vice provost dismisses the grade appeal, the vice provost shall notify, in writing, the student, the instructor, the department chairperson and the dean with a copy to be filed in Academic Standards and Policy Administration. The vice provost's decision to dismiss a grade appeal in which there was an alleged procedural violation shall be final.
- 4) If the vice provost does not dismiss the grade appeal on the basis of a procedural violation, the vice provost shall immediately call upon the Grade Review Committee.

#### **University Level Review on the Basis of a Recommendation to Change a Final Course Grade:**

In the event that a change in the final course grade is recommended by the dean but is not facilitated by the instructor, the vice provost shall immediately call upon the Grade Review Committee.

The Associate Vice Provost for Undergraduate Education may again attempt to resolve the dispute informally. Otherwise, or if the attempt fails, The student shall file an appeal by submitting a written statement detailing the basis for the allegation that a grade is improper, justifying the claim that it is arbitrary and capricious, and presenting relevant evidence. The appeal may be dismissed if: (i) the student has submitted the same, or substantially the same, complaint to any other formal grievance procedure; (ii) the allegations, even if true, would not constitute arbitrary and capricious grading; (iii) the appeal was not timely; or (iv) the student has not attempted to resolve the matter informally.

If the appeal is not dismissed, the committee shall submit a copy of the student's written statement to the instructor with a request for a written reply within ten days. If it then appears that the dispute may be resolved without recourse to the procedures specified below, the committee will attempt to arrange a mutually agreeable solution.

If a mutually agreeable solution is not achieved, the committee shall proceed to hold an informal, non-adversarial fact-finding meeting concerning the allegations. Both the student (or several delegates from a group of students with the same complaint) and the instructor shall be entitled to

be present throughout this meeting and to present any relevant evidence. Neither the student nor the faculty member shall be accompanied by an representative. The meeting shall not be open to the public.

### Grade Review Committee

- 5) The Grade Review Committee shall meet to review the grade appeal within two weeks of receiving the request by the vice provost. In addition to reviewing the written grade appeal and all documentation provided, the Grade Review Committee, at its sole discretion, may choose to hear statements from the student, the department chairperson, the instructor and others, and/or may consider additional relevant information.
- 6) The chair of the Grade Review Committee, in consultation with the Grade Review Committee, shall submit a written report to the vice provost with the findings of its review as well as a decision with resolution within thirty business days of being charged with the review.
- 7) If the decision of the Grade Review Committee is to change the final course grade, and the instructor is unwilling to change the grade, the vice provost shall work with the Registrar's Office to remove the arbitrary and capricious grade and replace the grade with the grade resolution determined by the Grade Review Committee.
- 8) The committee shall deliberate privately at the close of the fact finding meeting. If three members of the committee find the allegation not to be supported by clear and convincing evidence, the appeal shall be denied. If three members of the committee find the allegation ~~If the decision of the Grade Review Committee is that there was a procedural violation,~~ supported by clear and convincing evidence, the ~~committee~~ **Grade Review Committee** shall take any action which it believes ~~will resolve any harm done by the procedural violation.~~ **If there was a procedural violation, but the grade outcome would be unaffected, the Grade Review Committee may dismiss the procedural appeal.** ~~about substantial justice, including, but not limited to (i) requesting that the instructor re-evaluate the student's work, listing, defining, weighing the criteria used in the evaluation, or (ii) requesting that the instructor administer a new final examination or paper in the course, or (iii) directing the cancellation of the student's registration in the course, or (iv) directing the award of "pass" in the course (other pass/fail regulations notwithstanding), except that such a remedy shall be used only if there is no dispute concerning whether the student has passed the course. The committee is not authorized to award a letter grade or to reprimand or otherwise take disciplinary action against the instructor. If the committee divides two against two on the appeal, the Associate Vice Provost for Undergraduate Education may take any action which he or she believes would bring about substantial justice.~~
- 9) The decision of the **Grade Review Committee** ~~committee or the Associate Vice Provost for Undergraduate Education,~~ as the case may be, shall be final. ~~and shall be promptly reported in writing within ten days by certified mail, return receipt requested, to the parties with a copy to the department chair, Program Director and a copy to the dean of the instructor's college, and The~~

~~Associate Vice Provost for Undergraduate Education together with the Provost shall in any case be responsible for implementing the decision.~~

- 10) Based upon the decision of the Grade Review Committee, the vice provost shall notify in writing, within ten business days, the student, the instructor, the department chairperson and the dean, with a copy of the notification to be filed in Academic Standards and Policy Administration, of final resolution of the grade appeal.

## VI. DEFINITIONS

<p><b>Academic Standards and Policy Administration</b></p>	<p>Academic Standards and Policy Administration is a unit within the Division of Undergraduate Academic Affairs referred to in these procedures that is responsible for addressing questions as well as maintaining an institutional record of arbitrary and capricious grading cases that rise to the level of an institutional review.</p>
<p><b>Arbitrary and Capricious Grading</b></p>	<p>For purpose of these procedures, arbitrary and capricious grading is defined in accordance with the USM Policy III 1.20 as: 1) the assignment of a course grade to a student on some basis other than performance in the course; 2) the assignment of a course grade to a student by unreasonable application of standards different from the standards that were applied to other students in that course; or 3) the assignment of a course grade by a substantial and unreasonable departure from the instructor's initially articulated standards.</p>
<p><b>Business Days</b></p>	<p>For purposes of these procedures, time is based on business days and only include days in which the university is open for operation.</p>
<p><b>Campus Grade Review Panel</b></p>	<p>At the beginning of each academic year, each department or program shall nominate from among its tenured faculty two members and one alternate (if available) to serve on the Campus Grade Review Panel, and it shall forward these nominations to the <del>Office of Undergraduate Education</del> <b>Division of Undergraduate Academic Affairs</b>.</p>
<p><b>Deadlines</b></p>	<p>Delays beyond the control of the student, instructor, department chairperson, dean, or the Grade Review Committee, in meeting the deadlines of these procedures, may be considered. and coordinated by the vice provost When deemed necessary (e.g., teaching contract restriction, religious holiday etc.), an extension to the deadlines outlined in these procedures may be granted.</p>

<p><b>Dean</b></p>	<p>The dean referred to in these procedures is the senior level administrator of the respective college/division/school (i.e., <a href="#">College of Arts, Humanities and Social Sciences</a>, <a href="#">College of Engineering and Information Technology</a>, <a href="#">College of Natural and Mathematical Sciences</a>, <a href="#">School of Social Work</a>, <a href="#">The Erickson School</a>, <a href="#">Division of Undergraduate Academic Affairs</a>), whom the department chairperson/director of the instructor involved in the appeal of arbitrary and capricious grading reports to. In some cases, the dean may hold an alternate title such as associate dean but is considered the senior level administrator (the dean) referred to in these procedures. The dean at his/her sole discretion may appoint a designee to manage the respective steps of the dean (with the exception of the final decision/communication to the student from the dean) as outlined in these procedures. In the rare event that the dean or his/her designee is also the instructor whom the student has alleged arbitrary and capricious grading, the vice provost will manage the respective steps of the dean or his/her designee.</p>
<p><b>Department Chairperson</b></p>	<p>The department chairperson referred to in these procedures is the individual whom the instructor involved in the appeal of arbitrary and capricious grading reports to (i.e., department chair, program director, department head, director). The department chairperson at his/her sole discretion may appoint a designee to manage the respective steps of the department chairperson (with the exception of the final decision/communication to the student from the department chairperson) as outlined in these procedures. In the rare event that the department chairperson is also the instructor whom the student has alleged arbitrary and capricious grading, the dean will manage the respective steps of the department chairperson as outlined in these procedures.</p>
<p><b>Grade Review Committee</b></p>	<p>In the event that the Vice Provost initiates an institutional review, a five-member Grade Review Committee, selected from the Campus Grade Review Panel, will be assembled. The Grade Review Committee will be composed of at least three faculty from within the respective discipline/college/school/division (i.e., <a href="#">College of Arts, Humanities and Social Sciences</a>, <a href="#">College of Engineering and Information Technology</a>, <a href="#">College of Natural and Mathematical Sciences</a>, <a href="#">School of Social Work</a>, <a href="#">The Erickson School</a>, <a href="#">Division of Undergraduate Academic Affairs</a>), from which the appeal of arbitrary and capricious grading is directed (but not including the instructor who issued the grade). Other faculty members on the committee will be selected from outside the respective discipline from the other colleges/schools/division,</p>

	<p>one of whom will chair the Grade Review Committee and have the right to vote. The purpose of the Grade Review Committee is to review the grade appeal in its entirety and advise the vice provost of its decision and resolution.</p> <p>The Associate Vice Provost for Undergraduate Education shall immediately appoint a four member committee and charge it with handling the appeal. The four member committee shall be drawn from the Campus Grade Review Panel and shall include two members (if available) from the Department or Program to which the instructor against whom the appeal is directed belongs (but not including that instructor), and two (or more, if necessary) members from outside that Department or Program. The Associate Vice Provost for Undergraduate Education shall designate one member, preferably outside the Department or Program, to convene the committee, but the committee may select a different permanent chair if a majority so choose.</p>
<b>Individual Student</b>	<p>Any “individual student” who believes that his/her final grade in a course is the result of arbitrary and capricious grading shall follow the specified procedures outlined in this document. No individual student may submit a claim of arbitrary and capricious grading on the behalf of any other individual student or group of students in the course.</p>
<b>Procedural Violation</b>	<p>A claim of a “procedural violation” may be made when there is a failure to comply with the specified procedures outlined in this document. For example, a student might claim a procedural violation may if he/she is denied access to the next level of review to which he/she is entitled.</p>
<b>Provost</b>	<p>The provost is the senior vice president for academic affairs and will manage the respective steps of the vice provost review in the rare event that the vice provost is also the instructor whom the student has alleged arbitrary and capricious grading.</p>
<b>Vice Provost</b>	<p>The vice provost referred to in these procedures is the Vice Provost and Dean of Undergraduate Academic Affairs. The vice provost at his/her sole discretion may appoint a designee to manage the respective steps of the vice provost (with the exception of the final decision/communication to the student from the vice provost) as outlined in these procedures. In the rare event that the vice provost is also the instructor whom the student has alleged arbitrary and capricious</p>

	grading, the provost will manage the respective steps of the vice provost review as outlined in these procedures.
<b>Written or In Writing</b>	For purpose of these procedures, the student, instructor, department chairperson, dean, and vice provost shall exclusively and solely use her/his UMBC email account to communicate when there is a call for, “written” documentation or something “in writing.”

**VII. APPROVAL AND PROCEDURES: Not Applicable**

**VIII. DOCUMENTATION: Not Applicable**

**IX. RESTRICTIONS AND EXCLUSIONS: None**

**X. RELATED ADMINISTRATIVE POLICIES AND PROCEDURES: These Procedures shall supersede UMBC Policy III 1.20.01 in its entirety.**

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**Administrator Use Only**

**Policy Number: III 1.20.01 Policy Section: Academic Affairs**

**Responsible Administrator: ~~Academic Standards and Policy Specialist~~ Vice Provost and Dean, Division of Undergraduate Academic Affairs**

**Responsible Office: ~~Office of Undergraduate Education~~ Division of Undergraduate Academic Affairs**

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