

**FLORIDA ATLANTIC UNIVERSITY  
NOTICE OF PROPOSED REGULATION AMENDMENTS**

**Date:** May 20, 2010

**REGULATION TITLE AND NUMBER:** Student Academic Grievance Procedures for Grade Reviews (4.002).

**SUMMARY:** The Division of Academic Affairs seeks approval to amend FAU Regulation 4.002, *Student Academic Grievance Procedures for Grade Reviews*. This proposed amended regulation describes the conditions under which a grade may be appealed and outlines the procedures for such appeals. While the proposed amendment reaffirms the fundamental right of faculty to determine how to assess student performance, it provides a mechanism for students to appeal a final grade when certain conditions are met. The proposed amended regulation also provides a mechanism for the final grade to be changed. The regulation that is currently in effect provides no such mechanism and suffers from a lack of clarity concerning the appeal process.

The Division of Academic Affairs spent several months revising this regulation, with extensive consultation with faculty and final approval by the University Faculty Senate. It was also reviewed by the General Counsel's Office.

# PROPOSED

## Florida Atlantic University

### **Regulation 4.002**

### **Student Academic Grievance Procedures for Grade Reviews**

#### (1) POLICY.

~~Student grievances arising from academic activities require a written request for conference with the Instructor. If unsatisfied, the student may request further discussion in a department conference within ten (10) days. The conference, held as soon as possible, will be among the student, the Instructor, and the Head of the Department administering the course. An advisor may attend to provide counsel to the student, but not to answer in place of the student. The Department Head's written statement of action taken pursuant to the conference will be delivered to the student and the Dean of the College administering the course. Grades will not be changed except by the Instructor, and grievances involving the judgment and discretion of a faculty member in assigning grades shall not proceed under this rule beyond the conference with the Instructor. This is an application of the concept of academic freedom. The exception to this rule occurs if the student can demonstrate malice on the part of a faculty member.~~

~~A grievance involving a charge of malice may be appealed to a student faculty council. This council will be established by each College and will be composed of the Dean, two faculty members, and two students. Requests for a hearing must be presented in writing within ten (10) days of the departmental conference. Records of appeals and minutes will be maintained by the Dean. These hearings are considered to be educational activities. The strict rules of evidence do not apply. Students may be assisted by attorneys, but may not abdicate the responsibility to respond to charges to their legal advisors.~~

achievement. A student may request a review of the final course grade, as described below, only when the student believes that one or more of the following conditions apply:

- There was a computational or recording error in grading.
- Non-academic criteria were applied in the grading process.
- There was a gross violation of the instructor's own grading statement.

Students who falsify or misrepresent information during a grade review are subject to disciplinary action, as outlined in the *Student Code of Conduct*. A grade will not be changed after graduation except in the case of a computational or recording error, subject to the reasonable discretion of the Provost (or designee).

Any time frames described below may be modified at the discretion of the University

will convene a Faculty Committee (“Committee”) within ten (10) business days of receipt of the student’s appeal. The Committee will be composed of the dean (or designee), who will serve as Committee chair, and three faculty members, at least two of whom must be from the department/school in which the course was taught. The Committee chair will direct the hearing and maintain the minutes and all records of the appeal hearing, which will not be transcribed or recorded. The hearing is an educational activity subject to student privacy laws/regulations, and the strict rules of evidence do not apply. The student and instructor may attend the meeting and present testimony and documents on their behalf. The student may choose to be accompanied by a single advisor, but the advisor may not speak at the hearing. Additional witnesses may be permitted to speak at the dean’s (or designee’s) discretion and only if relevant and helpful to the Committee. The Committee will deliberate and prepare a summary of findings. The Committee chair will discuss the case with the instructor and inform the student in writing of Committee findings and the instructor’s response.

Step 4. Appeal to the provost (or designee).

A student who is not satisfied with the result of the appeal to the dean may request an appeal of the instructor’s action to the University Provost (or designee). The written appeal must include relevant supporting documentation. The appeal must be filed within five (5) business days of receipt of the dean’s (or designee’s) notification. The University Provost (or designee) will determine that (a) no action is required; (b) the course and grade will be expunged from the record and the student’s fees for the course refunded; (c) the course and grade will be expunged and substituted with a new section of the same course with a grade determined by the Provost in consultation with the Faculty Committee and other experts in the field, as appropriate; or (d) the grade issue be returned to the Faculty Committee for reconsideration or clarification of findings. The Provost will notify the student, dean, and instructor in writing of any action. This decision by the Provost (or designee) constitutes final University action.

*Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors Resolution dated January 7, 2003, Florida Board of Governors Regulation Development Procedure dated July 21, 2005, Board of Governors Regulations 1.001 and 6.010, 1001.74 FS. History–New (Pending); Amended - -10.*