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MEMORANDUM

To: Julio Frenk
University President

From: Tomás A. Salerno
Chair, Faculty Senate

Date: April 21, 2017

Subject: Faculty Senate Legislation #2016-53(B) – Allow Graduate Students to Appeal a Grade to the Faculty Senate Student Affairs Committee

Legislation 2016-54(D) – Create Faculty Senate Student Affairs Committee Standard Grade Appeal Process

The Faculty Senate, at its April 19, 2017 meeting, voted unanimously to approve the proposal to amend the charge of the Faculty Senate Student Affairs Committee to hear grade appeals from Graduate Students, excluding law and medical students.

This legislation is now forwarded to you for your action.

2) Concurrent with that change, the Faculty Senate also unanimously approved the proposal to create the Student Affairs Committee Standard Grade Appeal Process for Graduate Students. This procedure was drafted to be parallel to the separate grade appeal process for undergraduate students.

This legislation is sent to you for your information.

TAS/rh

Enclosure

cc: Thomas LeBlanc, Executive Vice President and Provost
Guillermo Prado, Dean, Graduate School
Brian McCabe, Chair, Faculty Senate Student Affairs Committee

CAPSULE: Faculty Senate Legislation #2016-53(B) – Allow Graduate Students to Appeal a Grade to the Faculty Senate Student Affairs Committee

PRESIDENT'S RESPONSE

APPROVED:  DATE: 5/8/17
(President's Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: Dean Guillermo J. Prado

EFFECTIVE DATE OF LEGISLATION: _____
(if other than June 1 next following)

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

Proposal to Allow Graduate Students to Appeal their Grade I to the Faculty Senate Student Affairs Committee

Purpose: to expand the responsibility of the Faculty Senate Student Affairs Committee (FSSAC) to include the review of grade appeals by graduate students within the Graduate School, excluding law and medical students.

Current *Faculty Manual* language:

B4.11 The STUDENT AFFAIRS COMMITTEE deals with student conduct and activities, including: social, service, and religious organizations; student government; student publications; student services; student orientation, and the Honor Council. In addition, the committee shall receive and act upon appeals from decisions affecting undergraduate student academic status. It shall consist of one faculty member from each undergraduate school, and two non-voting, *ex officio* student representatives, one undergraduate and one graduate, which students will act as liaisons with the relevant student governments. It also includes the University ombudsperson as a non-voting, *ex officio* member. The committee may for good cause hold executive sessions without *ex officio* members present as determined by the chair of the committee.

A majority of the committee's voting membership shall constitute a quorum, and decisions of the committee on appeals shall be by a majority of those present. In addition to appeals by individual undergraduate students the committee shall act upon an appeal for an interpretation of matters within its sphere of interest by a member of the faculty or administration. The committee shall report its actions to the Provost, who shall in turn report the decision on the matter to the appellant(s), to interested persons, and to the committee.

When requested by the Provost, this committee may examine and make recommendations regarding the appeal of an academic grade by an undergraduate student (without re-evaluating the student's performance) if the student has exhausted all avenues available within the school. The committee's findings on the appeal of a grade will be provided in writing to the Office of the Provost with a copy to the Secretary of the Faculty Senate; findings and recommendations will not be furnished to the appellant from the Committee or from the Secretary. The full procedure for such appeals is detailed in the Faculty Senate Student Affairs Committee Standard Academic Appeal Process ([click here](#)).

Proposed *Faculty Manual* language:

B4.11 The STUDENT AFFAIRS COMMITTEE deals with student conduct and activities, including: social, service, and religious organizations; student government; student publications; student services; student orientation, and the Honor Council. In addition, the committee shall receive and act upon appeals from decisions affecting undergraduate student academic status and upon appeals to grades assigned to graduate students, other than law and medical students. ~~The~~ committee shall consist of one faculty member from each undergraduate school, a non-voting, ex officio representative of the Graduate School, and two non-voting, *ex officio* student representatives, one undergraduate and one graduate, which students will act as liaisons with the relevant student governments. It also includes the University ombudsperson as a non-voting, *ex*

officio member. The committee may for good cause hold executive sessions without *ex officio* members present as determined by the chair of the committee.

A majority of the committee's voting membership shall constitute a quorum, and decisions of the committee on appeals shall be by a majority of those present. In addition to appeals by individual undergraduate and graduate students, the committee shall act upon an appeal for an interpretation of matters within its sphere of interest by a member of the faculty or administration. The committee shall report its ~~actions-recommendations relating to- undergraduate students academic appeals~~ to the Provost and those relating to graduate students grade-appeals - to the Dean of the Graduate School, -who shall in turn report the decision on the matter to the appellant(s), to interested persons, and to the committee.

When requested by the Provost or the Dean of the Graduate School, this committee may examine and make recommendations regarding the appeal of an academic grade by an undergraduate or graduate student (without re-evaluating the student's performance) if the student has exhausted all avenues available within the school. The committee's findings on the appeal of a grade will be provided in writing to the Office of the Provost or the Dean of the Graduate School with a copy to the Secretary of the Faculty Senate; findings and recommendations will not be furnished to the appellant ~~from the Committee or from the Secretary~~. The full procedure for such appeals is detailed in the Faculty Senate Student Affairs Committee Standard Academic Appeal Process (click here for undergraduate academic appeals) (click here for graduate grade appeals).

Other parts:

Keyword: Student Affairs Committee

- (FOOTNOTE to Section B4.3 Academic Standards Committee)
⁷⁹ The Academic Standards Committee handles policy questions dealing with these matters. Cases involving individual undergraduate students with complaints concerning grades or dismissal are the province of the Student Affairs Committee. Cases involving individual graduate students with complaints concerning grades are the province of the Student Affairs Committee. All other academic matters involving graduate students, other than law and medical student, are the province of the Graduate School.
- (Add FOOTNOTE to Section B4.11 The Student Affairs Committee)
¹⁰⁹ #2011-61(D) - Legislation passed after the Bulletin was published amended the process on non-grade appeals. To see the text of the legislation, click HERE. This legislation only applies to undergraduate students academic appeals.

Faculty Senate Student Affairs Committee Standard Grade Appeals Process (Graduate Students) [Note: there will need to be cognate changes in the undergraduate student academic appeals policy specifically regarding the committee charge proposed changes.]

Grounds for Appeal

The academic community is unanimous in its position that the grade an instructor assigns to a student is the instructor's responsibility and privilege. Any effort to alter this would be a violation of academic freedom. It is the instructor's responsibility to establish criteria for assigning grades. Grounds for appeal of how a grade was assigned are:

1. Award of a grade based on the student's race, religion, color, sex, age, disability, sexual orientation, gender identity or expression, veteran status, national origin, or any other characteristic set forth in the University's Non-Discrimination Policy;
2. Award of a grade based on conduct that violates the University's anti-harassment or anti-retaliation policies; or
3. Failure to adhere to the grading criteria established for the course;
4. Violations of other policies/procedures for grading that are clearly defined in the *Faculty Manual*.

The Faculty Senate Student Affairs Committee (FSSAC) has responsibility for graduate student grade appeals, except for MD and JD programs. To facilitate grade appeals from graduate students, the FSSAC will have a non-voting *ex officio* faculty representative of the Graduate School. The FSSAC reviews graduate student grade appeals that have not been resolved at the department, school/college, or Graduate School levels. The FSSAC reserves the right to not hear appeals that require extensive knowledge of specialized or technical issues, including but not limited to, dissertations, theses, qualifying exams, recitals, and clinical/research assignments. The Graduate School has responsibility for all other graduate academic appeals.

I. Time Constraints

The appeal process must be initiated before the completion of the following semester (i.e., Fall or Spring) of the assignment of the grade resulting in appeal and prior to the completion of all degree requirements or withdrawal from the University. Each level of appeal should aim to review the appeal and deliver a judgment within 20 academic day period from the date the appeal is submitted. The entire process should be completed within one calendar year. Exceptions to this deadline may be permitted by the FSSAC for good cause.

Timeline Goals:

1. Student Appeal to the Graduate School Level must follow completion of all internal (i.e., home School or College) grade resolution and/or appeals processes, and then has 20 academic days from the completion date of the internal process to contact the Academic Ombudsperson and/or directly to the Dean of the Graduate School regarding an appeal.
2. Academic Ombudsperson has 20 academic days to review, provide a preliminary assessment to the student about whether it is reviewable by FSSAC, after receiving all

information from the student. The student may appeal directly to the Dean of the Graduate School (step 3).

3. The Dean of the Graduate School has 20 academic days to review, decide whether to forward to FSSAC, after receiving all information from the student
4. FSSAC has 20 academic days to review/hear appeal, and to submit recommendation to Dean of Graduate School.
5. Dean of the Graduate School has 20 academic days to review recommendation of the FSSAC, and to inform student of final decision.

II. Order of Appeal

Attempts to resolve issues regarding a grade must be addressed to the following entities or persons in this order:

1. The faculty member or administrator responsible for the course, program, or activity.
2. The department/program chair/director and/or administrative superior(s) of the faculty member or administrator.
3. The Dean or designee of the school or college offering the course, program, or activity. If the school, college or administrative unit has a committee constituted to hear graduate student appeals, that committee must be consulted before proceeding to the next level, i.e., for advice from the Ombudsperson or appeal to the Graduate School.
4. The student is to provide the materials listed in Section IV below to the Academic Ombudsperson who will review the merits of the potential appeal, and attempt to resolve the matter. The Academic Ombudsperson, as part of his/her review should give the student a preliminary assessment as to whether the matter, as presented by the student at that time, is reviewable by the FSSAC. After, and only if, all the other steps are taken, the ombudsperson may refer the matter to the Dean of the Graduate School.
5. **Appeal to the Graduate School Level.** If the student has exhausted all levels of appeals in their School/College and has consulted with the Ombudsperson, then the student is to provide the materials listed in Section IV below to the Dean of the Graduate School, who will review the merits of the appeal, and attempt to resolve the matter. As part of his/her review should give the student a preliminary assessment as to whether the matter, as presented by the student at that time, is reviewable by the FSSAC.
6. After, and only if, all the other steps are taken the Dean of the Graduate School (or designee) will decide whether or not to refer the appeal to the FSSAC. If, and only if, the Dean of the Graduate School (or designee) does so, the FSSAC shall have jurisdiction to review a grade-related appeal. As part of the request, the Dean of the Graduate School shall forward to the FSSAC, via the Faculty Senate office, the materials submitted by the student as indicated in Section IV below.

III. Faculty Senate Student Affairs Committee (FSSAC) Appeals Process

The FSSAC will review the student's written appeal (see section IV below), confer with the appropriate faculty, administrators, and others as it deems necessary in making its recommendation to the Dean of the Graduate School. Students may present written materials to the FSSAC, or request an additional in-person meeting with the FSSAC. The FSSAC may

request an interview with the student, additional information, or access to records, interviews with relevant faculty or administrators, or additional information or access to records kept by faculty or administrators.

The FSSAC will communicate its findings and recommendations to the Dean of the Graduate School. Copies shall be provided to the Faculty Senate. The final decision with respect to the grade-related appeal will be made by the Dean of the Graduate School and communicated to the student in writing. Copies shall be provided to the Faculty Senate Office and to the Chair of the FSSAC.

IV. Materials for an Appeal

When bringing an appeal, the student must state in writing issues they wish to have considered. The appeal must include:

1. An appeal letter clearly stating the circumstances of the grade as seen by the student, and offering reasons for granting the appeal.
2. The appeal letter must indicate if the student wishes to make a personal appearance and, if so, the reasons why the appearance is necessary.
3. Documents of support (e.g., examinations, term papers, syllabi, or medical documentation of illness) that the student wishes to have examined.
4. All written decisions made at earlier levels of the appeal by individual faculty/administrators, departments/programs/administrative units, college or school committees, and/or deans which are available to the student or in the student's possession.

V. Other Notes and Special Conditions

If the appeal is based on or related to a charge made by the student of discrimination on the basis of race, color, national origin, religion, sex, sexual orientation, age, or handicap, a representative of the appropriate University office will be contacted and, as appropriate, consulted in the appeal process.

If the appeal is based on or related to a disability:

- The ADA Coordinating Committee shall serve in an advisory capacity.
- The student is to include in the materials provided the appropriate forms from the Office of Disability Services documenting:
 - An evaluation of the disability
 - Recommendations related to the disability

The FSSAC does not consider appeals based upon the grant, denial or modification of an accommodation by the Office of Disability Services. Instead, any such appeal is as prescribed by the Office of Disability Services Grievance Procedure only.