


<p>Name of Policy: <u>Academic Due Process and Appeal of a Final Course Grade</u></p> <p>Policy Number: 3364-82-05</p> <p>Approving Officer: President</p> <p>Responsible Agent: Dean of the College of Nursing</p> <p>Scope: Any NURS course at UT College of Nursing Programs</p>	 <p>Effective date: May 5, 2014</p>				
<table> <tr> <td><input type="checkbox"/> New policy proposal</td> <td><input type="checkbox"/> Minor/technical revision of existing policy</td> </tr> <tr> <td><input checked="" type="checkbox"/> Major revision of existing policy</td> <td><input type="checkbox"/> Reaffirmation of existing policy</td> </tr> </table>		<input type="checkbox"/> New policy proposal	<input type="checkbox"/> Minor/technical revision of existing policy	<input checked="" type="checkbox"/> Major revision of existing policy	<input type="checkbox"/> Reaffirmation of existing policy
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(A) Policy Statement

The University of Toledo, College of Nursing upholds the principles of fairness and integrity and equitable application of the course syllabi, College of Nursing policies and procedures for student evaluation and the grading processes for the assignment of a final course grade.

(B) Purpose of Policy

To set forth the criteria and procedures for when a student may challenge a final course grade when the Student believes that there has not been an equitable application of the course syllabus or College of Nursing policies and procedures for student evaluation and grading.

(C) Scope

The procedure for disputing a final course grade applies to all students enrolled in a College of Nursing programs and is the appeal process to be used instead of the undergraduate Grievance Policy 3364-71-05. Students enrolled in courses through the College of Graduate Studies are subject to and have additional appellate rights in addition to the rights set forth in this policy. *See* policies 3364-77-02 and -01.

(D) Procedure for Disputing a Final Course Grade.

1. When a Student May Dispute a Final Course Grade; Grievance Criteria. Students may dispute a final course grade when the Student believes that there has not been an equitable application of the course syllabus or College of Nursing policies and procedures for student evaluation and grading. Students may not dispute a final course grade because of dissatisfaction with an assigned grade, particular examination or grading process when course policies have been applied equitably to all students. Students may not challenge the actual grading policies themselves where applied equitably to all students.
2. Availability of Information. To protect the Faculty member and the Student, it is crucial that tests, papers, and other such material (which were evaluated and were considered in arriving at the final course grade but have not been returned to the Student) be available for inspection by the Student and by other persons (i.e., the departmental chair, the Dean or Faculty representatives, and

members of the SGC Committee involved in the grievance procedure).

3. Informal Resolution. The procedure for disputing a final course grade must first start with an attempt at informal resolution. The Student must adhere to the steps as follows:
 - a) Step 1: To the Faculty Member. Within **five (5) business days** of the posting of final course grade by the Registrar (not merely when posted by the Faculty member on Electronic Course Management System), the Student must submit to the Faculty member of the class who assigned the final course grade to the Student (hereinafter referred to as "Faculty") a Petition of Final Course Grade form. The required Petition of Final Course Grade form is attached to this policy and must be initiated by the Student. After reviewing the petition, the Faculty member may gather information from other sources, including the Clinical Associate and Teaching Associate, if applicable, before making a decision, but no later than **five (5) business days** after submission of a proper petition. The Faculty member must notify the Student in writing of the decision no later than **five (5) business days** of submitting the petition. If the issue is not resolved to the Student's satisfaction, the Student may petition to the Course Leader. If the issue is resolved then the Faculty member will forward the original Petition of Final Grade form to the Associate Dean of Academic Affairs for disposition.
 - b) Step 2: To the Course Leader. If the Student wishes to further challenge the decision of the Faculty member, within **five (5) business days** of the Faculty member's decision, the Student must forward the original written petition form to the Course Leader. After reviewing the petition, the Course Leader will meet with both the Faculty member and the Student. The Course Leader must notify the Student in writing of the decision no later than **five (5) business days** after the petition was filed with the Course Leader. If the issue is not resolved to the Student's satisfaction, the Student may petition to the Program Director. If the issue is resolved, then the Course Leader will forward the Petition of Final Grade form to the Associate Dean of Academic Affairs for disposition.

In the event the Faculty member is also the Course Leader, the student may petition to the Faculty member/Course Leader as in 3a, and then the Program Director as in 3b who will be the final person reviewing (3c will not apply).

- c) Step 3: To the Program Director. If the Student wishes to further challenge the decision of the Faculty member/Course Leader, within **five (5) business days** of the Faculty member/Course Leader's decision, the Student must forward the original written petition form to the Program Director. The Program Director may call a meeting of the involved parties, which must include the Faculty member/Course Leader who assigned the final course grade, to explore options for resolution. If a resolution is not achieved to the satisfaction of the Student, the petition form will be forwarded by the Program Director to the Student Grievance Committee (SGC) Chairperson within **two (2) business days** for review or scheduling of a grievance hearing, if appropriate, in accordance with article E below. In the event the Program Director serves as faculty in which the course being grieved, the student will omit step 3 and petition directly to SCG Chair.

(E) **Formal Resolution Process/Student Grievance Committee**

Only after the Student has exhausted the Informal Resolution, does the Student have the right to a hearing by the College of Nursing Student Grievance Committee (SGC) and only when the Student meets the criteria for disputing a final course grade. The SGC Chair along with no less than two (2) other members of the SGC will determine whether the request fits the criteria, as set forth in Section

(D) 1 above, for petitioning the final course grade, known as a grievance. If grievance criteria are met, the SGC Chair will provide all involved parties a written notice that includes: the charge(s), the date, time, and location of the Hearing; and membership composition of the SGC within **ten (10) business days before** the hearing date. The SGC Chair may use discretion in setting the hearing date with the goal as having it within a reasonable time so as not to disadvantage the student from further studies. The notice will include the specific protocols to be followed in the Hearing and will include a copy of this policy. In the event that the SGC Chair is unavailable, the Vice Chair will serve in that role.

(F) Conduct of the SGC Hearing

1. The Hearing will be conducted as follows:

- a) The Chair of the SGC will promptly notify the Grievant, respondents, Associate Dean of Academic Affairs, and the Dean of the College of Nursing of the date, time, and place of the Hearing and the Committee members who will be present. The Chair of the SGC will appoint the members of the SGC Committee, which Committee will be comprised of no less than two (2) Faculty members from the College of Nursing, and two Student members in programs within the College of Nursing and the designated Chair of the SGC. The Chair should strive to make the Hearing Committee an odd number of persons (adding 2 additional Faculty members if necessary). The Committee members of the SGC will include those appointed by the College of Nursing Faculty. In the event that there is difficulty assembling a full committee from the members, either the Chairperson or Vice Chairperson of the Committee may appoint substitute(s) that are unbiased Faculty or Students to fill the vacancies. An appointed Committee member who perceives conflict or bias in a particular petition may also withdraw from serving on the Hearing after discussion with the Chair of the SGC. The Vice Chair will serve as Chair if a conflict exists with the Chair.
- b) The Student may challenge the composition of the Committee **within 24 hours** of the notification of the member composition by the Chair if there is a member with a potential or actual conflict. If challenged, the Chair may decide to appoint an acceptable replacement taking into consideration the best interests of the Student.
- c) Confidentiality will be maintained by all persons involved in the SGC Hearing and no discussion will be entertained outside by the parties involved as to the information, testimony, or recommendations of the grievance process or hearing. This is an essential component of the grievance procedure and due process. All specific information is kept within the Committee. Proceedings of the Committee are to be kept in a secured file at the College of Nursing for seven (7) years.
- d) The Student may have a Grievant Support Representative (GSR) attend the Hearing and assist the Student. The role of the GSR is to provide emotional support and neutrality for the Student during the hearing process. This representative may be a faculty member, a student, or an academic advisor. Attorneys and family members are excluded from functioning in this role. In addition, the GSR may not be a testimonial witness to the grievance. The Student may proceed without a GSR, but if the Student wishes to have a GSR present at the Hearing, the name of the GSR will be submitted in advance to the SGC Chair. GSR is to remain quiet during the Hearing; and may only address the Committee if requested by the Chair.
- e) The Student may wish to provide a witness if able to provide supporting evidence that is pertinent to the grievance at hand. The intent of a witness's testimony should be submitted to the Chair 48 hours in advance of the Hearing. The Committee reserves the right to restrict the

- testimony to those issues relevant to the grievance during the Hearing. Any witness is to be available outside the hearing room until called; to answer specific questions; to leave the hearing room on completion of testimony.
- f) The Student and the Faculty member(s) involved, including the Faculty member who assigned the final course grade and Program Director if appropriate, will be present during the grievance Hearing, but not during deliberations of the SGC Committee. Persons attending the Hearing will be limited to the Committee members, the appropriate Faculty members, a GSR for the Student, witnesses to be called and a recorder.
- g) The Role of the Chair during the Hearing includes:
- Indicating the purpose of meeting and time limitations of the Hearing;
 - Making introductions and identify role of each person in attendance;
 - Read brief statements of Student's petition;
 - Direct the discussion;
 - Call and excuse the witnesses;
 - Allow for the making of final statements;
 - Excuse the Student, GSR, Faculty members involved in the assignment of the Final Course Grade and witnesses;
 - Facilitate the deliberation and the preparation of the written recommendations;
 - Call for Committee vote with the Chair being a voting member; and
 - Submit recommendations to Associate Dean of Academic Affairs
- h) Audio recording or transcription will record the Hearing to ensure accuracy of the information and proceedings. Committee deliberation will not be part of the recording or be made a part of the record.
- i) Deliberations will be conducted in closed session by SGC Committee members only. Deliberations will be limited to data and testimony collected during the Hearing. If the Committee wishes to review the transcript, the Committee deliberations may be suspended until the transcript is completed for review. The Chair will reconvene the Committee. The evidence presented during the Hearing is to be weighed and conclusions of fact should be drawn and a recommendation approved by majority vote. A written recommendation will be created by the committee Chair. Any recommendation will be based exclusively on the information received at the SGC Hearing.
- j) The findings of fact and the written recommendation of the SGC Committee will be delivered by the SGC Chair to the Associate Dean of Academic Affairs within **five (5) business days** of the Hearing. The written report may also contain suggestions for the College of Nursing to consider with respect to policies or procedures or improvements. The Associate Dean of Academic Affairs will make a decision regarding the Student's petition, which will be upheld or denied and the Student will be notified in writing within **five (5) business days** by personal hand delivery or by certified mail, return receipt requested, with a copy to the Dean of the College of Nursing and the SGC Chair.

(G) Appeal Process


1. A written request for appeal may be made by the Student to the Dean of the College of Nursing (“Dean”) and **must be received within five (5) business days** following the date of receipt of the written decision of the Associate Dean of Academic Affairs by the Student, or any further right to appeal is waived.
2. The Dean may review all applicable evidence presented in the Hearing and any other information requested or approved by the Dean.
3. After completing such review, the Dean will ask for a meeting with the Student.
4. The Dean will meet with the Student to consider the appeal only after the Student is provided with **at least five (5) business days’** notice of the date, time, place of the appeal, and who will be present. The Student may have a GSR attend the appeal and assist the Student. The GSR is to remain quiet during the appeal, and may only address the Dean if requested by the Dean.
5. The Dean will review the information and may choose to uphold, reverse, or return findings and decisions to the SGC Hearing Committee or the Associate Dean for Academic Affairs for reconsideration of some or all of their findings or decisions. The Dean will provide the decision to the Student within **ten (10) business days** of the filing of the appeal, unless circumstances warrant additional time, with sufficient notice provided to the Student.

(H) Pendency of Action

Generally, implementation of dismissal of a Student from the College of Nursing will be deferred until all the due process hearing and time for appeals made by the Student have been exhausted. However, the Dean of the College of Nursing or the Associate Dean for Academic Affairs of the College of Nursing may impose immediate removal or restrictions on the Student if the alleged academic conduct in any way concerns patient or public safety (including faculty and other students).

Signature block to follow.

<p>Approved by:</p> <p><u>/s/</u> Lloyd A. Jacobs, M.D. President</p> <p><u>June 13, 2014</u> Date</p> <p><u>/s/</u> Timothy M. Gaspar, PhD, RN Dean, College of Nursing</p> <p><u>June 13, 2014</u> Date</p> <p><i>Review/Revision Completed by:</i></p> <p><i>College of Nursing</i> <i>College of Nursing Faculty Assembly (5/5/14)</i> <i>Office of Legal Affairs, HSC</i></p>	<p>Policies Superseded by This Policy:</p> <ul style="list-style-type: none">• none <p><i>Initial effective date:</i> May 1, 2009</p> <p><i>Review/Revision Date:</i> May 5, 2014</p> <p><i>Next review date:</i> May 5, 2017</p>
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PETITION OF A FINAL COURSE GRADE FORM	
COLLEGE OF NURSING Health Science Campus MS1026, 3000 Arlington Avenue, Toledo, Ohio 43614-2598	

1. Background Information

Student name: _____ Date: ____/____/____

Course Name & No.: _____ Instructor of Record: _____

Course Term: ____ Fall ____ Spring ____ Summer ____ Year

Final Course Grade Received as Posted by the Registrar: _____

2. Nature of Concern Note: Students may dispute a final course grade when the student believes that there has not been an equitable application of the course syllabus or College of Nursing policies and procedures for student evaluation and grading. Students may not dispute a final course grade because of dissatisfaction with an assigned grade, particular examination or grading process when course policies have been applied equitably to all students.

*You may attach copies of any important documents along with a description of the elements that may be important in determining whether this petition will be heard or dismissed by the grievance committee. Please number pages.

Desired Outcome (to be completed by the Student):

Student signature: _____ Date: _____

Petition form received by: _____ Date: _____

3. Actions taken

Outcome of attempt to resolve this matter through discussion with the Faculty member: (If no meeting occurred, explain why.) (To be completed by the Faculty Member.)

Faculty Member (Print Name)	Signature	Date
Outcome of attempt to resolve this matter with the Course Leader: (If no meeting occurred, explain why) (To be completed by the Course Leader.)		

Course Leader (Print Name)	Signature	Date
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Attempt to resolve this matter through a discussion with the Program Director
 What was the outcome of your meeting(s) with the Program Director? (If no meeting occurred, explain why.) (To be completed by the Program Director.)

Issue is not resolved to the Student’s satisfaction and will be forwarded to the Student Grievance Committee Chairperson by the Program Director.

Program Director (Print Name)	Signature	Date
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If you contacted any other faculty member, advisor or any other person about your concern, please have them write a brief description that includes the date, who, why and outcome of the discussion. Please attach documentation and have them sign below.

Print Name & Title	Signature	Date
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4. Review of Petition/Exhaustion of Informal Process

After review of the materials submitted, it was determined that a basis for the grievance:
 ___ May exist and a hearing will be scheduled. Student wants advisor present: ___ Yes ___ No
 ___ Does not exist and the petition is dismissed.

Grievance Chair (Print Name)	Signature	Date
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5. Result of Grievance Hearing

Date of hearing: _____

Outcome of hearing:

___ The grievance was resolved.

___ The grievance was not resolved.

Explanation: _____

6. Recommendation of Associate Dean _____
Date _____

Outcome:

7. Appeal to the Dean

Decision: (if grievance was not resolved through a grievance conference)

___ The grievance is not supported by the evidence presented.

___ The grievance is supported by the evidence presented.

Outcome: _____

Signature of Dean: _____

Date: _____

**A copy of this form should be kept in the Student's file and the original should be provided to the Student.
(Form Rev: 5/2014)**