

GRADE APPEAL PROCEDURES

Any student has the right in any course of instruction to appeal a final grade in a course for either, or both of the following reasons. (1) The student believes that the instructor has violated his/her stated grading policy. (2) The student believes that his/her final grade in a course is unfair and is evidence of retaliation or the instructor's discriminatory practice(s) based on race, religion, color, sex, sexual orientation, handicap, or national origin. In such cases the following procedures will be applied. Each faculty member must specify his/her grading policy at the first of the semester. He/she may change his/her grading policy for cause after that time, but he/she must do so uniformly, with ample notification to students, if at all possible.

I. GRADE APPEAL PROCEDURE WHEN THERE IS AN ALLEGATION OF A VIOLATION OF STATED GRADING POLICY, BUT NO ALLEGATION OF DISCRIMINATORY OR RETALIATORY ACTION

- A. If a student believes that his/her final grade in a course is unfair in terms of the instructor's stated grading policy, he/she should first discuss the matter with the instructor. If the student remains dissatisfied with his/her final course grade, he/she may immediately appeal to the department chairperson for discussion and possible resolution.
- B. If a student remains unsatisfied with his/her final course grade, he/she may file a written appeal with the dean of the appropriate college/school within sixty days from the end of the semester in which the final course grade was assigned. If the instructor involved is a department chair, the written appeal should be filed with the dean of the college/school. If the instructor involved is a college/school dean, the written appeal should be filed with the dean of undergraduate studies or dean of graduate studies (based on the status of the student who has initiated the appeal).
- C. If the dean of the college/school or his/her designee (or the dean of undergraduate/graduate studies or his/her designee) believes that the student has not shown that the professor violated his/her stated grading policies he/she must so inform the student in writing within one month (thirty days) of his/her receipt of the student's written appeal.
- D. Alternatively, if the dean of the college/school or his/her designee (or the dean of undergraduate/graduate studies or his/her designee) believes that the student may have reasonable cause for an appeal based on the issue of a violation of stated grading policies, then he/she must appoint a school hearing committee consisting of three faculty/administrative faculty members and two students. The committee selection process must begin within one month (thirty days) of his/her receipt of the student's written appeal. The members of the committee should be selected in a manner determined by the dean of the college/school or his/her designee (or the dean of undergraduate/graduate studies or his/her designee)

- E. The committee shall meet and elect a chair from among the five members. The chair will conduct the committee meeting(s). The chair may participate in all deliberations, but will not vote except in the case of a tie.
- F. The committee may draw up its own rules of procedure, and the committee is not bound by any formal rules of legal proceedings and may hear any information that may be of value in determining the issues involved.
- G. Each party has the right to obtain a non-attorney adviser to assist him/her in the preparation and presentation of his/her case to the committee. The committee shall determine whether it meets with the parties, their respective advisers, and any witnesses in one meeting or in a series of meetings. The members of the committee shall decide who shall be present at any meeting of the committee with the understanding that whenever the student or faculty member is present his/her adviser has the right to be present also.
- H. A hearing committee has the right to decline to make a decision in a case that a student presents to the committee, when it regards the complaint as frivolous and irresponsible on the basis of evidence that the student presents to the committee. Such a decision must be communicated in writing to both parties in the case, the dean of the applicable college/school (or the dean of undergraduate/graduate studies) and the department chairperson within five business days from the committee's decision. The chair of the hearing committee shall act to make certain the written report is delivered to the proper persons. In such circumstances, the committee may want to recommend that the student talk to one of the university counselors.
- I. All decisions will be based only on the issue of whether the professor violated his/her grading policies (see section A above), be based on a majority vote, and be rendered according to the principle of the preponderance of evidence.
- J. The hearing committee will be expected to produce a written report summarizing the testimony, indicating and explaining its decision, and making recommendations, if desirable, to either or both parties. Copies of the written report will be submitted to both parties in the case, the dean of the applicable college/school (or the dean of undergraduate/graduate studies) and the department chairperson within five business days from the completion of the meeting(s). The chair of the hearing committee shall act to make certain the written report is delivered to the proper persons.
- K. If, after the receipt of the committee's report, or, when no school hearing committee is appointed, after a student receives the written decision of the dean of the college/school, the student remains unsatisfied with his/her final course grade, a student may file a final written appeal to the dean of undergraduate/graduate studies or his/her designee (based on the status of the student who initiated the

appeal). If the instructor involved is also a dean of a college/school, then the written decision will have been rendered by either the dean of undergraduate/graduate studies or a committee appointed by him/her. In that case, and only in that case, a student may file a final written appeal to the Vice President for Academic Affairs or his/her designee. The appeal must be made in writing within ten business days of the student's receipt of the decision of the dean of the college/school or the dean of undergraduate/graduate studies or the decision of the school hearing committee. The dean of undergraduate studies/graduate studies or the VP for Academic Affairs will issue a written decision to both parties in the case, the dean of the applicable college/school (or the dean of undergraduate/graduate studies) and the department chairperson within one month (thirty days). His/her decision is final. No further appeals are available.

- L. Nothing in this grade appeal process prohibits the parties from settling this matter at any stage with the assistance of mediation through the Office of the University Ombud (770-423-6112). Mediation may also address issues other than violation of stated grading policy. However, any attempt to settle the matter through mediation does not affect time deadlines for this grade appeal process.

II. GRADE APPEAL PROCEDURE WHEN THERE IS AN ALLEGATION OF DISCRIMINATORY ACTION OR RETALIATION

- A. If the student believes that his/her final grade in a course is unfair and is evidence of (1) retaliation by an instructor because of the student's prior report of discrimination or harassment, or because of the student's cooperation in any investigation, or (2) discriminatory practice(s) based on race, religion, color, sex, sexual orientation, handicap, or national origin, he/she should first discuss the matter with the instructor. The student should contact the Office of the University Ombud (770-423-6112) to arrange a facilitated discussion (a neutral third party would be present) with the instructor if the student is not comfortable discussing the allegation with the instructor by himself/herself.
- B. If a student remains unsatisfied with his/her final course grade, he/she must contact the appropriate EEO officer (currently the Vice President for Student Success and Enrollment Services) and submit his/her allegation in writing to that office within one month (thirty days) of when the student met with the instructor to discuss the alleged retaliation and/or discrimination. The EEO officer (or his/her designee) must notify the instructor in writing of the allegation of discrimination and/or retaliation and of the pending investigation within one week of receiving the complaint in writing from the student.
- C. If the EEO officer (or his/her designee), after investigation, finds that the student does not have reasonable grounds for complaint he/she shall so notify the student and the instructor in writing within sixty days. The student may then pursue

grade appeal procedures based on a violation of stated grading policies, if appropriate, by meeting and discussing the issue with his/her instructor and subsequently, if necessary, with others as specified in section I (above) if the student began this grade appeal process within 60 days from the end of the semester in which the final grade was assigned. In that case, all deadlines for the new grade appeal will begin as of the date of the EEO officer's (or his/her designee)'s written communication notifying the student that he/she does not have reasonable grounds for a discrimination and/or retaliation complaint.

- D. If the EEO officer (or his/her designee), after investigation, finds the student may have reasonable cause for complaint he/she shall so notify the student and the instructor in writing within sixty days. The EEO officer (or his/her designee) will then contact the chair of the university senate. The chair of the senate will be responsible for establishing an ad hoc committee of three faculty/administrative faculty members and two students to hear the discrimination complaint and make recommendations. The names and contact information of the five members of the ad hoc committee shall be communicated by the chair of the senate to the EEO officer (or his/her designee). If, as part of his/her complaint, the student also alleges that the faculty member has violated his/her stated grading policy, the ad hoc committee must hear and make recommendations on that issue concurrently.
- E. Prior to the hearing the EEO officer (or his/her designee) will arrange that the ad hoc committee shall meet and elect a chair from among the five members. The chair will conduct the hearing. The chair may participate in all deliberations, but will not vote except in the case of a tie.
- F. The hearing committee may draw up its own rules of procedure, and the committee is not bound by any formal rules of legal proceedings and may hear any information that may be of value in determining the issues involved, but minimum due process shall include the right of both parties to be notified in writing at least ten business days in advance of the date, time, and place of the hearing; the right of the faculty member to be informed in writing of the specific nature of the complaint against him/her and of the evidence and/or witnesses on which it is based; and the right of both parties to present evidence and witnesses on their behalf and to question witnesses. The EEO officer (or his/her designee) shall act to make certain these due process rights are met. The EEO officer (or his/her designee) will attend the hearing as an observer. The EEO officer (or his/her designee) is not a party to the case, nor is he/she an advocate for either party. The EEO office shall retain all records associated with the complaint, his/her investigation, the hearing, the committee's written report, and the president's written decision for such length of time as required by Georgia law.
- G. Both the faculty member and the student have the right to a non-attorney adviser to assist in preparing and presenting his/her case before the committee. Those present during the hearing will be the members of the ad hoc committee, the EEO officer (or his/her designee), the parties to the complaint, one non-attorney adviser

for each party, and such witnesses as are necessary. Each witness shall be present only when his/her presence is necessary to present information and/or answer questions. No other persons shall be present unless agreed upon in writing by the chair of the committee, both parties, and the EEO officer (or his/her designee).

- H. All decisions and recommendations will be based on a majority vote, and be rendered according to the principle of the preponderance of evidence. Only the five members of the ad hoc committee should be present during deliberation except that the EEO officer (or his/her designee) may be present to answer policy questions.
- I. The hearing committee will be expected to produce a written report summarizing the information presented, indicating and explaining its decision, and making recommendations, if desirable, to either or both parties. Copies of the written report will be submitted to both parties in the case, the EEO officer (or his/her designee), the chief legal officer for the university, and the president of the university within five business days from the completion of the hearing. The chair of the hearing committee shall act to make certain the written report is delivered to the proper persons. The opinions and recommendations of the ad hoc committee are advisory and in no way bind the president to the recommended actions.
- J. After consideration of the ad hoc committee's written report, the president shall make a decision and communicate it in writing within five business days to the student, the instructor, the EEO officer (or his/her designee), the chief legal officer of the university, and the head of the department in which the instructor teaches. If the instructor is the head of a department it shall be communicated to the dean of the appropriate college/school. If the instructor is a dean it shall be communicated to the vice president for academic affairs.
- K. Should the aggrieved student remain dissatisfied with the president's decision, further redress may be sought through internal channels by applying to the Board of Regents for a review of the decision, pursuant to the Bylaws of the Board of Regents, Article IX, p. xxvii.

ACADEMIC APPEALS (other than violation of stated grading policy) p. 45 2004-2005 Undergraduate Catalog

I recommend that this section be removed.

STUDENT ADMINISTRATIVE WITHDRAWALS and GRIEVANCE PROCEDURES

DISCRIMINATION and/or RETALIATION

All student grievances or complaints alleging (1) retaliation against him/her because of the student's prior report of discrimination or harassment, or because of the student's cooperation in any investigation, or (2) discriminatory practice(s) based on race, religion, color, sex, sexual orientation, handicap, or national origin, shall be addressed in writing to the appropriate EEO's office (currently the Vice President for Student Success and Enrollment Services) with the following caveat. If the student believes that his/her final grade in a course is unfair and is evidence of retaliation or discrimination by an instructor, the complaint shall be addressed as specified under Academic Policies-Grade Appeal Procedures section II (Grade Appeal Procedure When There Is an Allegation of Discrimination or Retaliation). See page ? of this catalog. Otherwise, once the EEO office has received a written complaint containing specific allegations of discriminatory practices or retaliatory actions the following process shall take place.

- A. The EEO officer (or his/her designee) must notify in writing the person(s) whose actions or behavior is/are at issue of the allegation of discrimination and/or retaliation and of the pending investigation within one week of receiving the complaint in writing from the student.
- B. If the EEO officer (or his/her designee), after investigation, finds that the student does not have reasonable grounds for complaint he/she shall so notify in writing the student and the person(s) about whom the complaint is made. The investigation and notification will take place within sixty days of the written allegation's receipt by the EEO's office.
- C. If the EEO officer (or his/her designee), after investigation, finds the student may have reasonable cause for complaint he/she will so notify in writing the student and person(s) about whom the complaint is made. The investigation and notification will take place within sixty days of the written allegation's receipt by the EEO's office. On the same date that written notification is delivered to the parties, the EEO officer (or his/her designee) will contact the chair of the university senate. The chair of the senate will then be responsible for establishing an ad hoc committee of three faculty/administrative faculty/staff members and two students to hear the discrimination complaint and make recommendations. The names and contact information of the five members of the ad hoc committee

shall be communicated by the chair of the senate to the EEO officer (or his/her designee).

- D. Prior to the hearing the EEO officer (or his/her designee) will arrange that the ad hoc committee shall meet and elect a chair from among the five members. The chair will conduct the hearing. The chair may participate in all deliberations, but will not vote except in the case of a tie.
- E. The hearing committee may draw up its own rules of procedure, and the committee is not bound by any formal rules of legal proceedings and may hear any information that may be of value in determining the issues involved, but minimum due process shall include the right of both parties to be notified in writing at least ten business days in advance of the date, time, and place of the hearing; the right of the person against whom the complaint has been made to be informed in writing of the specific nature of the complaint against him/her and of the evidence and/or witnesses on which it is based; and the right of both parties to present evidence and witnesses on their behalf and to question witnesses. The EEO officer (or his/her designee) shall act to make certain these due process rights are met. The EEO officer (or his/her designee) will attend the hearing as an observer. The EEO officer (or his/her designee) is not a party to the case, nor is he/she an advocate for either party. The EEO officer (or his/her designee) shall retain all records associated with the complaint, his/her investigation, the hearing, the committee's written report, and the president's written decision for such length of time as required by Georgia law.
- F. Each party has the right to a non-attorney adviser to assist in preparing and presenting his/her case before the committee. Those present during the hearing will be the members of the ad hoc committee, the EEO officer (or his/her designee), the parties to the complaint, one non-attorney adviser for each party, and such witnesses as are necessary. Each witness shall be present only when his/her presence is necessary to present information and/or answer questions. No other persons shall be present unless agreed upon in writing by the chair of the committee, both parties, and the EEO officer (or his/her designee).
- G. All decisions and recommendations will be based on a majority vote, and be rendered according to the principle of the preponderance of evidence. Only the five members of the ad hoc committee should be present during deliberation except that the EEO officer (or his/her designee) may be present to answer policy questions.
- H. The hearing committee will be expected to produce a written report summarizing the information presented, indicating and explaining its decision, and making recommendations, if desirable, to any party or parties. Copies of the written report will be submitted to each party in the case, the EEO officer (or his/her designee), the chief legal officer for the university, and the president of the university within five business days from the completion of the hearing. The

chair of the hearing committee shall act to make certain the written report is delivered to the proper persons. The opinions and recommendations of the ad hoc committee are advisory and in no way bind the president to the recommended actions.

- I. After consideration of the ad hoc committee's written report, the president shall make a decision and communicate it in writing within five business days to the student, the party or parties against whom the complaint has been made, the EEO officer (or his/her designee), the chief legal officer of the university, and the supervisor(s) of the employee(s) against whom the complaint has been made if that person or persons is/are KSU staff, administrative staff, or faculty. There will be no supervisor if the person against whom the complaint has been made is a KSU student who is not also an employee of the university.
- J. Should the aggrieved student remain dissatisfied with the president's decision, further redress may be sought through internal channels by applying to the Board of Regents for a review of the decision, pursuant to the Bylaws of the Board of Regents, Article IX, p. xxvii.