

## UTMB HANDBOOK OF OPERATING PROCEDURES

Section 7      Student Policies Subject 7.1    Student Services and Activities	1/15/96 - Originated 06/16/14 - Reviewed w/ changes - Reviewed w/o changes 07/15/14 - Effective COD        - Author
<b>Policy 7.1.20 SHP Student Appeals of Grading and Unsatisfactory Academic Performance</b>	

# SHP Student Appeals of Grading and Unsatisfactory Academic Performance

## Definitions

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**Class Days:** consecutive days of the week during a semester on which classes routinely occur; not specific to a particular course schedule; excludes any day that is an official UTMB holiday or when regularly scheduled classes are suspended due to emergent situations.

**Work Days:** Monday through Friday, excluding any day that is an official UTMB holiday.

## Policy

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The School of Health Professions (SHP) faculty is responsible for determining grading criteria. The grading of written, oral and practical examinations forms an important framework for evaluating skill and competence. In addition, professional behaviors and attitudes including effective communication and interpersonal skills, ethical decision making, respect for diversity and respect for others, and a fundamental respect for human dignity, are viewed as essential for competent and effective practice within the health care professions. These characteristics will be considered by the faculty in the determination of course grades and a student's eligibility for graduation. Any student whose behavior in class or in required clinical preceptorship, or field work placements is found to be deficient in one or more of these areas may be subject to academic review on the recommendation of faculty and the school's Grading and Promotion Committee.

The SHP encourages and supports students in accomplishing excellent work. It is recognized, however, that the student may encounter difficulty from time to time. In such cases the student's advisor, department chair and the Office of Academic and Student Affairs stand ready to assist him or her whenever and wherever possible.

Faculty members are responsible for evaluating all students' course work. If a student feels a faculty member's grading or evaluation has been discriminatory or unfair, the following challenge processes are available.

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### **Informal Challenge Process**

A student may initiate the informal challenge process by contacting the instructor of record who is responsible for documenting the reason(s) why the particular grade was issued. The informal process involves open communication between the instructor and the student without intimidating either party. i Students are encouraged to resolve differences at the informal level so that confidentiality will be preserved. Should the issue not be resolved, the student may proceed to the formal challenge procedure.

To initiate an informal challenge, the student schedules an appointment with the faculty member issuing the grade, stating the reason for the appointment. The student should be specific about the part of the exam, paper, assignment or other requirement in question.

The appointment should be scheduled within five (5) class days following the notification of the grade to the student by any reasonable means including electronic posting, written posting, email or posting in the Office of the Registrar student information system. If it would be difficult or impossible for the student or faculty member to schedule the appointment within the designated time limit, the appointment should be scheduled as soon thereafter as possible, but in no case exceeding ten (10) class days from the posting.

Should the issue fail to be resolved the student may request a conference with the faculty member and the next level of authority, e.g. the program director or department chair, for the course or program. This conference should be held within **three (3) class days** of the initial conference at a time when the faculty member(s) may participate. The program director or department chair shall render an opinion on the student' challenge within **two (2) class days**. Should the issue not be resolved, the student may proceed to the formal grievance procedure.

### **Formal Grievance Procedure**

The school's formal grievance procedure applies equally to Course Grading and Evaluation Challenges and appeals of actions by the Grading and Promotion Committee regarding student promotion, readmission, probation, suspension, or dismissal.

The time limit to initiate a formal appeal(of a course grade or recommendation of the grading and promotion committee) begins upon notification to the student of the decision of the program Director or department chair, as appropriate, by any reasonable means including

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electronic posting or notification, written posting or notification, email, posting in the Office of the Registrar student information system or by United States Postal Service (USPS) letter, return receipt requested, or other courier service.

#### **Initiating a Formal Grievance.**

To initiate the formal grievance procedure, the student must submit a written grievance statement to the Student Grievance and Appeals Committee (SGAC), clearly and concisely stating the factors related to the action under appeal.

The student's written statement must be submitted within five (5) work days of notice of the action the student appeals.

Failure by the student to carry forward an appeal at any level and within the specific time frames shall nullify the right to pursue the right to appeal. This includes students who do not respond to requests of return receipts and those who do not maintain current contact information in the Office of the Registrar.

#### **Appeal Panel**

Upon receipt of the student's written statement, the chair of the SGAC will identify faculty members to serve on the Appeal Panel as follows.

The members of the panel shall include: the Chair of the SGAC, who serves without vote; two voting faculty, members, and one voting student. No voting member shall be from the student's unit nor shall these members have prior knowledge of the issue being appealed.

The SGAC Chair will, in writing or by electronic means notify the student and unit representative of the initiation of the formal appeal process and the voting members serving on the panel.

If either the student or unit representative objects to the composition of the Appeal Panel, he/she may request a replacement of one or more members which request shall be honored at the discretion of the SGAC Chair (or the Dean of the SHP, as appropriate or if the SGAC Chair's inclusion on the panel is being challenged).

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**Formal  
Grievance  
Procedure,  
continued**

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Appeal Hearing.

The SGAC Chair will make reasonable efforts to schedule the appeal hearing within **five (5) class days** of receipt of the student’s written statement. If this is not possible, the hearing should be held at the earliest possible date not to exceed ten class days.

No less than 48 hours prior to the hearing, each party will submit to the SGAC Chair the pertinent written materials each wishes to be presented to the panel. The SGAC Chair protects their confidentiality, arranges for duplication and distributes copies to the parties and voting panel members at least **twenty-four (24) hours** prior to the scheduled hearing.

During the hearing, the SGAC Chair will ensure that the discussion and questions remain relevant to the issue. The panel members may question both the student and the faculty member.

Both parties have the right to an advisor during the hearing. The advisor may not address the panel, make any statements or question witnesses. The advisor may, however, confer privately with his or her advisee during the hearing.

The number of people present during the hearing is limited to panel members, grievant, respondent, their respective advisors (if any) and a recording secretary. A recording device may be substituted for the secretary.

The student may request that the department representative leave the room while presenting his/her case. If the student so chooses he/she will leave the room as well during the department representative’s presentation.

Witnesses may be called into the room as needed and may address and answer questions from the panel only. Witnesses may not address or confer with either the student or the department representative.

Upon completion of each party’s presentation, the Appeal Panel may question the two parties together to clarify or resolve any remaining questions or issues. The student may then make his or her closing statement. Both parties are then dismissed and the three voting panel members with the assistance of the SGAC Chair begin their deliberations. A vote of two-thirds (2/3) of the panel is required to reach a ruling.

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### **Formal Grievance Procedure, continued**

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The written conclusion of the panel shall be presented in writing and by USPS, return receipt requested, **within one (1) class day** to both the student and department representative. Alternatively, each party may sign an acknowledgement of the receipt of the letter.

Either party may appeal the decision of the panel in writing within one (1) work day of receiving the panel's decision to the Dean of the SHP, clearly and concisely stating why the decision of the panel should be set aside or modified.. This written appeal must include a copy of the written formal grievance originally submitted to the SGAC and the written conclusion of the formal grievance Appeal Panel.

The Dean (or the Dean's designate) may question the parties and the member(s) of the panel, and may review the materials considered by the panel at the hearing, before reaching a final decision on the matter. The Dean shall render a written decision **within five (5) class days** of receiving the appeal. *The decision of the Dean shall be final.*

#### **Documentation**

The SGAC Chair shall collect all copies of materials distributed to the parties and the panel and deliver them to the Academic and Student Affairs (ASA) office, which will retain all originals for the confidential file, subject to institutional retention, and destroy all copies.

Time limits established herein serve to facilitate prompt execution of the grievance process and may include a time period between semesters. If the appeal cannot be concluded before the start of the next enrollment period, the student will be allowed to enroll in subsequent didactic courses and at the discretion of the department faculty, clinical courses. All students remain subject to UTMB policies regarding course withdrawal. A student who is dismissed from any SHP program due to academic failure but who is reinstated through the appeals process must successfully complete all requirements stipulated by the faculty and must earn a grade of C or better in undergraduate programs and B or better in masters or doctoral programs.

Failure to achieve the required level of performance will result in dismissal from the program without the right to appeal the second dismissal.

### **References**

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Flow diagram of Informal Challenge and Formal Appeal Process

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