

## GRADE GRIEVANCE RESOLUTION – SCHOOL OF PHARMACY

### **Policy Statement**

It is the policy of the Texas Tech University Health Sciences Center School of Pharmacy to affirm the rights of its students and faculty should a question or complaint arise on the assignment of a grade. The University recognizes that it is the instructor's/teaching team's prerogative to determine a grade. Responsibility for resolving grade disputes is shared among the instructor/teaching team, the student, and the School of Pharmacy.

### **Policy/Procedure**

Complaint resolution procedures include both informal and formal processes. Prior to filing a formal written grievance, students shall address their complaint informally with the faculty or team member involved. Students shall use the formal complaint procedure only as a last resort.

### **Grading Errors**

**If a student believes that a grade on a particular assignment (not a final course grade) received is incorrect, the student shall**

- Discuss the grade with the faculty or team leader who assigned it.
- If the grade is deemed to be correct (no miscalculation of grade occurred) then the grade stands as issued. The faculty who assigned the grade shall notify the student of the decision in writing within five (5) business days.
- If the grade issued was in error (miscalculation of grade occurred) then the faculty corrects the grade and shall notify the student of grade change within five (5) business days.

The grade decision of the instructor/instructional team is final.

## **ACADEMIC GRADE CHALLENGES/APPEALS**

- A. Only final course grade(s) may be appealed or grieved through the Assistant Dean for Student Services if the student feels that the instructor's decision is considered to be unfair. These procedures are available to a student who believes that a grade was based on unfair academic decisions and not merely differences of opinion regarding the professional judgment of the instructor in evaluating a student's work or making a decision about that work.

The examples of unfairness could include but are not limited to:

- 1 If the instructor's decision was based on some basis other than performance in the course and/or compliance with course assignments and requirements.
- 2 If the instructor uses more exacting or demanding standards than were applied to other students in the same section/course in which the grieved student was enrolled.
- 3 By a substantial departure from the instructor's, department's, school's or university's announced standards as stated in the course syllabus or other written materials provided to or available to students in the section/course in which the grieved student was enrolled.

Grading criteria, course requirements and course content are the exclusive prerogative of the instructor/teaching team. The burden of proof that such an influence has affected a grade rests with the student.

- B. To appeal a grade, the student shall:
1. File the Final Grade Appeal Form, available on-line (add link here), within ten (10) business days of the official posting of the final grade in the student information system, with the Assistant Dean for Student Services. The student must include in the appeal a written statement including any information regarding attempts at resolution, and basis for the allegation that the grading was unfair as noted in Section A, and the expected remedy or outcome by filing the grievance.
  2. The Assistant Dean for Student Services will submit the Appeal form and any accompanying evidence to the Associate Dean of Academic Affairs. The Associate Dean of Academic Affairs shall notify all parties to the complaint and convene an informal meeting with the faculty and student separately and review all materials pertinent to the grade appeal. If two or more students are involved, the Associate Dean of Academic Affairs, in his or her sole discretion, may meet with the students either separately or jointly. The role of the Associate Dean of Academic Affairs is to mediate the dispute. If the Associate Dean of Academic Affairs is the faculty member cited in the grievance or has actively participated in the determination of the final grade calculation, he/she should recuse himself/herself and the Dean should appoint a senior faculty member to mediate the informal facilitated discussions on the grievance. Providing lectures, submitting test questions or grading test questions or rubrics is not sufficient involvement. Grading criteria, course requirements and course content are the exclusive prerogative of the instructor/teaching team.
  3. All parties to the complaint will be allowed to submit documentation to the Associate Dean of Academic Affairs. The Associate Dean of Academic Affairs will conduct an investigation of the dispute and interview each of the parties to the dispute individually or may at his/her discretion conduct a joint meeting of the parties to mediate and resolve the dispute. Neither party at this point in the process should feel the need nor is it encouraged to have external representation in any interview. The role of the Associate Dean for Academic Affairs is to take evidence and try to informally resolve the dispute. If the student and faculty member cannot reach an agreement under mediation of the Associate Dean of Academic Affairs, an appeal may be made for a hearing before the Student Hearing Committee. If the parties cannot agree in this informal mediation, then the Associate Dean for Academic Affairs should render a written report regarding the outcome of the informal process within five (5) business days and submit the grade grievance to the Assistant Dean for Student Services, who will then organize the Student Hearing Committee. The Assistant Dean for Student Services, within five (5) business days from receipt of the report form from the Associate Dean for Academic Affairs, shall notify the student and faculty member via certified mail and via emailing a scanned copy of the letter. The request for hearing must be submitted to the Assistant Dean for Student Services within ten (10) business days from the postmarked date of the letter mentioned above. The procedures to request a hearing include:
    - a. File a Request for Hearing Form located under current student/faculty resources at (add link here) to convene an appeals committee.
    - b. Submit in writing six copies of all the material evidence to support the appeal. The request must include a specific statement of the student's or faculty member's complaint, an explanation of what remedy the student/ faculty member seeks, and a copy of the Associate Dean of Academic Affairs' report. The student is required to demonstrate that his/her case meets the requirements of Section A. The Dean should appoint a senior faculty member to

Chair of the Student Hearing Committee. The Assistant Dean for Student Services will forward the request for a hearing to the Chair of the Student Hearing Committee.

- c. If the student/ faculty member files a request for a hearing, the Student Hearing Committee must convene within fifteen (15) business days unless a substitute Chair is required. A period of no more than 5 business days will be added to allow for training of the substitute Chair of the Student Hearing Committee on the conduct of student hearings.
- d. The Student Hearing Committee at their discretion may decide that a full hearing is not warranted if the student/instructor (a) appeal was not timely; (b) the presented evidence, if true, would still not meet the requirements of Section A, or the student/instructor withdraws his/her appeal. The Committee may also determine *a priori* that the dispute is attributable to inadequate or incomplete communication between the parties and at their discretion may arrange to meet individually or together with the student and instructor to discuss the problem. If either party requests that advisory counsel be present for any discussion with the Student Hearing Committee, the appeal will move to a formal hearing.
- e. If a meeting described in Section (d) is not held or, if held, such meeting does not result in a mutually agreeable solution, the Committee will proceed to schedule a formal hearing.
- f. The Student Hearing Committee is not a court of law but all discussions and deliberations will be confidential. Formal rules of evidence will not apply. The hearing is not open to the public.

### C. Formation of the Student Hearing Committee

1. A list of seven names, which is comprised of four faculty and three students, will be selected for the Hearing Committee by the Dean. No member of the Committee may be related by blood or marriage to any of the involved parties; further, all members of the Committee will be asked to prospectively disclose any personal relationship with the parties involved. If a personal relationship, defined as a relationship more than casual acquaintance or one expected from general classroom or collegial interactions is disclosed and the Dean determines that such a relationship could potentially influence Committee decisions, a new Committee member will be selected by the Dean. After the Committee is appointed and announced, the appealing student /faculty member and the defendant student/faculty member may choose to strike one faculty member and one student from the list for cause. The determination of the legitimacy of the request to strike will be the sole decision of the Chair of the Student Hearing Committee. His/her decision cannot be appealed. The remaining individuals will be the voting members of the Committee. The Chair of the Student Hearing Committee or the substitute will conduct the meeting, rule on challenges and will not vote unless there is a tie.
2. As soon as the hearing is scheduled, a written notice will be sent to all parties involved. The notice will specify the time, place and nature of the hearing, plus a brief description of the grievance. The notice will also confirm the right of all involved parties to present witnesses and evidence and have advisory counsel should they choose.
3. The student and instructor/team leader may have advisory counsel present during the formal Hearing Committee appeal. The name, title and relationship to the student/instructor must be known to all parties at least five (5) days before the scheduled hearing. If the advisory counsel is an attorney, the Hearing Chair shall notify all parties, the Dean as well as the TTUHSC Office of General Counsel. The Department Chair cannot serve as an advisor. Counsel will not be allowed to speak, argue or conduct any questioning during the proceedings.

4. The hearing shall be recorded, but not the committee deliberations. The tape of the hearing shall be retained by the Dean's office for a period of one (1) year and then erased.

#### D. Committee Decision

1. The Committee's charge will be limited to making a recommendation to the Dean and should be consistent with Section A.
2. The Committee's written decisions will be forwarded to the Dean and all parties involved within five (5) business day of the conclusion of the hearing. All Committee members shall sign the report indicating the accuracy of the vote count.
3. The Committee may consider remedies that include but are not limited to: (a) instruct the teaching team to reconsider the course grading or the final grade awarded to the student, (b) give the student a new comprehensive examination to assess competency, (c) any remedy that will bring about justice for the student or instructor in the case. It is the responsibility of the teaching team (instructor) to determine the final course grade considering the report from the Student Hearing Committee. The Committee, itself, cannot award the student a new grade in the course, change the grading option, or remove the course from the student's permanent record.
4. The Dean will review the recommendation and notify the parties of his decision within ten (10) business days. The Dean's decision can be to affirm the decision of the Student Hearing Committee or order a new hearing. A copy of the Committee's recommendation and Dean's decision will be inserted in the student's file but will be removed upon graduation. If the Dean's decision is in favor of the student, the Dean will notify the Department Chair that has supervisory responsibility for the instructor or team leader about the proceedings for the Chair's information (if the Dean's decision is not in favor of the student and it is deemed there is no substantive complaint the Department Chair will not be notified).

#### E. Appeal to the Dean

Within five (5) business days of receipt of the decision of the Dean, if any party believes that the conduct of the hearing procedures of the School of Pharmacy have been violated, an appeal may be made, in writing, to the Dean but only on the matter dealing with a violation of the conduct of the hearing procedures. If a written appeal is not made within five (5) business days following receipt of the Dean's letter, the right to appeal is forfeited. The Dean's decision can be to affirm the decision of the Student Hearing Committee or order a new hearing. Generally, the decision of the Dean is the final decision of the University in grievances concerning grades for PharmD students or violations of hearing procedures. A copy of the Dean's decision letter will be inserted in the student file but will be removed upon graduation. The decision will be communicated to the Department Chair of the instructor(s)' or team leader of the course.

#### F. Appeal to the President

Within five (5) business days of receipt of the decision of the Dean, if any party believes that the due process procedures of the School of Pharmacy have been violated, an appeal may be made, in writing, to the President of the Health Sciences Center. The President will review the case and can either affirm the decision of the Dean or order the Dean to consider an

alternative remedy. The Dean will notify the parties of the President's decision within five (5) business days. If a written appeal is not made within five (5) business days following receipt of the Dean's letter, the right to appeal is forfeited. The decision of the President is final. The decision will be communicated to the Department Chair of the instructor(s)' or team leader of the course.

**Timeline**

Due to documented extenuating circumstances, timelines for course related grade appeals might be altered with agreement from all parties.

\*\*\*A business day is defined as a Monday-Friday, excluding university holidays, from 8:00 a.m. to 5:00 p.m. when the SCHOOL OF PHARMACY Offices are open even though students may not be attending classes or clinical assignments.