



University Senate TRANSMITTAL FORM

Senate Document #:	12-13-43
PCC ID #:	N/A
Title:	Proposal Updating Policy III-1.20(B): University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students
Presenter:	Christopher Davis, Chair, Senate Academic Procedures and Standards (APAS) Committee
Date of SEC Review:	April 19, 2013
Date of Senate Review:	May 2, 2013
Voting (highlight one):	<ol style="list-style-type: none"> 1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	At the beginning of the spring 2013 semester, an Undergraduate Student Senator and an Associate Dean of the College of Behavioral & Social Sciences jointly submitted a proposal to the Senate Executive Committee (SEC) regarding Policy III-1.20(B): University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students. The proposers asked that the Senate consider recommending an update to the undergraduate policy to incorporate procedures for timely notification of the review committee and/or administrative head’s decision in the case of arbitrary and capricious grading appeals.
Relevant Policy # & URL:	http://www.president.umd.edu/policies/iii120b.html
Recommendation:	The Senate APAS Committee recommends that III-1.20(B) University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students be edited as noted in Appendix 1, which is attached to the committee’s report.
Committee Work:	The APAS Committee consulted with representatives of the Office of the Dean for Undergraduate Studies and the University’s Office of Legal Affairs during its review. The committee reviewed the current graduate policy, as well (Policy III-1.20(A)). APAS found that the graduate policy has more specific timeframes for notifications listed than the current undergraduate policy. APAS agreed with the

	<p>proposers that the two policies should be more closely aligned.</p> <p>Therefore, at its meeting on March 28, 2013, APAS voted unanimously in favor of recommending minor edits to III-1.20(B) University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students. The changes are intended to clarify and stipulate the expectations for timely response, notification, and justification processes, as related to the review of a grade appeal case.</p>
Alternatives:	The Senate could choose not to approve the recommended changes to policy III-1.20(B) University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students. The policy would remain as is currently written, and the process would not be changed.
Risks:	There are no associated risks.
Financial Implications:	There are no related financial implications.
Further Approvals Required:	Senate Approval, Presidential Approval.

Senate Academic Procedures and Standards (APAS) Committee

Report – Senate Document 12-13-43

Proposal Updating Policy III-1.20(B): University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students

April 2013

BACKGROUND

At the beginning of the spring 2013 semester, an Undergraduate Student Senator and an Associate Dean of the College of Behavioral & Social Sciences jointly submitted a proposal to the Senate Executive Committee (SEC) regarding Policy III-1.20(B): University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students (Appendix 5). The proposers asked that the University Senate consider recommending an update to the undergraduate policy to incorporate procedures for timely notification of the review committee and/or administrative head's decision in the case of arbitrary and capricious grading appeals.

The University has a policy for graduate students and a policy for undergraduate students, which were formed originally as a result of the Board of Regents approval of the "Policy for Review of Alleged Arbitrary and Capricious Grading" (USM Policy III-1.20). The Senate Academic Procedures and Standards (APAS) Committee recently conducted a thorough review the undergraduate policy over a number of years (from 2007 to 2010), culminating with the submission of policy edits to the Senate for consideration in March 2010. Edits to the undergraduate policy were approved by both the Senate and the President at that time.

This new proposal recommends further revisions to the undergraduate policy to include even more specific stipulations concerning timely response, notification, or justification on the part of the reviewing committee. The SEC charged the current APAS Committee with reviewing this proposal in March 2013 (Appendix 4). The SEC asked the APAS Committee to review the proposers' suggestions and recommend whether they should be incorporated into the existing policy for undergraduate students (Appendix 2).

CURRENT PRACTICE

According to the policy, the University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading are designed to provide a means for undergraduate students to seek review of final course grades alleged to be arbitrary and capricious.

Before filing a formal appeal, students are urged to resolve grievances informally with the instructor and/or the administrator of the academic unit offering the course. Students who file a written appeal under the published procedures are expected to abide by the final disposition of the appeal, and may not seek review of the matter under any other procedure within the University.

There are a number of reasons why an undergraduate student's appeal may be dismissed administratively, as listed in the 'Procedures' section of the policy (i.e., the student has submitted the same or substantially the same complaint to any other formal grievance procedure; or, the allegations, even if true, would not constitute arbitrary; capricious grading; or, the appeal was not timely; or, the student has not made a good faith effort to confer with the instructor or with the instructor's immediate administrative supervisor as described above).

Otherwise, the Chair (e.g., the head of the administrative unit/department offering the class) will refer the case to a committee, which will provide a fair and unbiased consideration of the case, as described in part D of 'Procedures' in Policy III-1.20(B). The committee is responsible for determining whether the case in question constitutes arbitrary and capricious grading, and if so, what potential remedies exist; the findings of the committee must be reported to the Chair. According to the current policy, the Chair (or acting administrator) is responsible for implementing a remedy, if the committee finds that the case constitutes arbitrary and capricious grading, and should communicate the findings of the committee to the student affected by the decision.

COMMITTEE WORK

When the 2009-2010 APAS Committee was working on revisions for Policy III-1.20(B): University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students, it researched a number of peer institutions' related policies. The committee reviewed arbitrary and capricious grading policies at the University of Illinois Urbana-Champaign, the University of North Carolina Chapel Hill, the University of California Berkeley, the University of California Los Angeles, the University of Michigan Ann Arbor, the University of Wisconsin Madison, Virginia Tech University, and Rutgers University to ensure that the University of Maryland College Park's policy was in alignment with the principles of its peers.

During discussions of this proposal, the current APAS Committee consulted with representatives of the Office of the Dean for Undergraduate Studies and the University's Office of Legal Affairs. The committee reviewed the current graduate policy, as well, Policy III-1.20(A). APAS found that the graduate policy has more specific timeframes for notifications listed. For instance, in the current policy for graduate students (Appendix 3), in the 'Procedures' section, it notes that if the appeal is administratively dismissed "the committee shall notify the student in writing within ten days of the decision, and include the reason or reasons for the dismissal." In addition, also in the 'Procedures' section of the graduate student policy when a review committee has been convened, it states that "the committee shall notify the student, the instructor, and the Dean in writing of the decision within five days of the meeting."

The APAS Committee agreed with the proposers that the two policies should be more closely aligned. Therefore, at its meeting on March 28, 2013, the committee voted unanimously in favor of recommending minor edits to policy III-1.20(B) University of

Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students (Appendix 1). The changes are intended to clarify and stipulate the expectations for timely response, notification, and justification processes, as related to the review of a grade appeal case.

RECOMMENDATIONS

The Senate APAS Committee recommends that the attached edits, as noted in Appendix 1, be incorporated into policy III-1.20(B) University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students.

APPENDICES

Appendix 1 – Recommended Changes to III-1.20(B) University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students

Appendix 2 – Current Version of III-1.20(B) University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students

Appendix 3 – Current Version of III-1.20(A) University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Graduate Students

Appendix 4 – Charge from the Senate Executive Committee (SEC), March 2013

Appendix 5 – Proposal from Katherine Beardsley and Matthew Popkin, January 2013

Recommended Edits are noted in **Blue/Bold** Font

III-1.20(B) UNIVERSITY OF MARYLAND PROCEDURES FOR REVIEW OF ALLEGED
ARBITRARY AND CAPRICIOUS GRADING--UNDERGRADUATE STUDENTS

Approved by the President December 4, 1990, Amended March 5, 2010

PURPOSE

The following procedures are designed to provide a means for undergraduate students to seek review of final course grades alleged to be arbitrary and capricious. Before filing a formal appeal, students are urged to resolve grievances informally with the instructor and/or the administrator of the academic unit offering the course. Students who file a written appeal under the following procedures are expected to abide by the final disposition of the appeal, as provided for in paragraph H, below, and may not seek review of the matter under any other procedure within the University.

DEFINITIONS

When used in these procedures:

- A. The term "arbitrary and capricious" grading means:
 - 1. the assignment of a course grade to a student on some basis other than performance in the course; or,
 - 2. the assignment of a course grade to a student by resorting to unreasonable standards different from those which were applied to other students in that course; or,
 - 3. the assignment of a course grade by a substantial, unreasonable and unannounced departure from the instructor's previously articulated standards.
- B. The words "day" or "days" refer to normal working days at the University, excluding Saturdays, Sundays and University holidays.
- C. The word "Instructor" unless otherwise specified refers to the instructor accused of arbitrary and capricious grading.
- D. The word "Chair" refers here to the head of the administrative unit offering the class. In most cases this will be the Chair of the Department. In the case of nondepartmentalized units and interdepartmental programs, this role should be taken by the Dean (or the Dean's designee).

- E. The word “Committee” refers here to the committee charged with reviewing the appeal.

CONFLICT OF INTEREST

Every effort should be made to avoid conflicts of interest. Participants in the review process must identify and report potential conflicts of interest to the next higher administrative level. The next higher level administrator is responsible for ensuring that conflicts of interest do not compromise the appeal process, and for appointing substitutes as needed to ensure fairness of the process. Under no circumstances may an instructor accused of arbitrary and capricious grading serve on the committee that evaluates the charge. If the accused instructor is the Chair then the student should consult with the Dean.

PROCEDURES

- A. A student who believes his or her final grade in a course is improper and the result of arbitrary and capricious grading should confer promptly with the instructor of the course. If the instructor has left the University, is on approved leave, or cannot be contacted by the student after a reasonable effort, the student should contact the Chair.
- B. If the student and the instructor are unable to arrive at a mutually agreeable solution, the student may file an appeal to the Chair. The appeal must be a written statement that details the basis for the allegation that a grade was the result of arbitrary and capricious grading and presents evidence that supports the allegation.
 1. Appeals must be filed within 20 working days after the first day of instruction of the next regular semester.
 2. The Chair is responsible for ensuring that the appeal is evaluated in a timely manner and should be sensitive to the potential impact a delay could have on the student. Any delay beyond the last day of the semester in which the appeal was filed must be reported and justified to the next higher administrative level.
- C. **Grade appeals may be dismissed administratively. In the event that an appeal is dismissed on administrative grounds, the Chair shall notify the student and the instructor within ten days of the dismissal and include the reason(s) for the dismissal.** The appeal may be dismissed administratively if:

1. the student has submitted the same, or substantially the same complaint to any other formal grievance procedure; or,
 2. the allegations, even if true, would not constitute arbitrary and capricious grading; or,
 3. the appeal was not timely; or,
 4. the student has not made a good faith effort to confer with the instructor or with the instructor's immediate administrative supervisor as described above.
- D. The Chair shall refer the case to a committee consisting of at least three tenured faculty members at a rank equal or superior to that of the instructor. As appropriate within the context of the academic unit, this committee may be a standing committee, or may be appointed *ad hoc*. The committee should be formulated to provide fair and unbiased consideration of the case, and the charge to the committee should remind them of this responsibility.
- E. The committee shall provide a copy of the student's written statement to the instructor with a request for a prompt written reply. Unless otherwise specified by the committee, the Instructor must provide a written reply within ten working days of the committee's request.
1. If the opportunity for informal resolution of the dispute arises, the committee is authorized and encouraged to mediate such informal resolution.
- F. If a mutually agreeable solution is not achieved, the committee shall convene a factfinding meeting with both the instructor and student. This meeting should be conducted in as non-adversarial a manner as possible. If specific circumstances make a meeting with both instructor and student impractical, the committee may make reasonable accommodations in the interest of a fair and speedy resolution of the case.
1. Neither the student nor the instructor may be accompanied by an advocate or representative.
 2. The meeting is not open to the public.
- G. The committee is responsible for determining whether the case in question constitutes arbitrary and capricious grading, and if so, what potential remedies exist. The deliberations of the committee are to be private and confidential. A finding of arbitrary and capricious grading is made if the

majority of the committee finds the allegation to be supported by clear and convincing evidence. The findings of the committee shall be reported to the Chair.

1. The report should include the findings of the committee, the vote count, and an explanation of the basis for dissenting opinions, if any. It should include a brief summary of the particulars of the case, including any aggravating or mitigating circumstances.
2. If the committee finds that arbitrary and capricious grading has taken place, then the report must include two or more alternative remedies to be implemented by the Chair. These remedies must be chosen to represent the best interests of the student and must include one of the following (but other remedies may also be recommended):
 - a. Cancellation of the student's registration in the class.
 - b. Opening a new section of the class and allowing the student to satisfy its requirements by examination alone, with the exam administered by a disinterested member of the faculty.
 - c. Opening a new section of the class and awarding a grade of "Pass."
3. If the committee fails to specify more than one alternative remedy, then the available remedies should be interpreted to be any of those listed above.
4. **The Chair shall notify the student, the instructor, and the Dean in writing of the decision within five days of receiving the committee's report.**

H. The Chair (or acting administrator) shall be responsible for implementing a remedy if the committee finds that the case constitutes arbitrary and capricious grading. The Chair should communicate the findings of the committee to the student affected by the decision, and if appropriate should solicit his or her input when considering possible solutions.

1. No administrator may overrule the grade issued by an instructor without a finding by the committee of arbitrary and capricious grading.
2. Only those remedies that were recommended by the committee are available to the Chair. It is acceptable for the Chair and committee to

communicate, but the chair is expected to respect the independence of the committee. If the Chair prefers a remedy that was not suggested by the committee, she or he may request a revised report that includes that remedy. However, the committee is free to decline such

3. Under no circumstances may an instructor be listed as the instructor of record for a grade that they do not condone. If the finding of the Committee, as endorsed by the chair, calls for a new grade to be issued, then provision must be made to enroll the student in a different section of the class.
4. The Chair shall convey the report of the committee, along with a cover letter identifying the remedy selected, to the next higher administrative level.

Appendix 2

III-1.20(B) UNIVERSITY OF MARYLAND PROCEDURES FOR REVIEW OF ALLEGED ARBITRARY AND CAPRICIOUS GRADING--UNDERGRADUATE STUDENTS

Approved by the President December 4, 1990, Amended March 5, 2010

PURPOSE

The following procedures are designed to provide a means for undergraduate students to seek review of final course grades alleged to be arbitrary and capricious. Before filing a formal appeal, students are urged to resolve grievances informally with the instructor and/or the administrator of the academic unit offering the course. Students who file a written appeal under the following procedures are expected to abide by the final disposition of the appeal, as provided for in paragraph H, below, and may not seek review of the matter under any other procedure within the University.

DEFINITIONS

When used in these procedures:

- A. The term "arbitrary and capricious" grading means:
 - 1. the assignment of a course grade to a student on some basis other than performance in the course; or,
 - 2. the assignment of a course grade to a student by resorting to unreasonable standards different from those which were applied to other students in that course; or,
 - 3. the assignment of a course grade by a substantial, unreasonable and unannounced departure from the instructor's previously articulated standards.
- B. The words "day" or "days" refer to normal working days at the University, excluding Saturdays, Sundays and University holidays.
- C. The word "Instructor" unless otherwise specified refers to the instructor accused of arbitrary and capricious grading.
- D. The word "Chair" refers here to the head of the administrative unit offering the class. In most cases this will be the Chair of the Department. In the case of nondepartmentalized units and interdepartmental programs, this role should be taken by the Dean (or the Dean's designee).

- E. The word “Committee” refers here to the committee charged with reviewing the appeal.

CONFLICT OF INTEREST

Every effort should be made to avoid conflicts of interest. Participants in the review process must identify and report potential conflicts of interest to the next higher administrative level. The next higher level administrator is responsible for ensuring that conflicts of interest do not compromise the appeal process, and for appointing substitutes as needed to ensure fairness of the process. Under no circumstances may an instructor accused of arbitrary and capricious grading serve on the committee that evaluates the charge. If the accused instructor is the Chair then the student should consult with the Dean.

PROCEDURES

- A. A student who believes his or her final grade in a course is improper and the result of arbitrary and capricious grading should confer promptly with the instructor of the course. If the instructor has left the University, is on approved leave, or cannot be contacted by the student after a reasonable effort, the student should contact the Chair.
- B. If the student and the instructor are unable to arrive at a mutually agreeable solution, the student may file an appeal to the Chair. The appeal must be a written statement that details the basis for the allegation that a grade was the result of arbitrary and capricious grading and presents evidence that supports the allegation.
 - 1. Appeals must be filed within 20 working days after the first day of instruction of the next regular semester.
 - 2. The Chair is responsible for ensuring that the appeal is evaluated in a timely manner and should be sensitive to the potential impact a delay could have on the student. Any delay beyond the last day of the semester in which the appeal was filed must be reported and justified to the next higher administrative level.
- C. The appeal may be dismissed administratively if:
 - 1. the student has submitted the same, or substantially the same complaint to any other formal grievance procedure; or,

2. the allegations, even if true, would not constitute arbitrary and capricious grading; or,
 3. the appeal was not timely; or,
 4. the student has not made a good faith effort to confer with the instructor or with the instructor's immediate administrative supervisor as described above.
- D. The Chair shall refer the case to a committee consisting of at least three tenured faculty members at a rank equal or superior to that of the instructor. As appropriate within the context of the academic unit, this committee may be a standing committee, or may be appointed *ad hoc*. The committee should be formulated to provide fair and unbiased consideration of the case, and the charge to the committee should remind them of this responsibility.
- E. The committee shall provide a copy of the student's written statement to the instructor with a request for a prompt written reply. Unless otherwise specified by the committee, the Instructor must provide a written reply within ten working days of the committee's request.
1. If the opportunity for informal resolution of the dispute arises, the committee is authorized and encouraged to mediate such informal resolution.
- F. If a mutually agreeable solution is not achieved, the committee shall convene a factfinding meeting with both the instructor and student. This meeting should be conducted in as non-adversarial a manner as possible. If specific circumstances make a meeting with both instructor and student impractical, the committee may make reasonable accommodations in the interest of a fair and speedy resolution of the case.
1. Neither the student nor the instructor may be accompanied by an advocate or representative.
 2. The meeting is not open to the public.
- G. The committee is responsible for determining whether the case in question constitutes arbitrary and capricious grading, and if so, what potential remedies exist. The deliberations of the committee are to be private and confidential. A finding of arbitrary and capricious grading is made if the majority of the committee finds the allegation to be supported by clear and convincing evidence. The findings of the committee shall be reported to the Chair.

1. The report should include the findings of the committee, the vote count, and an explanation of the basis for dissenting opinions, if any. It should include a brief summary of the particulars of the case, including any aggravating or mitigating circumstances.
 2. If the committee finds that arbitrary and capricious grading has taken place, then the report must include two or more alternative remedies to be implemented by the Chair. These remedies must be chosen to represent the best interests of the student and must include one of the following (but other remedies may also be recommended):
 - a. Cancellation of the student's registration in the class.
 - b. Opening a new section of the class and allowing the student to satisfy its requirements by examination alone, with the exam administered by a disinterested member of the faculty.
 - c. Opening a new section of the class and awarding a grade of "Pass."
 3. If the committee fails to specify more than one alternative remedy, then the available remedies should be interpreted to be any of those listed above.
- H. The Chair (or acting administrator) shall be responsible for implementing a remedy if the committee finds that the case constitutes arbitrary and capricious grading. The Chair should communicate the findings of the committee to the student affected by the decision, and if appropriate should solicit his or her input when considering possible solutions.
1. No administrator may overrule the grade issued by an instructor without a finding by the committee of arbitrary and capricious grading.
 2. Only those remedies that were recommended by the committee are available to the Chair. It is acceptable for the Chair and committee to communicate, but the chair is expected to respect the independence of the committee. If the Chair prefers a remedy that was not suggested by the committee, she or he may request a revised report that includes that remedy. However, the committee is free to decline such a request.

3. Under no circumstances may an instructor be listed as the instructor of record for a grade that they do not condone. If the finding of the Committee, as endorsed by the chair, calls for a new grade to be issued, then provision must be made to enroll the student in a different section of the class.
4. The Chair shall convey the report of the committee, along with a cover letter identifying the remedy selected, to the next higher administrative level.



Consolidated USMH and UM Policies and Procedures Manual

III-1.20(A) UNIVERSITY OF MARYLAND GRADUATE POLICY AND PROCEDURES FOR REVIEW OF ALLEGED ARBITRARY AND CAPRICIOUS GRADING

APPROVED BY THE PRESIDENT, AUGUST 1, 1991

A. DEFINITIONS

1. "Arbitrary and capricious grading"
 - a. the assignment of a course grade to a student on some basis other than performance in the course, or
 - b. the assignment of a course grade to a student by unreasonable application of standards different from standards that were applied to other students in that course, or
 - c. the assignment of a course grade by a substantial and unreasonable departure from the instructor's initially articulated standards.
2. "Day" or "Days" refer to working days at the University of Maryland, excluding Saturdays, Sundays, and holidays.
3. "Administrator" refers to the administrative head of the academic unit offering the course.

B. INFORMAL PROCEDURE

1. A student who believes he or she has received an improper final grade in a course should inform the instructor promptly. The instructor shall meet with the student at a mutually convenient time and place within ten days of receipt of the information. The purpose of the meeting is to attempt to reach a resolution.
2. If the instructor has left the University, is on approved leave, or cannot be reached by the student, the student should contact the Department Chairperson. The Department Chairperson, or a designee, shall meet with the student as described above to attempt to solve the problem.

C. FORMAL APPEAL

A formal appeal is available only upon a showing that the informal process has been exhausted.

1. General Requirements
 - a. An appeal must be made in writing, addressed to the Graduate Dean and contain:
 - (i) the course title and number;
 - (ii) the instructor's name,
 - (iii) a statement detailing why the grade is believed to be arbitrary and capricious as defined in this policy, and providing all relevant supporting evidence.
 - b. An appeal must be received in the Dean's Office within twenty (20) days of the first day of instruction of the next semester (excluding summer).

2. Procedures

- a. Each academic unit shall have a standing committee of two tenured professors and two graduate level students to hear appeals of arbitrary and capricious grading. The appeal shall be heard within the academic unit offering the course. If the instructor of the course is a member of the committee, that instructor shall be replaced by an alternate designated by the Department Chairperson.
- b. Each written appeal is to be reviewed by the entire committee for a decision by the majority. The committee shall either dismiss the appeal, or move it forward.
- c. Grounds for dismissal are:
 - (i) The student has submitted the same complaint to any other grievance procedure;
 - (ii) The allegations, if true, would not constitute arbitrary and capricious grading;
 - (iii) The appeal was not timely;
 - (iv) The informal process has not been exhausted.
- d. If the appeal is dismissed, the committee shall notify the student in writing within ten days of the decision, and include the reason or reasons for the dismissal.
- e. If the appeal is not dismissed, the committee shall submit a copy of the appeal to the instructor. The instructor must reply in writing to the committee within ten days.
- f. If, based on the instructor's reply, the committee feels there is a viable solution, that solution should be pursued with the student and the instructor.
- g. If no solution is reached, a fact-finding meeting with the student and the instructor shall be held promptly. It is to be non-adversarial and informal; with neither party represented by an advocate. Witnesses may be asked to make statements to the committee if the committee is informed prior to the meeting. The meeting shall not be open to the public.
- h. The committee shall meet privately at the close of the fact-finding meeting to decide whether a majority believe the evidence supports the allegation of arbitrary and capricious grading beyond a reasonable doubt.
 - (i) The committee shall notify the student, the instructor, and the Dean in writing of the decision within five days of the meeting.

AUTHORITY OF THE COMMITTEE


1. The committee has the authority to take any action it believes will bring about substantial justice, including but not limited to:
 - a. Directing the instructor to grade the student's work anew;
 - b. Directing the instructor to administer a new final exam or paper;
 - c. Directing the cancellation of the student's registration in the course;
 - d. Directing the award of a grade of "pass" in the course.
2. The committee does not have the authority to:
 - a. Assign a letter grade for the course;
 - b. Reprimand or take disciplinary action against the instructor.
3. The decision of the committee is final, and binding on both parties. The decision may not be appealed to any other body within the University of Maryland or the University of Maryland System.

IMPLEMENTATION

The Graduate Dean shall be responsible for implementing the decision of the committee.



University Senate CHARGE

Date:	March 4, 2013
To:	Christopher Davis Chair, Academic Procedures & Standards
From:	Martha Nell Smith  Chair, University Senate
Subject:	
	Proposal Updating Policy III-1.20(B): University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading - Undergraduate Students
Senate Document #:	12-13-43
Deadline:	December 15, 2013

The Senate Executive Committee (SEC) requests that the Academic Procedures & Standards (APAS) Committee review the attached proposal entitled, "Proposal Updating Policy III-1.20(B): University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading - Undergraduate Students," and make recommendations on whether changes are appropriate.

The APAS Committee reviewed the Arbitrary and Capricious Grading Policy and made recommendations to amend it in 2010. The Senate and President Mote approved these changes. This new proposal recommends revising the policy to include even more specific stipulations concerning timely response, notification, or justification on the part of the reviewing committee. The SEC requests that the APAS Committee review these suggestions and recommend whether they should be incorporated into the policy.

Specifically, we ask that you:

1. Review the University of Maryland, College Park Policies and Procedures for Review of Alleged Arbitrary and Capricious Grading-Undergraduate Students (III-1.20(B)) and the University of Maryland Graduate Policy and Procedures for Review of Alleged Arbitrary and Capricious Grading (III-1.20(A)).
2. Consult with the proposers about their specific concerns.
3. Consult with a representative from the Office of the Dean for Undergraduate Studies.
4. Review similar policies for undergraduates at our peer institutions.

5. Consult with the University's Office of Legal Affairs.
6. If appropriate, recommend whether the current policy should be revised.

We ask that you submit your report and recommendations to the Senate Office no later than December 15, 2013. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Attachment

MNS/rm



**University Senate
PROPOSAL FORM**

Name:	Katherine Pedro Beardsley Matthew Popkin
Date:	January 29, 2013
Title of Proposal:	Proposal Updating Policy III-1.20(B): University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading - Undergraduate Students
Phone Number:	301-405-1692 301-461-3210
Email Address:	kbeard@umd.edu mpopkin@umd.edu
Campus Address:	2141 Tydings Hall; College Park, MD 20742 6801 Preinkert Drive, Apt. 7312D; College Park, MD 20740
Unit/Department/College:	BSOS
Constituency (faculty, staff, undergraduate, graduate):	Staff Undergraduate
Description of issue/concern/policy in question:	<p>On March 5, 2010, edits to the “University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading – Undergraduate Students” (Policy III-1.20(B)) were approved, updating the appeal policy for undergraduate students. The University’s policy for graduate students and policy for undergraduate students were formed originally as a result of the Board of Regents approval of the “Policy for Review of Alleged Arbitrary and Capricious Grading” (USM Policy III-1.20). The recent update to III-1.20B for undergraduate students does not include stipulations of timely response, notification, or justification on the part of the reviewing committee, which the Graduate Policy II 1.20 (A) includes. Anyone appealing a grade or involved in a grade appeal should not have to wait an excessively lengthy period of time to be informed of the reviewing committee’s decision.</p> <p>Policy III-1.20(A) for graduate students states the following in Section C, Subsection 2:</p> <p><i>Clause d:</i> “If the appeal is dismissed, the committee shall notify the student in writing within ten days of the decision, and include the reason or reasons for the dismissal.”</p>

	<p><i>Clause h: “The committee shall meet privately at the close of the fact-finding meeting to decide whether a majority believe the evidence supports the allegation of arbitrary and capricious grading beyond a reasonable doubt.</i></p> <p style="padding-left: 40px;"><i>(i) The committee shall notify the student, the instructor, and the Dean in writing of the decision within five days of the meeting.”</i></p>
<p>Description of action/changes you would like to see implemented and why:</p>	<p>A specified timeframe of notification, regardless of the decision by the review committee, should be specified in the policy so that students, instructors, the committee, and dean, are all clearly aware of how the process should proceed and when a decision will be reached.</p> <p>Additionally, in the event that the Chair dismisses an appeal administratively, the student and instructor should still be informed of both the decision and reason for dismissal. If the allegations would not constitute arbitrary and capricious grading, it should be made clear why such an appeal does not constitute arbitrary and capricious grading when such an appeal is dismissed administratively.</p>
<p>Suggestions for how your proposal could be put into practice:</p>	<p>Update Policy III-1.20(B) to include the following under “Procedures:”</p> <p>C: “Grade appeals may be dismissed administratively. In the event that an appeal is dismissed on administrative grounds, the student shall be notified within ten days of the dismissal and the reason(s) for the dismissal. The appeal may be dismissed administratively if:”</p> <p>G – 1 – A: “The report shall be sent to the student and instructor within five days of the Chair receiving the report.”</p>
<p>Additional Information:</p>	<p>USM Policy III-1.20: http://www.usmh.usmd.edu/regents/bylaws/SectionIII/III120.html</p> <p>Graduate Policy III-1.20(A): http://www.president.umd.edu/policies/iii120a.html</p> <p>Undergraduate Policy III-1.20(B): http://www.president.umd.edu/policies/docs/III-120B.pdf</p>

Please send your completed form and any supporting documents to senate-admin@umd.edu or University of Maryland Senate Office, 1100 Marie Mount Hall, College Park, MD 20742-7541. Thank you!