



University Senate TRANSMITTAL FORM

Senate Document #:	14-15-22
Title:	Revision of the University of Maryland Undergraduate Student Grievance Procedure
Presenter:	Madlen Simon, Chair, Senate Educational Affairs Committee
Date of SEC Review:	April 4, 2016
Date of Senate Review:	April 20, 2016
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:	In January 2015, a proposal was submitted to the Senate Executive Committee to revise the University of Maryland Undergraduate Student Grievance Procedure (V-1.00[A]). The procedures had not been revised since 1991 and do not reflect current expectations of faculty as indicated in the Undergraduate Catalog and the Faculty Handbook. The SEC voted to charge the Educational Affairs Committee with reviewing the proposal and considering revisions to align procedures with current practices.
Relevant Policy # & URL:	http://www.president.umd.edu/policies/2014-V-100a.html
Recommendation:	<ul style="list-style-type: none"> • The Educational Affairs Committee recommends the University of Maryland Undergraduate Student Grievance Procedure (V-1.00[A]) be amended as indicated in the policy document immediately following this report. • The Educational Affairs Committee recommends that appropriate revisions be made in the Undergraduate Catalog and the Faculty Handbook to align University guidance with the revisions to this policy. • The Educational Affairs Committee recommends that a listing of policies be created by the Office of Undergraduate Studies for distribution as an addendum to syllabi for all undergraduate courses. The addendum should include reference to policies relevant to undergraduates at the University. In particular, the committee recommends that the addendum include policies related to academic integrity, disability support services, the Policy on the Conduct of Undergraduate Courses and Student Grievance Procedure, the Sexual Misconduct Policy, and University policies related to excused absences.

<p>Committee Work:</p>	<p>The Educational Affairs Committee began reviewing its charge in Spring 2015. It reviewed information in the Undergraduate Catalog and the Faculty Handbook, reviewed peer institutions, and consulted with: the proposer, the University Registrar, the Senate Student Affairs Committee, the Office of the Senior Vice President and Provost, the Office of Undergraduate Studies, and the Office of General Counsel.</p> <p>The committee learned that this is the only University policy that sets expectations for faculty in relation to teaching and students. The committee focused Spring 2015 on incorporating current practices into the policy. In Fall 2015, the committee revised the second half of the document describing the procedures for handling grievances, revising outdated language that referred to administrative structures that no longer exist and complex processes that did not seem appropriate. The committee worked with representatives from the Office of Undergraduate Studies and the Provost’s Office to develop new procedural language to propose in its final revision.</p> <p>The committee also considered a recommendation to create a policy addendum to replace discussions of University policies on individual syllabi. The committee agrees with the purpose of an addendum to present critical policies in a uniform manner, in order to increase students’ awareness of certain policies and how these policies impact their undergraduate careers. In November 2015, the committee voted to approve its proposed revisions to the policy and recommendations. In December 2015, the Senate voted to recommit the charge to the committee for further consideration of a few specific issues raised by Senators.</p> <p>In Spring 2016, the committee focused its review on: questions related to legal concepts and language choices; parameters for the use of Reading Day; and how best to frame the policy and procedures. After reviewing all issues raised by the Senate in December, the Educational Affairs Committee voted to approve its proposed revisions to the policy and its proposed recommendations on March 28, 2016.</p>
<p>Alternatives:</p>	<p>The Senate could reject the recommendations. However, the Senate would lose an opportunity to update the Undergraduate Student Grievance Procedure.</p>
<p>Risks:</p>	<p>There are no associated risks.</p>
<p>Financial Implications:</p>	<p>There are no financial implications.</p>
<p>Further Approvals Required:</p>	<p>Senate approval, Presidential approval.</p>

Senate Educational Affairs Committee

Report on Senate Document # 14-15-22

Revision of the University of Maryland Undergraduate Student Grievance Procedure

March 2016

2015-2016 Educational Affairs Committee Members

Madlen Simon, Chair
Shabnam Ahmed, Ex-Officio SGA Rep
Ben Bederson, Ex-Officio Provost's Rep
Jeffrey Franke, Ex-Officio Graduate School Rep
Marcio Oliveira, Ex-Officio Division of IT Rep
Doug Roberts, Ex-Officio Associate Dean for General Education
Ann Smith, Ex-Officio Undergraduate Studies Rep
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John Buchner, Faculty
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Gerald Miller, Faculty
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BACKGROUND

In January 2015, a proposal was submitted to the Senate Executive Committee (SEC) to revise the University of Maryland Undergraduate Student Grievance Procedure (V-1.00[A]). The proposal noted that the procedures had not been revised since 1991 and do not reflect current expectations of faculty as indicated in the Undergraduate Catalog and the Faculty Handbook. The SEC voted to charge the Senate Educational Affairs Committee with reviewing the proposal and considering revisions to the procedures in order to align with current practices (Appendix 2).

COMMITTEE WORK

The Educational Affairs Committee received its charge on February 23, 2015. The committee reviewed current practices and information in the Undergraduate Catalog and the Faculty Handbook and considered peer institution information in its review. The Educational Affairs Committee consulted with the proposer, the University Registrar, the Senate Student Affairs Committee, the Office of the Senior Vice President and Provost, and representatives from the Office of Undergraduate Studies during its review.

The committee worked very closely with a representative from the Office of Undergraduate Studies who serves as the Undergraduate Student Ombudsperson. The committee learned that this policy has not been revised since 1991, despite great changes since then in pedagogy and teaching approaches at UMD, but it is the only University policy that sets expectations for faculty in relation to teaching and students. The Office of Faculty Affairs provides guidelines for syllabi in the Faculty Handbook, but those guidelines are not incorporated into policy language, and as such, are not binding. Likewise, information included in the Undergraduate Catalog is provided as guidance and does not have the same weight as University policy. The committee learned that today, University policies are easier to find for students than the Undergraduate Catalog or the Faculty Handbook, and students and faculty often search for University policy when issues arise. The Educational Affairs Committee agreed that adding information to University policy to clarify the expectations of faculty could be very helpful both to students and to faculty.

In spring 2015, the committee began revisions to the policy language to incorporate information from the Handbook and the Catalog into the policy. At the recommendation of the University Registrar, the committee also added text to provide reference to the new University policy on mid-term grades for undergraduate students.

As it incorporated language from the University's guidance on syllabi, the committee discussed the appropriate language related to examinations. Many provisions of current guidance discuss expectations for "examinations," but this language may not be flexible enough to cover all types of assessments. In many courses, papers or projects are more appropriate and are used in place of traditional mid-term or final exams. In addition, while current guidance states that final examinations must take place at the scheduled time, many courses require a final paper or project to be turned in instead.

The committee discussed alternative language for this issue. The University Registrar suggested that use of the term "examination" instead of "exam" is more inclusive of different types of assessments. Peer institutions provided a few examples of alternative language, including language that discusses both traditional exams and alternatives. For instance, policy language at the University of California Berkeley has language referring to "written final exams or alternative forms of final exams," while Penn State University has language indicating that "valid means other than the final examination exist for accomplishing these [evaluative] objectives (e.g., term paper, final project report, take-home examinations, etc.)." After discussion, in order to be more inclusive and capture all types of assessments, the Educational Affairs Committee voted to use "examinations and assessments" in all language entered into the policy.

In Fall 2015, the committee turned its attention to the procedural language in the document. The procedures for handling grievances included outdated language that referred to administrative structures that no longer exist. The procedures also created processes that required a great deal of work each year to create a pool of members for potential screening and hearing boards that did not seem appropriate, given that cases requiring the use of such boards arise relatively infrequently. The Educational Affairs Committee worked with representatives from the Office of Undergraduate Studies and the Provost's Office to develop new procedural language to propose in its final revisions, and consulted with the Office of General Counsel on the final proposed language.

In addition to updating language, the procedures were revised to remove one layer of review by the Dean for Undergraduate Studies. The revised procedures include two levels of review, one at the College or School level for grievances against a faculty member or program, and one at the Provost's Office level for grievances against Colleges or Schools. In all cases where a grievance is presented, steps for informal resolution are recommended before formal action is taken. If the grievance is not resolved through informal means, the formal resolution process for grievances begins with convening a screening board to review the case and determine whether a hearing is necessary. If so, a hearing board will be convened. The hearing board reports to the dean or Provost, depending on the level of review, who makes the final decision. In cases where the dean is not a disinterested party, the case will be reviewed at the level of the Office of the Provost, and the Provost may choose to delegate responsibility to the Dean for Undergraduate Studies when appropriate.

The Educational Affairs Committee proposed an addition to the policy to define Reading Day and set forth what activities can and cannot be conducted on that day. Reading Day is set aside by the University System of Maryland in the academic calendar, but is not defined there or in any University policies, so the committee considered it important to define it in this policy in order to clearly set forth expectations for use of that day. The committee's peer institution research revealed that Reading Day is used at institutions across the country as a day of reflection after courses end and as a chance for students to prepare for final exams.

The difficulty with defining Reading Day arises from the multiplicity of interpretations and lack of standardized definition of the purpose of the day. Many faculty presently use Reading Day for required course activities, such as all makeup assignments and examinations, course presentations, or class activities to share the outcomes of final projects for a course. While these are examples of faculty-initiated efforts to use the day for coursework, the committee also found situations where individual students might also benefit from the ability to use Reading Day to complete makeup coursework.

The Educational Affairs Committee discussed Reading Day at length, considering many options. After a great deal of discussion, the committee proposed defining Reading Day as the day set aside for students to study or reflect upon coursework. In accordance with that concept, the committee proposed restrictions prohibiting the use of the day for required course activities while still allowing flexibility to respect the needs and wishes of students. The committee agreed to propose language stating that faculty cannot use Reading Day to require coursework or other activities to be completed, but students may request to use the day to complete defined activities, such as makeup assignments or individual meetings with faculty.

The committee also spent a great deal of time discussing a proposed recommendation to institute a policy addendum to be included with all syllabi that would provide reference to important University policies. In the original proposal, it was explained that the Faculty Handbook Syllabus Guidelines indicate that syllabi should include reference to University policies relevant to undergraduates. Over time, syllabi have come to include lengthy discussions of University policy, and the language in syllabi about University policies tends to drift from intention of the actual policy; as a result, policies are presented in a non-standard manner depending on the interpretation of the faculty member. In addition, many syllabi do not

distinguish between University policy and course policy. The proposal suggested that a way to address these concerns would be for a standard document on relevant University policies to be created and distributed as an addendum to all syllabi.

In discussing the policy addendum, members noted that a uniform document would likely be helpful to students, since the information currently presented is not consistent and it can be difficult for students to understand what information is specific to the course and what is University policy. The committee discussed the type of policies that could be included in a policy addendum, noting that statements on disability issues and academic integrity are usually referenced in syllabi, while some syllabi also mention the Sexual Misconduct Policy and the Code of Student Conduct as well. The committee also reviewed the list of policies referenced in the Faculty Handbook Syllabus Guidelines website. Regardless of which policies are included, the purpose of an addendum would be to present critical policies in a uniform manner, in order to increase awareness among students of what certain policies say and how they impact their undergraduate careers. In discussing potential options for implementation, the committee suggested that a link to an online compilation of policies could achieve the objective of shortening syllabi while at the same time providing a mechanism for ensuring access to the most up-to-date versions of all policies. After discussion, the committee agreed to recommend the creation of the policy addendum, and suggested a few key policies that should be included.

After due consideration of its charge, the Educational Affairs Committee voted to approve its proposed revisions to the policy and its proposed recommendations on November 5, 2015. It presented its proposed revisions to the Senate in December 2015. After a robust discussion, the Senate voted to recommit the charge to the Educational Affairs Committee for further consideration of a few key issues discussed on the Senate floor.

In January 2016, the committee began review of issues raised on the Senate floor. As it reconsidered its proposed revisions, the Educational Affairs Committee attempted to see the policy from a new perspective. The committee recognized that the objectives of the policy are twofold: it sets expectations for the conduct of courses and coursework, and establishes a process for students to resolve grievances when faculty and academic units do not adhere to those expectations. The committee recognized that the policy was not clearly structured to accomplish both goals, and began exploring ways to address this issue. After consultation with the Office of General Counsel, the committee agreed the best way forward would be to clearly delineate within the same document a policy on how undergraduate courses are to be conducted and a procedure for presenting and resolving grievances. The Educational Affairs Committee agreed to propose a new structure as well as a new name, to provide the appropriate framework for the proposed revisions. The committee proposed to rename the policy University of Maryland Policy on the Conduct of Undergraduate Courses and Student Grievance Procedure. The committee restructured the policy into the following three sections: Purpose, Policy, and Grievance Procedure. The committee clarified the purpose of the policy as follows: *“This policy sets forth basic expectations for faculty and academic units (academic departments, programs, Colleges, or Schools) in providing courses and academic programs that contribute to undergraduate education. The procedure for an undergraduate student to seek redress for acts or omissions of individual faculty members as well as academic departments, programs, Colleges, or Schools is provided.”*

Many questions were raised by the Senate related to legal concepts and language proposed to the committee by the Office of General Counsel, so the Educational Affairs Committee reached out to the OGC for guidance. The committee discussed each issue and language choice that was raised at the Senate meeting, and the committee reaffirmed its decision to present the original language in each case. A full explanation of the issues discussed is included in the Frequently Asked Questions section immediately following the report. In addition, consultation with the Office of General Counsel led to additional changes to the procedures to clarify the timelines for presenting a grievance and other technical revisions.

The committee also reconsidered its proposed definition of Reading Day. Rather than propose a standalone definition for Reading Day, the committee determined that it would be more appropriate to consider the parameters for use of Reading Day within the broader context of the policy section dealing with academic calendars and campus schedules. In establishing those parameters, the committee considered comments from Senators and consulted with the Student Affairs Committee.

Comments were made on the Senate floor from Senators in the College of Engineering and other units that use Reading Day for senior capstone presentations; Senators asked for flexibility to allow these presentations to continue. The Educational Affairs Committee agreed that capstone presentations are worthwhile activities that should continue to be held, but the committee is of the opinion that it would be inappropriate for these presentations to be held on Reading Day. The Educational Affairs Committee reaffirmed its commitment to preserving Reading Day for reflection and preparation by students before final exams, and noted that the presentation of senior projects would be in conflict with that goal. The committee learned that many programs on campus, such as the Gemstone Program and the Geology Program, have similar presentations for senior students, but schedule them at a different point in the semester. The Educational Affairs Committee would prefer to see these activities rescheduled to a time other than Reading Day.

The committee also discussed Reading Day in relation to review sessions. During the Senate discussion, Senators raised concerns that the committee's proposed definition did not allow for review sessions to be held on Reading Day. The committee raised serious concerns with allowing review sessions on Reading Day, noting that students would be at a disadvantage if multiple review sessions were scheduled at the same time and a student had to choose which session to attend. However, in consultation with the Student Affairs Committee, the Educational Affairs Committee learned that students are in favor of allowing review sessions to be held on Reading Day (Appendix 1). After much discussion, the Educational Affairs Committee agreed to remove review sessions from its proposed restrictions on the use of Reading Day.

After reviewing all issues raised by the Senate in December, the Educational Affairs Committee voted to approve its proposed revisions to the policy and its proposed recommendations on March 28, 2016.

RECOMMENDATIONS

The Educational Affairs Committee recommends the University of Maryland Undergraduate Student Grievance Procedure (V-1.00[A]) be amended as indicated in the policy document immediately following this report.

The Educational Affairs Committee recommends that appropriate revisions be made in the Undergraduate Catalog and the Faculty Handbook to align University guidance with the revisions to this policy.

The Educational Affairs Committee recommends that a listing of policies be created by the Office of Undergraduate Studies for distribution as an addendum to syllabi for all undergraduate courses. The addendum should include reference to policies relevant to undergraduates at the University. In particular, the committee recommends that the addendum include policies related to academic integrity, disability support services, the Policy on the Conduct of Undergraduate Courses and Student Grievance Procedure, the Sexual Misconduct Policy, and University policies related to excused absences.

FREQUENTLY ASKED QUESTIONS

Q: Why has the structure and name of the policy changed?

A: The policy always attempted to address two objectives: to set expectations for the conduct of courses and coursework, and to establish a process for students to resolve grievances when faculty and academic units do not adhere to those expectations. Ed Affairs recognized that the policy was not clearly structured

to accomplish both goals, and used this opportunity to update and clarify the policy to make these two core aspects clearer.

Q: Why the changes to the “distributed” language?

A: The language previously proposed by Ed Affairs stated: “a complete course syllabus for the current term **distributed** at the beginning of each undergraduate course.” Ed Affairs is now proposing: “a complete course syllabus for the current term **made available to students** no later than the first day of class at the beginning of each undergraduate course.” The committee does not want to restrict how the syllabi are to be distributed to students, and agreed on new language to clarify that any mode preferred by the faculty member is acceptable.

Q: Why is there new language on changes to the syllabus after the start of the semester?

A: It came to the committee’s attention that the policy does not include any information about changes to the syllabus after the first day of class, but Ed Affairs feels it is very important for students to be aware of any changes, both for student progress in the course and for the ability of students to file a grievance. The committee proposes new language stating that “Any changes to the syllabus made after the first day of class must be announced and must be clearly represented with the date of the revision.” Ed Affairs feels this will ensure that students understand what the syllabus was at the time the courses started and the procedures the faculty member will follow to make any necessary changes throughout the course.

Q: Why is Ed Affairs removing the statement that “There shall be a reasonable approach to the subject that attempts to make the student aware of the existence of different points of view?”

A: Ed Affairs and the Office of General Counsel feel that this statement should be removed from the policy, as it limits the academic freedom of faculty. For example, including this language in the final policy document could provide an opportunity for a student to present a grievance based on creationism not being taught in a science course. Removing this language does not prevent students from bringing different perspectives to the course discussion, but it allows faculty the academic freedom to determine how to structure the course.

Q: Why has Ed Affairs used the phrasing “Faculty shall endeavor to maintain student privacy” instead of “Reasonable confidentiality... shall be maintained?”

A: Ed Affairs changed this language in its original proposal, and uses the same language in this version, after consultation with the Office of General Counsel. The term “confidentiality” has legal implications and is focused on information or data that is disclosed in a legally-recognized relationship of trust, such as a doctor/patient relationship, fiduciary relationship, or attorney/client relationship. There is no legal recognition of the relationship between faculty and students even though we clearly understand that there is a relationship. The term “privacy” is thus more appropriate. Furthermore, “privacy” is related to personal information, and the right that individuals have to control the extent, timing, circumstances of sharing personal information. These are the types of things that this policy is saying should be protected (ex: information on a student’s gender identity or relationships). This stipulation is also important because there are certain things that the University is required by federal and state law to report that would fall under this type of information, including information about sexual misconduct and child abuse and neglect. The language here needs to indicate that the sharing of this information is permissible because of legal obligations the University has.

Q: Why hasn’t Ed Affairs proposed specific language related to the intellectual property of students in the proposed revisions?

A: The Ed Affairs Committee is proposing language that specifically states that “Students retain their intellectual property rights as set forth in the University of Maryland Policy on Intellectual Property.” That policy governs intellectual property rights for students, and it is inappropriate to attempt to broaden, define, or explain such rights outside of that policy. It is only appropriate for this policy to provide a

reference for students and faculty to the intellectual property policy. Any concerns related to intellectual property should be addressed within that separate policy.

Q: Why does the policy restrict how faculty can help students on Reading Day?

A: After significant consultation with students and faculty, the Ed Affairs Committee recognized that Reading Day was often being used in a way that got in the way of students being able to prepare for their final exams. At the same time, students made it clear that they valued some flexibility so as to allow review sessions. The proposed language attempts to strike a balance, restricting the use of Reading Day to avoid exams, class meetings, or other required activities while allowing for student-initiated activities that promote student reflection.

Q: Why are new requirements about course syllabi added?

A: The updates to the course syllabi are consistent with the guidelines suggested by Faculty Affairs at <http://faculty.umd.edu/teach/syllabus.html>, and national standards which are commonly looked at by accrediting bodies. The aspects of a syllabus expected by the proposed revisions set a minimum standard of expectations for all syllabi for undergraduate courses at the University.

APPENDICES

Appendix 1 – Student Affairs Committee Memo on Reading Day Recommendations

Appendix 2 - Senate Executive Committee Charge on Revision of the University of Maryland Undergraduate Student Grievance Procedure

V-1.00(A) UNIVERSITY OF MARYLAND **POLICY ON THE CONDUCT OF**
UNDERGRADUATE **COURSES AND** STUDENT GRIEVANCE PROCEDURE

(APPROVED BY THE PRESIDENT 1 AUGUST 1991)

I. PURPOSE

~~A. Purpose~~

This ~~procedure provides a means for an undergraduate student to seek redress for acts or omissions of individual faculty members as well as~~ **policy sets forth basic expectations for faculty and academic units** (academic departments, programs, ~~e~~Colleges, or Schools ~~divisions~~) **in providing courses and academic programs that contribute to undergraduate education.** ~~The procedure for an undergraduate student to seek redress for acts or omissions of individual faculty members as well as academic departments, programs, Colleges, or Schools without fear of reprisal or discrimination is provided.~~

II. POLICY

~~B. Scope of Grievances: Expectations of Faculty and Academic Units~~

~~A. The scope of the matters which that may constitute a grievance under this procedure is limited to believed violations of the e~~Expectations of faculty and academic units **in the conduct of academic courses are as** set forth below.

1. Faculty

~~The following are considered to be reasonable expectations of faculty:~~ **The University has the following reasonable expectations of faculty teaching undergraduate courses:**

- a. There shall be a ~~written description~~ **complete course syllabus for the current term made available to students no later than the first day of class** at the beginning of each undergraduate course. **Any changes to the syllabus made after the first day of class must be announced and must be clearly represented with the date of the revision.** **The course syllabus will specify**~~ing~~ in general terms:
 - **a course description including course objectives;**
 - the content and nature of assignments;
 - **the schedule of major graded assessments (e.g., examinations and due dates for projects and papers);**
 - **the examination and/or assessment procedures;**~~and~~
 - **the mode of communication for excused absences;**
 - the basis for determining final grades, **including if the plus/minus grading system will be used and the relationship between in-class participation and the final course grade; and-**
 - **reference to the list of course-related policies maintained by the Office of Undergraduate Studies.**

In cases where all or some of this information cannot be provided at the beginning of the course, ~~an clear~~ explanation of the delay and the basis of course development shall be provided.

- ~~b. There shall be reasonable notice of major papers and examinations in the course.~~
- eb. There shall be a reasonable number of **graded recitations, performances, quizzes, tests, graded assignments assessments or progress reports and/or student/instructor conferences** to permit evaluation of student **progress performance** throughout the course. **These assessments shall be returned to the students in a timely manner. Faculty shall issue mid-term grades for undergraduate students when required, in accordance with III-6.00(B), University of Maryland Policy and Procedures Concerning Mid-Term Grades for Undergraduate Students.**
- c. **There shall be a final examination and/or assessment in every undergraduate course, unless written permission is granted by the unit head. Each faculty member shall retain, for one full semester (either fall or spring) after a course is ended, the students' final assessments in the appropriate medium. If a faculty member goes on leave for a semester or longer, or leaves the university, the faculty member shall leave the final assessments and grade records for the course with the department chair, the program director, or the dean of the College or School, as appropriate.**
- d. **There shall be academic accommodations for students in accordance with University policies, including policies on disability and accessibility, excused absences, and sexual misconduct.**
- ~~de. Unless prohibited by statute or contract,~~ There shall be a reasonable opportunity **for students** to review papers and examinations, **including the final examination or assessment**, after evaluation by the instructor, while materials are reasonably current.
- ~~e. There shall be a reasonable approach to the subject that attempts to make the student aware of the existence of different points of view.~~
- f. There shall be reasonable access to the instructor during announced regular office hours or by appointment.
- g. There shall be regular attendance by assigned faculty unless such attendance is prevented by circumstances beyond the control of the faculty member.
- h. There shall be reasonable adherence to **the course syllabus**.
- i. **There shall be reasonable adherence to the published academic calendar**, campus schedules, and location of classes and examinations.
- 1) Classes not specified in the schedules are to be arranged at a mutually agreeable time on campus, unless an off-campus location is clearly justified.
 - 2) **Changes to final examination schedules and locations must be approved by the chair of the department or the dean of the College, or the appropriate designee. However, final examinations or assessments may not be rescheduled to the final week of classes or to Reading Day.**
 - 3) **No class meetings or required activities may be held on Reading Day. However, individual meetings and makeup exams may be scheduled at the explicit request of the student.**

- ~~ij.~~ **Faculty shall endeavor to maintain student privacy with respect to information shared in the course of the student-faculty relationship, subject to legal obligations to report certain information to state authorities and University officials, including child abuse and neglect and sexual misconduct. Reasonable confidentiality of information gained through student-faculty contact shall be maintained.**
- ~~jk.~~ There shall be public acknowledgement of significant student assistance in the preparation of materials, articles, books, devices and the like. **Students retain their intellectual property rights as set forth in the University of Maryland Policy on Intellectual Property.**
- ~~kl.~~ **Assigned course materials should be readily available. Faculty must ensure that eligible students receive reasonable accommodations relative to their coursework in accordance with federal and state disability laws, subject to the University's disability and accessibility policies and procedures. There shall be assignment of materials to which all students can reasonably expect to have access.**
- m. The instructor of record is responsible for the overall management of the course, including management of aspects of the course and coursework delegated to teaching assistants and laboratory assistants.**

2. Academic Units

The academic units (programs, departments, ~~eColleges, sSchools, divisions~~) in cooperation with the Office of the Dean for Undergraduate Studies and the Office of Admissions and the Registrar's Office shall, whenever possible, provide the following:

- a. Accurate information on academic requirements through designated advisors and referral to other ~~parties~~ **administrative staff and/or faculty** for additional guidance.
- b. Specific policies and procedures for the award of academic honors and awards, and impartial application thereof.
- c. ~~There shall be e~~ **E**quitable course registration in accordance with University policy and guidelines.

- B. If a student believes that the expectations for faculty or academic units have not been met, the student can file a grievance, following the procedure outlined below.**

III. GRIEVANCE PROCEDURE

A. Scope

Matters that may be grieved under this procedure are limited to alleged violations of the expectations set forth above.

B. Limitations

~~C. Alternative Grievance Procedures~~

No other University grievance procedure may be used simultaneously or consecutively with ~~the Undergraduate Student Grievance~~ **this** procedure with respect to the same or substantially same issue or complaint, or with issues or complaints arising out of or pertaining to the same set of facts.

~~The~~ **Neither the University of Maryland Non-Discrimination Policy and** ~~p~~**Procedures (VI-1.00[B]) of the Code on Equity, Diversity, and Inclusion nor and/or** any **other** University grievance procedure may **not** be utilized to challenge the ~~procedures~~, actions, determinations, or recommendations of any person(s) or board(s) acting pursuant to ~~these~~ Undergraduate Student Grievance Procedures.

D. Limitations

Notwithstanding any provision of this **Policy** ~~Undergraduate Student Grievance Procedure~~ to the contrary, the following matters do not constitute the basis for a grievance under this ~~policy procedure~~:

1. Policies, regulations, decisions, resolutions, directives and other acts of the Board of Regents of the University **System** of Maryland ~~System~~, The Office of the Chancellor of the University **System** of Maryland ~~System~~, and the Office of the President of the University of Maryland ~~College Park~~;
2. Any statute, regulation, directive, or order of any department or agency of the United States or the State of Maryland;
3. Any matter outside the control of the University **System** of Maryland ~~System~~;
4. Course offerings;
5. The staffing and structure of any academic department or unit;
6. The fiscal management and allocation of resources by the University **System** of Maryland ~~System~~ and the University of Maryland ~~at College Park~~;
7. Any issue(s) or act(s) which ~~does (do)~~ not affect the complaining party directly;
8. Matters of academic judgment relating to an evaluation of a student's academic performance and/or academic qualifications; except that the following matters of a procedural nature may be reviewed under these procedures if filed as a formal grievance within thirty **(30) business** days of the first meeting of the course to which they pertain:
 - a. Whether reasonable notice has been given as to the relative value of all work considered in determining the final grade and/or assessment of performance in the course. The remedy for a successful grievance based upon this subsection shall be the giving of notice by the instructor.
 - b. Whether a reasonably sufficient number of examinations, papers, laboratories and/or other academic exercises have been scheduled to present the student with a reasonable opportunity to demonstrate academic merit. The remedy for a successful grievance under this subsection shall be the scheduling of such additional academic exercises as the instructor, in consultation with the department chair or dean; and

upon consideration of the written opinion of the ~~College or School~~ **divisional** hearing board, shall deem appropriate.

9. “Class-action” grievances are not ~~eognizable~~ **permitted** under these procedures. **Grievances must be presented by individual students. If multiple students file individual grievances on the same matter, a** screening or hearing board may, in its discretion, consolidate grievances presenting similar facts and issues, and recommend generally applicable relief as it deems warranted;
10. **Under these procedures, T**here may be no challenge to the award of a specific grade ~~under these procedures.~~

~~E.~~ **Finality**

~~Any student who elects to use the Undergraduate Student Grievance Procedure agrees to abide by the final disposition arrived thereunder, and shall not subject this disposition to review under any other procedure within the University of Maryland System. For the purpose of this limitation, a student shall be deemed to have elected to utilize the Undergraduate Student Grievance Procedures at the time a written grievance is filed.~~

~~FC.~~ **Procedure for Grievance Involving Faculty Member or Academic ~~Unit~~ Program or Department**

Procedures for resolutions of grievances should follow the steps outlined below for Informal Resolution and Formal Resolution. It is in the best interest of the student to begin Informal Resolution as soon as possible. In order to be considered timely under the procedures for Formal Resolution, a grievance must be submitted within twenty (20) business days after the first day of instruction of the next regular semester.

1. Informal Resolution

The initial effort in all cases shall be to ~~ward~~ **achieving a** resolution of the grievance through ~~the following~~ informal means.:

a. Grievance Against an Individual Faculty Member

The student should first contact the faculty member, present the grievance in its entirety, and attempt a complete resolution.

If all or part of the grievance remains unresolved, **and if the student chooses to continue the grievance process**, the student may present the grievance to the immediate administrative supervisor of the faculty member, **or the faculty member’s department chair or program director.**

If the instructor is not reasonably available to discuss the matter, a student may present a grievance directly to the instructor's supervisor, **department chair, or program director** ~~if the instructor is not reasonably available to discuss the matter.~~

The supervisor, **department chair, or program director** shall attempt to mediate the dispute, and if a mutually acceptable resolution is reached, the case shall be closed.

If all or part of the grievance remains unresolved, and if the student chooses to continue the grievance process, the student may initiate a formal grievance resolution procedure.

b. Grievance Against an Academic **Program or** Department

The student should contact the department **headchair**, **program** director, or **equivalent**, ~~dean~~ and present the grievance in its entirety.

The department **headchair**, **or program** director, ~~or dean~~ shall attempt a complete resolution of the dispute.

If all or part of the grievance remains unresolved, and if the student chooses to continue the grievance process, the student may initiate a formal grievance resolution procedure.

2. Formal Resolution

~~Divisional Screening Board~~

A student who has attempted informal resolution **of a grievance**, and remains dissatisfied may ~~obtain~~ **seek a** formal resolution ~~of a grievance~~ pursuant to the following procedure:

- a. The student shall file a written grievance with the **dean of the College or School** ~~Screening Board for Academic Grievances of the Division (hereinafter referred to as the divisional screening board).~~
- b. The writing shall contain:
 - the act, omission, or matter ~~which~~ **that** is the subject of the complaint;
 - all facts the student believes are relevant to the grievance;
 - the resolution sought; **and**
 - all arguments in support of the desired solution.
- c. A grievance must be filed in a timely manner or it will not be considered. In order to be timely, a grievance must be received by the **dean** ~~appropriate divisional screening board~~ within ~~thirty~~ **twenty (20) business** days ~~of after the first day of instruction of the next regular semester after~~ the act, omission, or matter which constitutes the basis of the grievance **occurs**, ~~or within thirty days of the date the student is first placed upon reasonable notice thereof, whichever occurs first.~~ It is the responsibility of the student to ~~insure~~ timely filing.
- d. **The dean shall convene a screening board as set forth in section E.2 of this policy.**
- ~~d~~e. The **dean** ~~divisional screening board~~ shall **immediately** notify an instructor or academic unit head of ~~the~~ a timely grievance. A copy of the grievance and all relevant material shall be provided.

- ef. The instructor or **program director or department chair** ~~academic unit head~~ shall make a complete written response to the ~~divisional~~ screening board within ten **(10) business** days of receipt of a grievance. In cases where a grievance is received within ten **(10) business** days of the final day of classes, a response is due within ten **(10) business** days of the beginning of the next semester in which the faculty member is working on campus. This extension is not available to persons whose appointments terminate on or before the last day of the semester in which the grievance is filed.
- fg. A copy of the faculty member's **or program director's or department chair's** response shall be sent by the ~~divisional~~ screening board to the student filing the grievance.
- gh. The ~~divisional~~ screening board may request further written information from either party.
- hi. The ~~divisional~~ screening board shall review the case to determine if a formal hearing is warranted.

All or part of a grievance shall be dismissed if the ~~divisional~~ screening board concludes the grievance is:

- untimely;;
- based upon a non-grievable matter;;
- being concurrently reviewed in another forum;;
- previously decided pursuant to this or any other review procedure;;
- frivolous or filed in bad faith.

All or part of a grievance may be dismissed if the ~~divisional~~ screening board concludes in its discretion that the grievance is:

- insufficiently supported;;
- premature;;
- otherwise inappropriate or unnecessary to present to the ~~divisional~~ hearing board.

The ~~divisional~~ screening board shall meet to review grievances in private. A decision to dismiss a grievance requires a majority vote of at least three **(3)** members **of the screening board**.

If a grievance is dismissed in whole or in part, the student filing the grievance shall be so informed, and shall be given a concise written statement of the basis for the dismissal.

A decision to dismiss a grievance is final and is not subject to appeal.

- ij. If the ~~divisional~~ screening board determines a grievance to be appropriate for a hearing, the dean shall be informed. The dean shall convene a ~~divisional~~ hearing board within fifteen **(15) business** days thereafter. The time may be extended for good cause at the discretion of the dean.

~~Divisional Hearing Board~~

The following rules apply to the conduct of a hearing by the ~~divisional~~ **College or School** hearing board:

- a. Reasonable notice of the time and place of the hearing shall be provided to both parties. Notice shall include a brief statement of the allegations and the remedy sought by the student. Hearings shall be held on campus.
- b. A record of the hearing, including all exhibits, shall be kept by the chairperson of the screening board. All documents and materials filed with the ~~divisional~~ screening board shall be forwarded to the ~~divisional~~ hearing board, and shall become a part of the record.
- c. Hearings are closed to the public unless a public hearing is specifically requested by both parties.
- d. Presentation of Evidence

Each party shall have the opportunity to make an opening statement, present written evidence, present witnesses, cross-examine witnesses, offer personal testimony, and such other material as is relevant.

Incompetent, irrelevant, immaterial and unduly repetitious evidence may be excluded by the chairperson of the hearing board.

It is the responsibility of each party to have their witnesses available and to be completely prepared at the time of the hearing. The student shall present the case first, and the faculty member shall respond.

Upon completion of the presentation of all evidence, both parties shall be given the opportunity to present oral arguments and make closing statements within the time limits set by the chairperson of the hearing board.

Upon the request of either party, all persons to be called as witnesses shall be sequestered **during the hearing so that they may not communicate with each other**.

Each party may be assisted in the presentation of the case by a student or **a** faculty member of ~~his/her~~ **their** choice.

It is the responsibility of the chairperson of the hearing board to manage the hearing, and to decide all questions relating to the presentation of evidence and appropriate procedure, and the chairperson is the final authority in such matters except as established herein. The chairperson may seek the advice of **UMDCP** counsel.

The hearing board shall have the right to examine any person or party testifying before it, and on its own motion, may request the presence of any person for the purpose of testifying and the production of evidence.

- e. The above enumerated procedures and powers of the ~~divisional~~ hearing board are non-exclusive. The chairperson may take any such action as is reasonably necessary

to facilitate the orderly and fair conduct of the hearing which is not inconsistent with the procedures set forth herein.

- f. Upon completion of the hearing, the hearing board shall meet privately to consider the validity of the grievance. The burden of proof rests with the student to show by a preponderance of the evidence that a substantial departure from the expectations set forth in section ~~"B"~~ **II.A.** above has occurred, and that **this departure from expectations** has operated to the actual prejudice and injury of the student.

A decision upholding a grievance shall require the majority vote of at least three **(3)** members of the ~~divisional~~ hearing board.

A decision of the hearing board shall address only the validity of the grievance. The decision shall be forwarded to the dean in written opinion. In the event the decision is in whole or in part favorable to the student, the hearing board may submit an informal recommendation concerning relief believed to be warranted based upon the facts presented at the hearing.

- g. The dean shall ~~immediately~~, upon receipt of the written opinion, forward copies to the student and the faculty member or **program director or department chair against whom the grievance was filed** ~~head of academic unit~~. Each party has ten **(10) business** days from the date of receipt to file a written appeal with the dean.

- h. Appeals

The appeal shall be in writing and set forth in complete detail the grounds for the appeal.

A copy of the appeal shall be sent **by the dean** to the opposing party, who shall have ten **(10) business** days following receipt to respond in writing to the dean.

The sole grounds for appeal shall be:

- a substantial prejudicial procedural error committed in the conduct of the hearing in violation of the procedures established herein. Discretionary decisions of the chairperson shall not constitute the basis of an appeal; ~~and/or~~
- the existence of new and relevant evidence of a significant nature which was not reasonably available at the time of hearing.

- i. In the absence of a timely appeal, or following receipt and consideration of all timely appeals, the dean may:

- dismiss the grievance;
- grant such redress as **the dean is** believes ~~d~~ appropriate;
- reconvene the ~~divisional~~ hearing board to rehear the grievance in part or whole and/or to hear new evidence **and submit a final written opinion to the dean;**
- or**
- convene a new ~~divisional~~ hearing board to rehear the case in its entirety **and submit a final written opinion to the dean.**

- j. The dean shall inform all parties of the **final** decision in writing and the grievance shall thereafter be concluded. The decision of the dean shall be final and binding, and not subject to review or appeal.

~~In non-departmental colleges, the Dean for Undergraduate Studies shall assume the duties of the dean for purposes of this procedure.~~

GD. Procedure for Grievance ~~Procedures Against the Dean for Undergraduate Studies~~ Involving Dean or College or School

Procedures for resolutions of grievances should follow the steps outlined below for Informal Resolution and Formal Resolution. It is in the best interest of the student to begin Informal Resolution as soon as possible. In order to be considered timely under the procedures for Formal Resolution, a grievance must be submitted within twenty (20) business days after the first day of instruction of the next regular semester.

1. Informal Resolution

The initial effort in all cases shall be to achieve resolution of the grievance through informal means.

- a. The student should first contact the **administrative** dean, present the grievance in its entirety, and attempt a complete resolution.
- b. **If all or part any-portion** of the grievance remains unresolved, **and if the student chooses to continue the grievance process**, the student may present **the grievance such-part** to the **Senior Vice President and Provost** ~~Vice President for Academic Affairs~~. A grievance may be initially presented to the ~~Vice President for Academic Affairs~~ **Provost** if the dean is not reasonably available to discuss the matter.
- c. The ~~Vice President~~ **Provost** shall attempt to mediate the dispute. Should a mutually acceptable resolution be reached, the case shall be closed.
- d. **If all or part of the grievance remains unresolved, and if the student chooses to continue the grievance process, the student may initiate a formal grievance resolution procedure.**

2. Formal Resolution

~~Should a~~ **A student who has attempted informal resolution and** remains dissatisfied ~~with the disposition of the grievance following attempts at informal resolution,~~ **may seek** a formal resolution **of a grievance may be obtained** pursuant to the following procedure:

- a. The student shall file with the **Provost** ~~President~~ a timely written grievance.
- b. The writing shall contain:
 - the act, omission or matter **which that** is the subject of the complaint;
 - all facts the student believes to be relevant to the grievance;
 - the resolution sought; **and**
 - all arguments upon which the student relies in seeking such resolution.

- c. No grievance will be considered unless it is timely.

In order to be timely, a grievance must be received by the **Provost President** within ~~thirty~~ **twenty (20) business** days ~~of~~ **after the first day of instruction of the next regular semester after** the act, omission, or matter which is the basis for the grievance **occurs**, ~~or within thirty days of the date the student is first placed upon reasonable notice thereof, whichever is later.~~

It is the responsibility of the student to ensure timely filing of the grievance.

- d. Upon receipt of a timely grievance, the **Provost President** shall ~~forward the grievance to a divisional screening board of a division other than the one from which the grievance has arisen~~ **convene a screening board as set forth in section E.2 of this policy.**

The ~~divisional screening board~~ **Provost** shall **immediately** notify the **administrative** dean against whom the grievance has been filed and provide a copy of the grievance and all relevant materials.

- e. The **administrative** dean against whom the grievance has been filed shall respond in writing to the ~~divisional~~ screening board within ten **(10) business** days. In the event the grievance is received by the **administrative** dean after the last day of classes of a semester, the time for written response shall be ten **(10) business** days after the first day of classes of the semester immediately following.

A copy of the response from the **administrative** dean shall be sent to the student.

- f. In its discretion, the ~~divisional~~ screening board may request further written submissions from the student and/or the **administrative** dean.
- g. The ~~divisional~~ screening board shall review and act upon a grievance against an **administrative** dean in the same manner and according to the same requirements as for the review of grievances against faculty members, academic **programs, and** departments, ~~programs and colleges~~ set forth in this procedure.
- h. If the ~~divisional~~ hearing board determines that a grievance is appropriate for a hearing, the **Provost President** shall be so informed.

The **Provost President** shall convene a campus hearing board within fifteen **(15) business** days to hear the grievance. This time may be extended for good cause at the discretion of the **Provost President**.

- i. The campus hearing board shall conduct a hearing in accordance with the rules established in this procedure for the conduct of hearings by **College and School** ~~divisional~~ hearing boards.

Upon completion of a hearing, the campus hearing board shall meet privately to consider the grievance in the same manner and according to the same rules as set forth for the consideration of grievances by **divisional College and School** hearing boards, except that the decision shall be forwarded to the **Provost President**.

In the event the campus hearing board decides in whole or ~~or~~ in part in favor of the student, it may submit an informal recommendation to the **Provost President** with respect to such relief as it may believe is warranted by the facts as proven in the hearing.

- j. The **Provost President** shall **immediately**, upon receipt of the written opinion, forward copies to the student and the **administrative** dean. Each party shall have ten **(10) business** days from the date of receipt to file an appeal with the **Provost President**.

- k. Appeal

Each party has ten **(10) business** days from receipt of the written decision to file an appeal with the **Provost President**.

The grounds for an appeal shall be the same as those set forth in this procedure for appealing a decision of a ~~divisional~~ **College and School** hearing board.

The appeal shall be in writing, and set forth in complete detail the grounds relied upon. A copy of the appeal shall be sent to the opposite party, who shall have ten **(10) business** days following receipt to file a written response with the **Provost President**.

- l. In the absence of a timely appeal, or following receipt and consideration of all timely appeals and responses, the **Provost President** may:
- dismiss the grievance;
 - grant such redress as **the Provost** ~~is~~ believes appropriate;
 - reconvene the campus hearing board to rehear the grievance in whole or in part and/or review new evidence **and submit a final written opinion to the Provost;**
 - or**
 - convene a new campus hearing board to rehear the case in its entirety **and submit a final written opinion to the Provost.**
- m. The **Provost President** shall inform all parties of the **final** decision in writing, and the grievance shall be thereafter concluded. The decision of the **Provost President** is final and binding, and is not subject to appeal or review.

~~HE~~. Composition of Screening and Hearing Boards

The following procedures are directives only, and for the benefit and guidance of deans and the **Provost President** in the selection and establishment of ~~divisional~~ **College and School screening and hearing boards** and campus **screening and** hearing boards. **Deans and/or the Provost should endeavor to create balanced and diverse boards where possible, representing a variety of demographic backgrounds.** The selection and establishment of a board is not subject to challenge by a party, except that at the start of a hearing, a party may challenge for good cause a member or members of the hearing board before whom the party is appearing. The chairperson of the hearing board shall consider the challenge and may replace any member where it is believed necessary to achieve an impartial hearing and decision.

1. **Member Selection for ~~Divisional~~ Screening and Hearing** Boards for Academic Grievances

Faculty and students are eligible to serve on screening and hearing boards for academic grievances.

- ~~a.—Prior to the beginning of each academic year, the divisional council of each division shall choose at least fifteen faculty members and fifteen students to be eligible to serve on boards considering academic grievances from that division. Concurrently, it shall choose three other faculty members to be eligible to serve on boards considering academic grievances for the Administrative Dean for Undergraduate Studies. The names shall be forwarded to the Administrative Dean.~~
- ~~b.—Prior to the beginning of each academic year, the Administrative Council of the Administrative Dean for Undergraduate Studies shall choose at least fifteen students to be eligible to serve on a screening board to review grievances arising within academic units under the administration of the Administrative Dean for undergraduate studies. These names shall be forwarded to the Administrative Dean.~~

2. Establishment of **College and School** Screening Boards

- a. Upon receipt of **a grievance**, ~~the names of the designated faculty and students~~, the dean **should shall** appoint a five **(5)** member ~~divisional~~ screening board. The screening board **should shall** consist of three **(3)** faculty members and two **(2)** students, ~~and each shall serve for the academic year or until a new board is appointed by the dean, whichever occurs later. The College or School screening board should be composed of three (3) faculty members and two (2) students selected by the dean. The dean shall also designate two alternate faculty members and two alternate students from the names presented by the divisional council.~~

The dean **shall should** designate one of the faculty members to **serve as be** the chairperson of the ~~divisional~~ screening board.

Members of the ~~divisional~~ screening board **shall should** not serve on a ~~divisional~~ hearing **board** during the same year, ~~except that the alternate members may serve on a hearing board other than one considering a case in which the member has previously been involved in the screening process.~~

A member of the ~~divisional~~ screening board **shall should** not review a grievance arising out of **their** ~~his/her~~ own department or program, ~~in such instance, an alternate member shall serve.~~

- ~~b.—Upon receipt of the names of the faculty members designated by each divisional council and students designated by the administrative council, the Administrative Dean for Undergraduate Studies shall appoint a five member screening board to review grievances arising within the academic units under his/her administration.~~

3. **Establishment of College and School ~~Divisional~~ Hearing** Boards for Academic Grievances

For each grievance referred by the ~~divisional~~ screening board, the dean shall appoint a five-(5) member ~~divisional~~ hearing board.

The ~~divisional~~ hearing board shall be composed of three (3) faculty members and two (2) students selected by the dean ~~from among those names previously designated by the divisional screening board.~~

The dean ~~shall~~ **should** designate one faculty member **to serve** as chairperson **of the hearing board.**

No faculty member or student ~~shall~~ **should** be appointed to hear a grievance arising out of ~~their~~**his/her** own department or program.

~~The Administrative Dean for Undergraduate Studies shall appoint in the same manner, a hearing board to hear each grievance referred by the screening board reviewing grievances arising from the academic units under his/her administration. The members of the hearing board shall be selected from among those names previously forwarded to the Administrative Dean for Undergraduate Studies by the divisional councils and from those who have not been appointed to the screening board.~~

4. **Establishment of Campus Screening Boards for Academic Grievances**

Upon receipt of a grievance, the Provost should appoint a five (5) member screening board. The screening board should be composed of three (3) faculty members and two (2) students selected by the Provost.

The Provost should designate one of the faculty members to serve as the chairperson of the screening board.

Members of the screening board should not serve on a hearing board during the same year.

A member of the screening board should not review a grievance arising out of their own department or program or College or School.

5. **Establishment of Campus Hearing Boards for Academic Grievances**

For each case referred by a ~~divisional hearing~~ **campus screening** board to the ~~Provost President~~ for a hearing, the ~~Provost President shall~~ **should** appoint a five-(5) member campus hearing board. The campus hearing board ~~shall~~ **should** be composed of three (3) faculty members and two (2) students selected by the ~~Provost President from among those names designated by the divisional councils and remaining after the establishment of screening boards.~~

The ~~Provost President shall~~ **should** designate one faculty member **to serve** as chairperson.

No faculty member or student ~~shall~~ **should** be appointed to hear a grievance arising out of ~~their~~**his/her** own ~~division or administrative unit~~ **program, department, College, or School.**

F. Finality

Any student who elects to use **this Policy** ~~the Undergraduate Student Grievance Procedure~~ agrees to abide by the final disposition arrived thereunder, and shall not subject this disposition to review under any other procedure within the University System of Maryland ~~System~~. For the purposes of this limitation, a student shall be deemed to have elected to utilize **this Policy** ~~the Undergraduate Student Grievance Procedure~~ at the time a written grievance **under the formal resolution procedure** is filed.

~~H. Definitions~~

- ~~1. Day refers to days of the academic calendar, not including Saturdays, Sundays, or holidays observed by UMCP.~~
- ~~2. Party refers to the student and the individual faculty member or head of the academic unit against whom the grievance is made.~~



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MEMORANDUM

To: Madlen Simon, Chair, Senate Educational Affairs Committee

From: Adam Berger, Chair, Senate Student Affairs Committee

Date: March 16, 2016

Re: Reading Day and Revision of the University of Maryland Undergraduate Student Grievance Procedure (Senate Document #14-15-22)

I am writing on behalf of the Senate Student Affairs Committee (SAC) regarding its consideration of the Educational Affairs Committee's proposed definition of Reading Day, which is part of its work on the Revision of the University of Maryland Undergraduate Student Grievance Procedure (Senate Document #14-15-22).

In December 2015, the Educational Affairs Committee proposed the following definition to the University Senate:

Reading Day is the day set aside after classes have ended and before exams have begun for students to study or reflect on coursework. No class meetings, activities, final exams, or review sessions may be held on Reading Day. Individual makeup exams and meetings only may be scheduled on Reading Day at the explicit request of the student.

After the Undergraduate Student Grievance Procedure was recommitted to the Educational Affairs Committee by the Senate, you met with the Student Affairs Committee to consider the student perspective on Reading Day. After discussing the issues with you at our meeting on February 2, 2016, the Student Affairs Committee conducted a brief survey of Undergraduate Student Senators, Graduate Student Senators, and Senate Student Affairs Committee Undergraduate members on Reading Day. The committee reviewed the results of the survey at its meeting on February 24, 2016.

Based on its discussions and the results of the survey, the Student Affairs Committee suggests the Educational Affairs Committee take into consideration the following as it finalizes its work on this issue:

Activities Prohibited on Reading Day: The Student Affairs Committee agrees with the assessment of the Educational Affairs Committee that no mandatory course activities should be required of students on Reading Day. In our survey, we found that few student respondents were required to engage in course presentations or capstone projects scheduled for Reading Day, but six of seventeen respondents reported cases where faculty require makeup assignments and/or examinations to be completed on Reading Day. In response to a question of whether Reading Day should be free of all required course activities, ten students responded yes, one student responded no, and six students gave other responses, including that each department should decide its own policy (one student) and that all activities other than review sessions should be prohibited (three students). In addition, eleven of eighteen students responded no to a question asking whether final presentations or capstone projects should be allowed on Reading Day.

In discussing what should be prohibited on Reading Day, the Student Affairs Committee was in consensus that course activities required by the instructor should not be permitted. The committee agrees

that faculty should not require students to engage in any course activities, and students should not be required to complete makeup work or exams on Reading Day. While the committee understands the importance of capstone projects and course presentations, the Student Affairs Committee found that students feel it is not beneficial for students to schedule such presentations on Reading Day and suggests that departments could find other solutions, such as scheduling presentations for a day within the course calendar. Committee members pointed out that other programs, such as the Gemstone Program and the Geology Department, do have capstone presentations as a required activity for senior students, but these programs schedule the presentations at other times during the semester and ask all faculty and students to schedule around the event.

Activities Permitted on Reading Day: The Student Affairs Committee feels that all non-mandatory aspects of a course should be permitted on Reading Day, and agrees with the aspect of the proposed definition stating that activities should be initiated at the explicit request of one or more students. For example, student meetings with faculty are important and should continue to be encouraged, even on Reading Day. Faculty should be encouraged to hold office hours in preparation for final exams, including on Reading Day; the Student Affairs Committee notes that since it is not mandatory for students to attend office hours, faculty should continue to be able to offer office hours as well as individual meetings with students on that day.

The Student Affairs Committee also feels that review sessions should be allowed to be held on Reading Day, as they are not mandatory activities and can be very helpful in preparing for exams, which aligns with the purpose of Reading Day. In its survey, the Student Affairs Committee found that many students appreciate having review sessions on Reading Day. Fourteen of seventeen respondents were in favor of allowing review sessions to be held on Reading Day, and many comments focused on the importance of attending review sessions on Reading Day when they are offered. At our meeting on February 24th, many committee members voiced their support for allowing review sessions on Reading Day. Members acknowledged that students may see review sessions as mandatory activities, and students may need to choose which review sessions to attend if sessions conflict, but members felt strongly that review sessions are beneficial resources that students appreciate having available to them, and as such, review sessions should be allowed on Reading Day.

Saturday Reading Days: In the survey, many students raised concerns about the scheduling of Reading Day for Saturdays. Students noted that the purpose of Reading Day should be to give a weekday to prepare for finals, and having Reading Day on Saturday takes away the extra day of preparation. Students have other obligations to attend to on weekends, such as weekend jobs and/or religious observances. The Student Affairs Committee recognizes that the scheduling of Reading Day is the purview of the Board of Regents, which sets the academic calendar for all System institutions. However, the committee also recognizes that Saturday Reading Days pose a challenge for students who work or for those who observe religious traditions on weekends. The Student Affairs Committee feels strongly that Reading Day should be scheduled on a weekday, and suggests that the Educational Affairs Committee take any steps within its purview to address this concern.

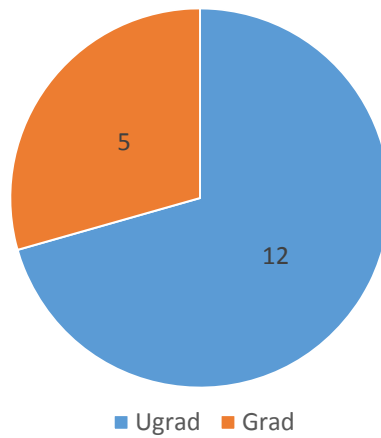
A summary of the results of our survey are enclosed. Please feel free to contact the Student Affairs Committee with any additional questions or concerns.

AB/seh

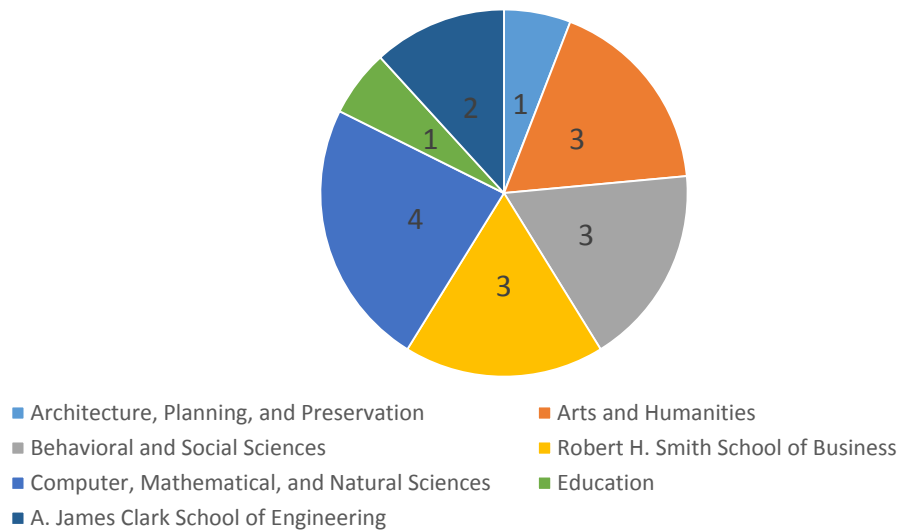
Student Opinions on Reading Day

Senate Student Affairs Committee
2/24/16

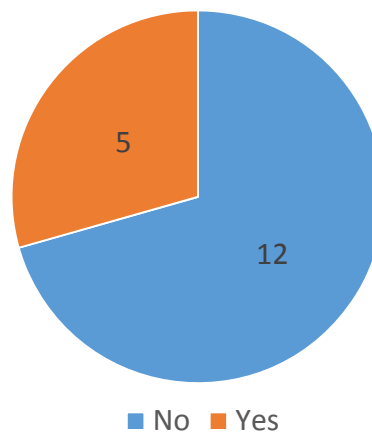
Demographics



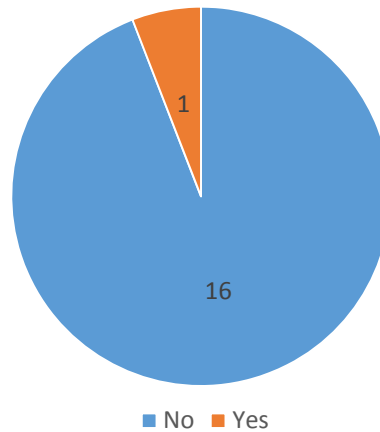
Demographics



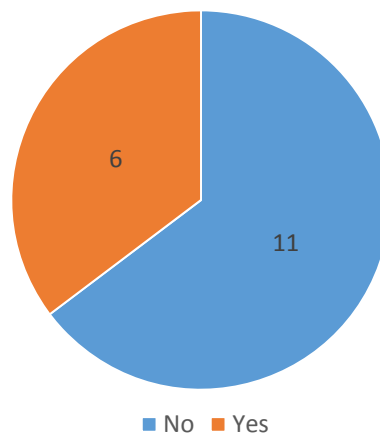
Do you often have review sessions for final exams scheduled on Reading Day?



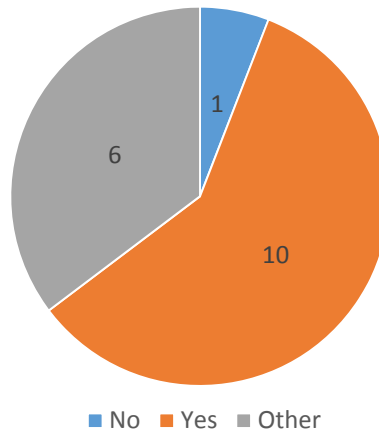
Do you have projects/presentations scheduled on Reading Day?



Have you ever had a professor who requires makeup exams or assignments to be completed on Reading Day?



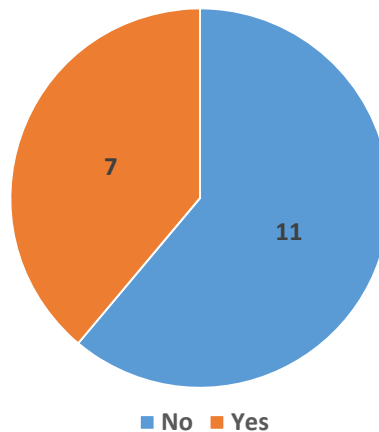
Do you think Reading Day should be free of all course-mandated events (make-ups, presentations, review sessions)?



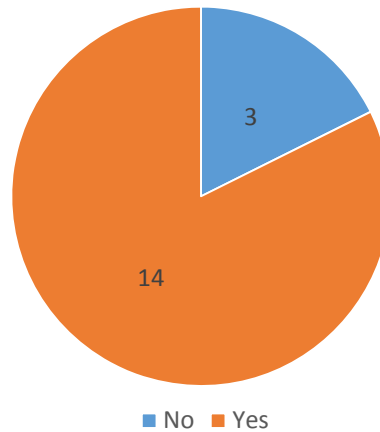
Other:

- Leave it up to each department.
- Optional review sessions should be allowed
- Review sessions are not course-mandated events. They should be allowed but make-ups and presentations should not.
- Indifferent
- Review sessions should be allowed, as they are not course mandated. Other course mandated should not be allowed

Should final presentations (i.e. senior Capstone project presentations) be allowed on Reading Day?



Should review sessions be allowed on Reading Day?



How do you currently use Reading Day?

- Prepping for finals
- I have never heard of Reading Day
- Sleep
- Study, other work, procrastinate
- Mental re-up, last minute cram
- I usually study unless I have review sessions to go to
- Prep for finals and decompress from semester
- Reading Day as a day where I can study without outside stressors/distractions. Reading Day is also a perfect opportunity to take advantage of study groups/meeting with professors because no other classes provide conflicts.

How do you currently use Reading Day?

- Some professors allow students to take finals on reading day. They have the regularly scheduled final in addition to the reading day final. That is a good use. Otherwise it is spent studying.
- Primarily for studying for final exams.
- Study for finals
- Studying, cramming, crying, sleeping, review sessions, not necessarily in that order
- Students in my program usually use the Reading Day as time to work on final papers. (*grad student*)
- Generally I use the entire reading day to study for final exams
- To study for finals
- Preparing for my closest finals and group projects
- I use it to prepare for finals

Ideal use for reading day

- In an ideal world, how should Reading Day be defined by the University?
- A day set aside for students to prepare for finals without requirement for any class attendance or participation.
- No mandatory, graded assignments or exams. Allow presentations and study sessions.
- free day
- A day that is utilized for preparing for final exams
- A day to use at the discretion of the student and to the students benefit. The professor should have options that are outlined in the syllabus that weigh in the students favor.
- Reading day should be defined as a day in which NO exams can take place/no assignments can be due.
- Reading day should be a day to reflect on the semester and prepare finals. It should be a day from of mandatory events or projects. It should be a "dead day"
- A day free of mandatory events/assignments in order to provide students the opportunity to study and seek additional support without conflict.

Ideal use for reading day?

- A day with no required events. Students can attend review days or give presentations if they want but it cannot be required.
- I believe it should be free of any course-mandated events (this does not include optional review sessions).
- it should be up to individual professors, how they best suit their teaching style.
- A day without any course-mandated material (at student discretion), but course optional material is allowed.
- As a break from all work before the grind of exams.
- Ideally, Reading Day would be solely set aside for students to prepare for exams EXCEPT if students opt in to a non-mandatory scheduled activity on that day.
- A break for students to prepare, relax, and orient their priorities.
- A day after the final day of classes, and not a Saturday or Sunday, where the students have a chance to focus on their finals only.
- Reading day is a day at the end of the semester that is set aside primarily for studying before final exams begin. This day may be used to complete final projects in a course.

Please share any additional thoughts or concerns you have about Reading Day.

- I agree with the committee's previous finding that reading day should be preserved, and the students should make the decisions on how to use it.
- The purpose of reading day is to give students a WEEKDAY to get their lives together before finals. We need that.
- Readings days should also not be scheduled on Saturdays. When they are, they not only take away a day of preparation, instead of giving students a day of reflection or preparation.
- If optional review sessions were held on Reading Day, would sessions begin to conflict?

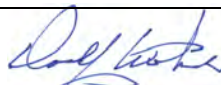
Please share any additional thoughts or concerns you have about Reading Day.

- As many of the committee members voiced in the previous meeting, much of the student body seems to support a reading period longer than a single day. At the very least, it should not be schedule on a weekend, as this seems to make the reading day redundant.
- I think it should not be mandated, in the Spring we are having enough days missed due to inclement weathers
- Review sessions should absolutely be allowed, course mandated things should not be allowed.
- We should not have reading days on a Saturday because it feels as though I am being cheated of a reading day. Additionally, finals should not be scheduled for Saturdays as well.

APPENDIX 2



**University Senate
CHARGE**

Date:	February 23, 2015
To:	Jessica Enoch Chair, Educational Affairs Committee
From:	Donald Webster  Chair, University Senate
Subject:	Revision of the University of Maryland Undergraduate Student Grievance Procedure
Senate Document #:	14-15-22
Deadline:	November 6, 2015

The Senate Executive Committee (SEC) requests that the Educational Affairs Committee review the proposal entitled “Revision of the University of Maryland Undergraduate Student Grievance Procedure” and consider whether the requested changes are appropriate.

Specifically, we ask that you:

1. Review the University of Maryland, College Park Undergraduate Student Grievance Procedure (V-1.00 [A]).
2. Review the syllabus guidelines in the Faculty Handbook (<http://faculty.umd.edu/teach/syllabus.html>).
3. Review relevant information in the Undergraduate Catalog (<http://www.umd.edu/catalog/index.cfm>).
4. Consult with the proposer regarding her specific concerns.
5. Consult with the University Registrar.
6. Review similar grievance procedures at our peer institutions and other Big 10 institutions.
7. Consider whether a document on University of Maryland policies for undergraduate courses should be developed to be used as an addendum to all course syllabi.
8. Consult with the Senate Student Affairs Committee to gather feedback on any proposed draft language.

9. Consult with the University's Office of General Counsel on any recommended policy revisions.
10. Recommend whether the University of Maryland Undergraduate Student Grievance Procedure should be revised.

We ask that you submit your report and recommendations to the Senate Office no later than November 6, 2015. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Cc: Ian Chambers, Chair, Student Affairs Committee

Attachment



University Senate PROPOSAL FORM

Name:	Ann C. Smith
Date:	1/13/15
Title of Proposal:	Revision of the University of Maryland Undergraduate Student Grievance Procedure
Phone Number:	X59165
Email Address:	asmith@umd.edu
Campus Address:	2100 Marie Mount Hall
Unit/Department/College:	Office of Undergraduate Studies
Constituency (faculty, staff, undergraduate, graduate):	faculty
Description of issue/concern/policy in question:	The policy V-1.00(A) UNIVERSITY OF MARYLAND UNDERGRADUATE STUDENT GRIEVANCE PROCEDURE (http://www.president.umd.edu/policies/v100a.html) has not been revised since 1991. The policy does not reflect the current expectations of faculty that are indicated in the Faculty Handbook , the Undergraduate Catalog, and that are in current practice across the campus.
Description of action/changes you would like to see implemented and why:	Revise the V-1.00(A) UNIVERSITY OF MARYLAND UNDERGRADUATE STUDENT GRIEVANCE PROCEDURE to address current expectations of faculty who are teaching undergraduate courses.
Suggestions for how your proposal could be put into practice:	Proposed revised policy is attached. Revisions draw from information presented in the Faculty Handbook (Syllabus Guidelines section (http://faculty.umd.edu/teach/syllabus.html) and the Attendance and Assessment section of the Undergraduate Catalog (http://www.umd.edu/catalog/index.cfm/show/content.section/c/27/s/1584/s/1540).

Additional Information:	<p>The proposed revised policy includes an expectation that the course syllabus “will include reference to University policies relevant to Undergraduates.” This suggested revision is derived from the expectation indicated in the Syllabus Guidelines that faculty articulate UMD policies and legal responsibilities in the course syllabus. It is suggested that in association with this policy revision, the Office of Undergraduate Studies, in collaboration and consultation with other appropriate offices, be tasked with the development of a UMD policy addendum that faculty will include with the course syllabus. The UMD policy addendum will articulate university policies and important student information that impact all students enrolled in an undergraduate course and should be referenced in the “Faculty” (B.1) section of the University of Maryland Undergraduate Student Grievance Procedure. The addendum will serve to provide a uniform presentation of policies to students and will allow the course syllabus to focus on course specific academic expectations. Policies presented in the addendum may be: Excused Absence Policy, Academic Integrity Expectations, Student Conduct Expectations, Rights for Students with Disabilities, Copyright information related to faculty copyright of course materials and student rights in relation to student generated materials</p>
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V-1.00(A) UNIVERSITY OF MARYLAND UNDERGRADUATE STUDENT GRIEVANCE PROCEDURE

APPROVED BY THE PRESIDENT 1 AUGUST 1991

A. Purpose

This procedure provides a means for an undergraduate student to seek redress for acts or omissions of individual faculty members as well as academic departments, programs, colleges, or divisions without fear of reprisal or discrimination.

B. Scope of Grievances: Expectations of Faculty and Academic Units

The scope of the matters which may constitute a grievance under this procedure is limited to believed violations of the expectations of faculty and academic units as set forth below.

1. Faculty

The following are considered to be reasonable expectations of faculty:

a. There shall be a course syllabus distributed at the beginning of each undergraduate course. The course syllabus will specify in general terms the content and nature of assignments, examination procedures, the format for make-up exams or substitute assignments in the case of an excused absence, and the basis for determining final grades including how in-class participation relates to the final course grade and if the course grade will be reported using the +/- grading system. The syllabus will define how students will communicate with the instructor in regard to excused absences. The syllabus will include reference to University policies relevant to Undergraduates. In cases where all or some of this information cannot be provided at the beginning of the course, a clear explanation of the delay and the basis of course development shall be provided.

b. Notice of major papers and examinations will be presented in the course syllabus and Major Scheduled Grading Events referenced by the Excused Absence Policy* will be indicated.

c. There shall be a reasonable number of recitations, performances, quizzes, tests, graded assignments and/or student/instructor conferences to permit evaluation of student progress throughout the course. Unless written permission is granted by the unit head, every undergraduate course must have a final exam. Changes to exam scheduling and location must be approved by the chair of the department or dean of the college, or the appropriate designee. Final exams may not be rescheduled to the final week of classes. Each faculty member is to retain, for one full semester after a course is ended, the students' final assessments in the appropriate medium. If a faculty member goes on leave for a semester or longer, or leaves the university, the final assessments and grade records for the course must be left with the chair, the director or the dean of the department, non-departmentalized school or college, as appropriate.

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Comment [1]: This revision is intended to define the role of the course syllabus as that document that articulates the course description and course expectations to students. This role for the course syllabus is the current practice at UMD and aligns with the expectations for faculty as indicated in the Faculty Handbook.

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Comment [2]: No guidelines are indicated for distribution of the syllabus. The original expectation for a "written description" suggests that the document be in a form that students may print and reference during the semester.

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Comment [3]: The proposed Excused Absence Policy and the current policy on Religious Observance indicates that "The make-up examination or substitute assignment must be at a time and place mutually agreeable to the instructor and student, cover only the material for which the student was originally responsible, and be at a comparable level of difficulty with the original examination". As there is no policy guiding the format for make up work, it is suggested that the format for make up work be included in the syllabus.

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Comment [4]: This suggested addition to the syllabus is recommended in the proposed Excused Absence Policy.

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Comment [5]: For students to plan as expected according to the proposed Excused Absence Policy and current policy on Medical Absence <http://www.president.umd.edu/policies/docs/V-100G.pdf>, students must know the dates of ... [1]

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Comment [6]: See proposed Excused Absence Policy and current policy on Medical Absence ... [2]

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Comment [7]: From Faculty Handbook <http://faculty.umd.edu/teach/expectations.html>

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Comment [8]: From the University Catalog <http://www.umd.edu/catalog/index.cfm/show/content.section/c/27/ss/1584/s/1540>

d. Unless prohibited by statute or contract, there shall be a reasonable opportunity to review papers and examinations, including the final examination after evaluation by the instructor, while materials are reasonably current.

e. There shall be a reasonable approach to the subject which attempts to make the student aware of the existence of different points of view.

f. There shall be reasonable access to the instructor during announced regular office hours or by appointment.

g. There shall be regular attendance by assigned faculty unless such attendance is prevented by circumstances beyond the control of the faculty member.

h. There shall be reasonable adherence to the course syllabus, published campus schedules and location of classes and examinations. No course work, makeup work or examinations may be scheduled on the Reading Day. Classes not specified in the schedules are to be arranged at a mutually agreeable time on campus, unless an off-campus location is clearly justified.

i. Reasonable confidentiality of information gained through student-faculty contact shall be maintained.

j. There shall be public acknowledgement of significant student assistance in the preparation of materials, articles, books, devices and the like.

k. There shall be assignment of materials to which all students can reasonably expect to have access.

2. Academic Units

The academic units (programs, departments, colleges, schools, divisions) in cooperation with the Office of the Dean for Undergraduate Studies and the Office of Admissions and the Registrar's Office shall, whenever possible, provide the following:

- a. Accurate information on academic requirements through designated advisors and referral to other parties for additional guidance.
- b. Specific policies and procedures for the award of academic honors and awards, and impartial application thereof.
- c. There shall be equitable course registration in accordance with University policy and guidelines.

C. Alternative Grievance Procedures

No other University grievance procedure may be used simultaneously or consecutively with the Undergraduate

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Comment [9]: The Undergraduate Catalog states: No less than seven calendar days notice shall be given for assessments scheduled at other times and places.

<http://www.umd.edu/catalog/index.cfm/show/content.section/c/27/ss/1584/s/1540>

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Comment [10]: There is no definition of the Reading Day in the Undergraduate Catalog or the Faculty Handbook. This revision is intended to define the Reading Day according to the intention of the name – a day set aside after courses have ended and before exams have begun for students to study or reflect on course work.

Student Grievance Procedure with respect to the same or substantially same issue or complaint, or with issues or complaints arising out of or pertaining to the same set of facts.

The procedures of the Code on Equity, Diversity, and Inclusion and/or any University grievance procedure may not be utilized to challenge the procedures, actions, determinations or recommendations of any person(s) or board(s) acting pursuant to the Undergraduate Student Grievance Procedure.

D. Limitations

Notwithstanding any provision of this Undergraduate Student Grievance Procedure to the contrary, the following matters do not constitute the basis for a grievance under this policy:

1. Policies, regulations, decisions, resolutions, directives and other acts of the Board of Regents of the University of Maryland System, The Office of the Chancellor of the University of Maryland System, and the Office of the President of the University of Maryland College Park;
2. Any statute, regulation, directive, or order of any department or agency of the United States or the State of Maryland;
3. Any matter outside the control of the University of Maryland System;
4. Course offerings;
5. The staffing and structure of any academic department or unit;
6. The fiscal management and allocation of resources by the University of Maryland System and the University of Maryland at College Park;
7. Any issue(s) or act(s) which does (do) not affect the complaining party directly;
8. Matters of academic judgment relating to an evaluation of a student's academic performance and/or academic qualifications; except that the following matters of a procedural nature may be reviewed under these procedures if filed as a formal grievance within thirty days of the first meeting of the course to which they pertain:
 - a. Whether reasonable notice has been given as to the relative value of all work considered in determining the final grade and/or assessment of performance in the course. The remedy for a successful grievance based upon this subsection

shall be the giving of notice by the instructor.

- b. Whether a reasonably sufficient number of examinations, papers, laboratories and/or other academic exercises have been scheduled to present the student with a reasonable opportunity to demonstrate academic merit. The remedy for a successful grievance under this subsection shall be the scheduling of such additional academic exercises as the instructor, in consultation with the department chair or dean, and upon consideration of the written opinion of the divisional hearing board shall deem appropriate.

9. "Class" grievances are not cognizable under these procedures. A screening or hearing board may, in its discretion consolidate grievances presenting similar facts and issues, and recommend generally applicable relief as it deems warranted;

10. There may be no challenge to the award of a specific grade under these procedures.

D. Finality

Any student who elects to use the Undergraduate Student Grievance Procedure agrees to abide by the final disposition arrived thereunder, and shall not subject this disposition to review under any other procedure within the University of Maryland System. For the purpose of this limitation, a student shall be deemed to have elected to utilize the Undergraduate Student Grievance Procedures at the time a written grievance is filed.

E. Procedure for Grievance Involving Faculty Member or Academic Unit

1. Informal Resolution

The initial effort in all cases shall be toward achieving a resolution of the grievance through the following informal means:

a. Grievance Against an Individual Faculty Member

The student should first contact the faculty member, present the grievance in its entirety, and attempt a complete resolution.

If all or part of the grievance remains unresolved, the student may present the grievance to the immediate administrative supervisor of the faculty member.

A student may present a grievance directly to the instructor's supervisor if the instructor is not

reasonably available to discuss the matter.

The supervisor shall attempt to mediate the dispute, and if a mutually acceptable resolution is reached, the case shall be closed.

b. Grievance Against an Academic Department

The student should contact the department head, director, or dean and present the grievance in its entirety.

The department head, director, or dean shall attempt a complete resolution of the dispute.

2. Formal Resolution

Divisional Screening Board

A student who has attempted informal resolution, and remains dissatisfied may obtain a formal resolution of a grievance pursuant to the following procedure:

- a. The student shall file a written grievance with the Screening Board for Academic Grievances of the Division (hereinafter referred to as the divisional screening board).
- b. The writing shall contain:
 - the act, omission, or matter which is the subject of the complaint;
 - all facts the student believes are relevant to the grievance;
 - the resolution sought;
 - all arguments in support of the desired solution.
- c. A grievance must be filed in a timely manner or it will not be considered. In order to be timely, a grievance must be received by the appropriate divisional screening board within thirty days of the act, omission or matter which constitutes the basis of the grievance, or within thirty days of the date the student is first placed upon reasonable notice thereof, whichever occurs first. It is the responsibility of the student to insure timely filing.
- d. The divisional screening board shall immediately notify an instructor or academic unit head of the a timely grievance. A copy of the grievance and all relevant material shall be provided.
- e. The instructor or academic unit head shall make a complete written response to the divisional screening board within ten days of receipt of a grievance. In cases where a grievance is received

within ten days of the final day of classes, a response is due within ten days of the beginning of the next semester in which the faculty member is working on campus. This extension is not available to persons whose appointments terminate on or before the last day of the semester in which the grievance is filed.

- f. A copy of the faculty member's response shall be sent by the divisional screening board to the student filing the grievance.
- g. The divisional screening board may request further written information from either party.
- h. The divisional screening board shall review the case to determine if a formal hearing is warranted.

All or part of a grievance shall be dismissed if the divisional screening board concludes the grievance is:

- untimely,
- based upon a non-grievable matter,
- being concurrently reviewed in another forum,
- previously decided pursuant to this or any other review procedure,
- frivolous or filed in bad faith.

All or part of a grievance may be dismissed if the divisional screening board concludes in its discretion that the grievance is:

- insufficiently supported,
- premature,
- otherwise inappropriate or unnecessary to present to the divisional hearing board.

The divisional screening board shall meet to review grievances in private. A decision to dismiss a grievance requires a majority vote of at least three members.

If a grievance is dismissed in whole or in part, the student filing the grievance shall be so informed, and shall be given a concise written statement of the basis for the dismissal.

A decision to dismiss a grievance is final and is not subject to appeal.

- i. If the divisional screening board determines a grievance to be appropriate for a hearing, the dean shall be informed. The dean shall convene a divisional hearing board within fifteen days thereafter. The time may be extended for good

cause at the discretion of the dean.

Divisional Hearing Board

The following rules apply to the conduct of a hearing by the divisional hearing board:

- a. Reasonable notice of the time and place of the hearing shall be provided to both parties. Notice shall include a brief statement of the allegations and the remedy sought by the student. Hearings shall be held on campus.
- b. A record of the hearing, including all exhibits shall be kept by the chairperson of the screening board. All documents and materials filed with the divisional screening board shall be forwarded to the divisional hearing board, and shall become a part of the record.
- c. Hearings are closed to the public unless a public hearing is specifically requested by both parties.
- d. Presentation of Evidence

Each party shall have the opportunity to make an opening statement, present written evidence, present witnesses, cross-examine witnesses, offer personal testimony, and such other material as is relevant.

Incompetent, irrelevant, immaterial and unduly repetitious evidence may be excluded by the chairperson of the hearing board.

It is the responsibility of each party to have their witnesses available and to be completely prepared at the time of the hearing. The student shall present the case first, and the faculty member shall respond.

Upon completion of the presentation of all evidence, both parties shall be given the opportunity to present oral arguments and make closing statements within the time limits set by the chairperson of the hearing board.

Upon the request of either party, all persons to be called as witnesses shall be sequestered.

Each party may be assisted in the presentation of the case by a student or faculty member of his/her choice.

It is the responsibility of the chairperson of the hearing board to manage the hearing, and to decide all questions relating to the presentation of

evidence and appropriate procedure, and the chairperson is the final authority in such matters except as established herein. The chairperson may seek the advice of UMCP counsel.

The hearing board shall have the right to examine any person or party testifying before it, and on its own motion, may request the presence of any person for the purpose of testifying and the production of evidence.

- e. The above enumerated procedures and powers of the divisional hearing board are non-exclusive. The chairperson may take any such action as is reasonably necessary to facilitate the orderly and fair conduct of the hearing which is not inconsistent with the procedures set forth herein.
- f. Upon completion of the hearing, the hearing board shall meet privately to consider the validity of the grievance. The burden of proof rests with the student to show by a preponderance of the evidence that a substantial departure from the expectations set forth in section "B" above has occurred, and that has operated to the actual prejudice and injury of the student.

A decision upholding a grievance shall require the majority vote of at least three members of the divisional hearing board.

A decision of the hearing board shall address only the validity of the grievance. The decision shall be forwarded to the dean in written opinion. In the event the decision is in whole or in part favorable to the student, the hearing board may submit an informal recommendation concerning relief believed to be warranted based upon the facts presented at the hearing.

- g. The dean shall immediately, upon receipt of the written opinion, forward copies to the student and the faculty member or head of academic unit. Each party has ten days from the date of receipt to file a written appeal with the dean.
- h. Appeals

The appeal shall be in writing and set forth in complete detail the grounds for the appeal.

A copy of the appeal shall be sent to the opposing party, who shall have ten days following receipt to respond in writing to the dean.

The sole grounds for appeal shall be:

- a substantial prejudicial procedural error committed in the conduct of the hearing in violation of the procedures established herein. Discretionary decisions of the chairperson shall not constitute the basis of an appeal.
 - the existence of new and relevant evidence of a significant nature which was not reasonably available at the time of hearing.
- i. In the absence of a timely appeal, or following receipt and consideration of all timely appeals, the dean may:
 - dismiss the grievance, grant such redress as is believed appropriate,
 - reconvene the divisional hearing board to rehear the grievance in part or whole and/or to hear new evidence,
 - convene a new divisional hearing board to rehear the case in its entirety.
 - j. The dean shall inform all parties of the decision in writing and the grievance shall thereafter be concluded. The decision of the dean shall be final and binding, and not subject to review or appeal.

In non-departmental colleges, the Dean for Undergraduate Studies shall assume the duties of the dean for purposes of this procedure.

F. Grievance Procedures Against the Dean for Undergraduate Studies

1. Informal Resolution

The initial effort in all cases shall be to achieve resolution of the grievance through informal means.

- a. The student should first contact the administrative dean, present the grievance in its entirety, and attempt a complete resolution.
- b. If any portion of the grievance remains unresolved, the student may present such part to the Vice President for Academic Affairs. A grievance may be initially presented to the Vice President for Academic Affairs if the dean is not reasonably available to discuss the matter.
- c. The Vice President shall attempt to mediate the dispute. Should a mutually acceptable resolution be reached, the case shall be closed.

2. Formal Resolution

Should a student remain dissatisfied with the

disposition of the grievance following attempts at informal resolution, a formal resolution may be obtained pursuant to the following procedure:

- a. The student shall file with the President a timely written grievance.
- b. The writing shall contain:
 - the act, omission or matter which is the subject of the complaint,
 - all facts the student believes to be relevant to the grievance,
 - the resolution sought,
 - all arguments upon which the student relies in seeking such resolution.

- c. No grievance will be considered unless it is timely.

In order to be timely, a grievance must be received by the President within thirty days of the act, omission or matter which is the basis for the grievance, or within thirty days of the date the student is first placed upon reasonable notice thereof, whichever is later.

It is the responsibility of the student to ensure timely filing of the grievance.

- d. Upon receipt of a timely grievance, the President shall forward the grievance to a divisional screening board of a division other than the one from which the grievance has arisen.

The divisional screening board shall immediately notify the administrative dean against whom the grievance has been filed and provide a copy of the grievance and all relevant materials.

- e. The administrative dean against whom the grievance has been filed shall respond in writing to the divisional screening board within ten days. In the event the grievance is received by the administrative dean after the last day of classes of a semester, the time for written response shall be ten days after the first day of classes of the semester immediately following.

A copy of the response from the administrative dean shall be sent to the student.

- f. In its discretion, the divisional screening board may request further written submissions from the student and/or the administrative dean.

- g. The divisional screening board shall review and

act upon a grievance against an administrative dean in the same manner and according to the same requirements as for the review of grievances against faculty members, academic departments, programs and colleges set forth in this procedure.

- h. If the divisional hearing board determines that a grievance is appropriate for a hearing, the President shall be so informed.

The President shall convene a campus hearing board within fifteen days to hear the grievance. This time may be extended for good cause at the discretion of the President.

- i. The campus hearing board shall conduct a hearing in accordance with the rules established in this procedure for the conduct of hearings by divisional hearing boards.

Upon completion of a hearing, the campus hearing board shall meet privately to consider the grievance in the same manner and according to the same rules as set forth for the consideration of grievances by divisional hearing boards, except that the decision shall be forwarded to the President.

In the event the campus hearing board decides in whole or on part in favor of the student, it may submit an informal recommendation to the President with respect to such relief as it may believe is warranted by the facts as proven in the hearing.

- j. The President shall immediately, upon receipt of the written opinion, forward copies to the student and the administrative dean. Each party shall have ten days from the date of receipt to file an appeal with the President.

- k. Appeal

Each party has ten days from receipt of the written decision to file an appeal with the President.

The grounds for an appeal shall be the same as those set forth in this procedure for appealing a decision of a divisional hearing board.

The appeal shall be in writing, and set forth in complete detail the grounds relied upon. A copy of the appeal shall be sent to the opposite party, who shall have ten days following receipt to file a written response with the President.

- l. In the absence of a timely appeal, or following

receipt and consideration of all timely appeals and responses, the President may:

- dismiss the grievance
- grant such redress as is believed appropriate.
- reconvene the campus hearing board to rehear the grievance in whole or in part and/or review new evidence
- convene a new campus hearing board to rehear the case in its entirety.

- m. The President shall inform all parties of the decision in writing, and the grievance shall be thereafter concluded. The decision of the President is final and binding, and is not subject to appeal or review.

G. Composition of Screening and Hearing Boards

The following procedures are directives only, and for the benefit and guidance of deans and the President in the selection and establishment of divisional and campus hearing boards. The selection and establishment of a board is not subject to challenge by a party, except that at the start of a hearing, a party may challenge for good cause a member or members of the hearing board before whom the party is appearing. The chairperson of the hearing board shall consider the challenge and may replace any member where it is believed necessary to achieve an impartial hearing and decision.

1. Divisional Screening Boards for Academic Grievances

- a. Prior to the beginning of each academic year, the divisional council of each division shall choose at least fifteen faculty members and fifteen students to be eligible to serve on boards considering academic grievances from that division. Concurrently, it shall choose three other faculty members to be eligible to serve on boards considering academic grievances for the Administrative Dean for Undergraduate Studies. The names shall be forwarded to the Administrative Dean.
- b. Prior to the beginning of each academic year, the Administrative Council of the Administrative Dean for Undergraduate Studies shall choose at least fifteen students to be eligible to serve on a screening board to review grievances arising within academic units under the administration of the Administrative Dean for undergraduate studies. These names shall be forwarded to the Administrative Dean.

2. Establishment of Screening Boards

- a. Upon receipt of the names of the designated faculty and students, the dean shall appoint a five member divisional screening board. The screening board shall consist of three faculty members and two students, and each shall serve for the academic year or until a new board is appointed by the dean, whichever occurs later. The dean shall also designate two alternate faculty members and two alternate students from the names presented by the divisional council.

The dean shall designate one of the faculty members to be the chairperson of the divisional screening board.

Members of the divisional screening board shall not serve on a divisional hearing during the same year, except that the alternate members may serve on a hearing board other than one considering a case in which the member has previously been involved in the screening process.

A member of the divisional screening board shall not review a grievance arising out of his/her own department or program, in such instance, an alternate member shall serve.

- b. Upon receipt of the names of the faculty members designated by each divisional council and students designated by the administrative council, the Administrative Dean for Undergraduate Studies shall appoint a five member screening board to review grievances arising within the academic units under his/her administration.

3. Divisional Hearing Boards for Academic Grievances

For each grievance referred by the divisional screening board, the dean shall appoint a five-member divisional hearing board.

The divisional hearing board shall be composed of three faculty members and two students selected by the dean from among those names previously designated by the divisional screening board. The dean shall designate one faculty member as chairperson.

No faculty member or student shall be appointed to hear a grievance arising out of his/her own department or program.

The Administrative Dean for Undergraduate Studies shall appoint in the same manner, a hearing board to hear each grievance referred by the screening board reviewing grievances arising from the academic units under his/her administration. The members of the

hearing board shall be selected from among those names previously forwarded to the Administrative Dean for Undergraduate Studies by the divisional councils and from those who have not been appointed to the screening board.

4. Campus Hearing Board for Academic Grievances

For each case referred by a divisional hearing board to the President for a hearing, the President shall appoint a five-member campus hearing board. The campus hearing board shall be composed of three faculty members and two students selected by the President from among those names designated by the divisional councils and remaining after the establishment of screening boards.

The President shall designate one faculty member as chairperson.

No faculty member or student shall be appointed to hear a grievance arising out of his/her own division or administrative unit.

H. Definitions

1. Day refers to days of the academic calendar, not including Saturdays, Sundays, or holidays observed by UMCP.
2. Party refers to the student and the individual faculty member or head of the academic unit against whom the grievance is made.

Page 1: [1] Comment [5]

asmith

1/13/15 5:00 PM

For students to plan as expected according to the proposed Excused Absence Policy and current policy on Medical Absence <http://www.president.umd.edu/policies/docs/V-100G.pdf>, students must know the dates of assignments and examinations at the start of the semester.

Page 1: [2] Comment [6]

asmith

1/13/15 5:00 PM

See proposed Excused Absence Policy and current policy on Medical Absence <http://www.president.umd.edu/policies/docs/V-100G.pdf>