**Grade Review Bylaws**

(See Articles V and VI for Grade Appeals Process and Procedures)

**Article I: Name and Purpose**

1. The name of this committee shall be the University Grade Review Council.

2. The Council's purpose is to determine whether a petitioning student's grade was awarded arbitrarily or capriciously by the instructor. If the Council determines that the grade was awarded arbitrarily or capriciously, then the Council will assign the petitioning student an appropriate grade for the course in question. The Council serves as a mediator and arbitrator between the faculty member and student. Pursuant to the Faculty Handbook, the decisions and outcomes of the Council are binding upon all parties.

3. Grades should not be determined in an arbitrary or capricious manner. The only factor, which members of the University Grade Review Council may consider in determining the validity of a grade challenge, is the alleged arbitrary or capricious award of a final grade. The Council is not empowered to make judgments concerning teacher competence, course difficulty, or other matters of a purely academic nature.

4. Arbitrary is defined as "an unreasonable, unpredictable use of one's authority in accordance with one's will or desire." Capricious is defined as "implying an instability or irregularity that seems to be the product of whim or erratic impulse."

5. The Grade Review Council is charged with judging two classes of arbitrary or capricious assignment of grades: (a) the instructor deviates significantly from the syllabus (the fixed standards of grading criteria announced at the beginning of class) or (b) the instructor treats a student, with respect to grade assignment, significantly different from other students in the same class.

**Article II: Membership**

1. The University Grade Review Council, which represents the Hattiesburg, Gulf Coast, and all other satellite campuses, shall consist of three elected faculty members and one alternate from each of the colleges of the Hattiesburg campus, one representative from the Honors College, and three regular members plus one alternate from the Gulf Coast campuses (i.e., Stennis Space Center, Jackson County, Keesler, Gulf Park). In order to be eligible for election to the Council, a faculty member must have served in a tenure-track position at The University of Southern Mississippi for a minimum of three academic years. In order to assure adequate minority representation on the Council, the Provost may appoint no more than four additional faculty members plus one alternate for each member. All special appointees by the Provost must satisfy the eligibility criteria of elected members and shall come from the various colleges of the University. No two of these appointed members may come from the same college.

2. The election of members shall be coordinated by the Academic Council and shall take place during the month of April. All members shall serve four-year terms, with one-half of the membership being elected/appointed every two years. A member may not serve two consecutive terms. The term of each member will expire on August 31 of the fourth year.

3. The Provost may appoint a faculty member to serve as adviser on procedural and legal matters to the grade Review Council. This individual shall attend all meetings and will have all rights and privileges of Council membership with the exception of voting.

4. If both a member and the appropriate alternate are unable to serve, their replacements shall be elected/appointed in the same manner by which the positions were originally filled. In the event the Council must meet during a period when a quorum in not available, the Provost will appoint replacements for the absent members, up to the number required for a quorum. These replacements will serve for the duration of the situation which precipitated the special meeting, or until a quorum of members can be convened.

5. It is the duty of all members to attend called meetings of the Council. It is the duty of the alternate to attend meetings that the regularly elected member cannot attend. It is the duty of both the regularly elected member and the alternate to attend the annual organizational meeting.

**Article III: Officers**

1. The officers of the University Grade Review Council shall consist of a Chair, a Chair-elect, and a Hearing Officer appointed by the Chair.

2. The Chair Elect, and when necessary, the Chair, shall be elected from among Council membership by Council members at the first meeting following the election/appointment of members. This meeting will be held no later than September 30 of each year and will be called by the Provost for the purposes of orientation of new members and alternates, election of officers, and appointment of the Hearing Officer.

3. Terms of office.

a. The term of the Chair-elect shall be from the date of election until the following September 1, at which time the Chair-elect will assume the office of Chair.

b. The term of the Chair shall be from the date of assumption of that office until the following September 1.

4. Duties of Council Officers.

a. An individual will be appointed by the Chair to serve as the Hearing Officer of the campus the Chair does not   represent (i.e., Hattiesburg or Gulf Coast).

b. The Chair shall preside at each meeting of the Council. The Chair shall set the time and place of all meetings of the Council.

c. The Chair (or the Chair-elect, should the Chair be unavailable) or the Hearing Officer for cases at the campus  the Chair does not represent will meet with the parties involved in each case to help ensure that:

(1) each grade challenge is reconciled at the lowest possible level,
(2) participants are aware of their rights and possible outcomes of deliberations,
(3) both parties understand the principles that guide all Council decisions, as well as the precise manner in which the hearing will be conducted.

Within one week after being directed by the Provost to convene the Grade Review Council, the Chair will notify in writing the concerned parties as to the opportunity for such a meeting. Other duties of the Chair include coordinating Council elections, providing standardized ballots for each Council vote, giving notification of all meetings of the Council, giving notification to parties involved in a grade challenge of the time and place of the proceedings, and giving notification to the Council members, parties involved, and the Registrar (if a grade is to be changed) of results of Council deliberations. The Office of the Provost may assist the Chair in carrying out any of these duties.

d. The Chair-elect shall be responsible for duties assigned by the Chair in the conduct of Council affairs and shall preside over the Council in the Chair's absence.

**Article IV: Meetings**

1. Written notice of each meeting shall be sent out by the Chair at least 10 days prior to the meeting; the notice should contain time, date, location, and purpose of the meeting.

2. A quorum shall consist of fifty percent (50) of two less than the number of elected and appointed members of the Council.

3. In the event that a member or an alternate are both unable to attend a meeting of the Council, the member should find a colleague to serve as a proxy. This faculty member, who must be eligible for election to the Council, must be given a written statement of authority to serve as proxy for the absent member. This statement must be presented to the Chair at the beginning of the meeting.

**Article V:  Steps in Grade Appeal Process**

1. A student who is dissatisfied with a course final grade must first attempt to negotiate a change in the grade with the instructor teaching the course. If the instructor is not a member of the University faculty at the time the student receives notice of the final grade, the student should attempt to negotiate a grade change with the chair of the department in which the course was taught.

2. Should the decision of the instructor in Step 1 be unacceptable to the student, the student should secure the University's grade appeal form from the Office of the Provost and provide the information required. The student will sign and date a log. The purpose of the log is to enable the Council to monitor the accessibility and effectiveness of the grade challenge process. At the same time, the student will be assisted in scheduling an appointment with the Chair (or, if unavailable, the Chair-elect) of the Council. The student must then return to the instructor who assigned the disputed grade. The student must provide the instructor with a copy of the written summary explaining the rationale for the grade challenge, as required in item 4 of the Procedure Checklist, and ask the instructor to sign the grade appeal form. The instructor has three working days to consider his or her response to the student's appeal, after which the student may proceed to the department chair regardless of whether the instructor has signed the grade appeal form. The department chair, in separate and/or joint conference with the instructor and student, shall attempt to reach an agreement for a final grade. If the instructor is the department chair, the student goes directly to the dean of the college.

3. Should the department chair be unable to resolve the matter to the satisfaction of all parties, the appeal will then be referred to the director of the unit in which the instructor teaches.

4. If the grade challenge is for a grade assigned in a graduate course, copies of the signed grade appeal form will be sent by the Dean of the Graduate School. If the grade challenge is for a grade assigned in a course taught as part of the international studies program, copies of the signed grade appeal form and the Council's letter to the participants will be sent by the department chair to International Education.

5. The Council will hear a student's petition if at least forty percent (40) of the Council's members vote to hear the case under the criteria spelled out below. The Chair of the Council will distribute the student's appeal package to all Council members. Shortly thereafter, the Chair will call for a mail ballot by Council members to determine whether at least forty percent (40) of the members believe the case should be presented before the entire Council. All members must vote either in the affirmative or the negative to hear the case. Ballots must be signed. The criterion to which members must refer when voting whether or not to hear the case is whether the student's appeal represents an issue upon which a difference of opinion is reasonable, or whether it appears to be essentially frivolous.

6. If, after following the procedure outlined in Article V, Section 5, the membership of the Council elects not to hear a student's petition, the Chair shall so notify the complainant, the instructor, the Provost, and the members of the Council. This notification, which must be in writing, shall indicate only that the Council will not hear the challenge because it does not fall within the Council's purview.

7. In those cases where less than forty percent (40) of the Council votes for a hearing, the student may appeal to the Provost, who may convene the Council if he or she believes the case to have merit. *The* Provost shall communicate with the Chair, in writing, the justification for convening a hearing.

**Article VI: Procedures**

1. The student must present his or her own case before the Council by offering evidence and, if desired, by calling witnesses. Witnesses must be present in the hearing room (or must have submitted a written statement) and may remain only while making their statements before the Council. After the student's presentation, the faculty member may also present statements and witnesses. The Council does not have the authority to require attendance or statements. In the event that either the student or faculty member involved in a grade challenge is reasonably unavailable to participate in any phase of the process, the Provost may appoint a representative to consult with and represent the absent party. This representative may be appointed only upon the specific written request of the unavailable party.

2. No plea is necessary, nor will guilt be implied. No ruling will be made concerning teacher competence, course difficulty, or other matters of a purely academic nature.

3. Both parties have the right to seek advice from a full-time University of Southern Mississippi student, an uninvolved instructor, friend, or any person outside the University community. Although the advisor may be present during the hearing, the parties may consult the advisor only at the beginning of the hearing or during a recess granted by the Chair.

4. During the hearing, all comments made by one participant to the other must be directed through the Chair. Any member of the Council may question either participant or any witness directly.

5. Normally, both parties will be present when each person presents his or her case. The Council may choose, however, to allow either party to present his or her case without the other being present. When this situation occurs, the Council must allow the other person the option of a private hearing as well.

6. After all the evidence has been heard and each party has had sufficient opportunity to present testimony, the participants will be excused. They will remain outside the hearing room until Council members have decided that no additional clarification of issues is necessary. At that time the parties involved will be dismissed by the Chair of the Council.

7. The members of the Council will then discuss and vote on the matter. All voting will be by secret ballot. (Printed ballots will be provided by the Chair at each hearing).

8. No member present may abstain from voting. The Chair will count the ballots aloud before the Council immediately following the balloting.

9. The possible outcomes, as determined by the vote of a simple majority of the members present, of any Council deliberation will be:

a. rejection of the student's appeal for a change of grade,

b. acceptance of the student's appeal for a change to the grade requested, and

c. acceptance of the student's appeal for a change of grade. In this case, a discussion of whether to assign the grade applied for in the student's grade appeal form or to modify the student's request will follow. A vote will then be called by the Chair, and the letter grade that receives a simple majority will be the new assigned grade. In the case of a tie vote, voting will continue until a letter grade attains such a majority.

10. Within one week after the hearing, a letter in which the Council's decision is detailed will be sent by the Chair to each participant as well as the appropriate department chair and college dean. In the case of a grade change, a copy of the letter will be sent to the Registrar. This letter will constitute authorization to change the grade in question. It will be the responsibility of the Chair to follow this letter with a telephone call one month after the hearing, in order to ensure that the grade change has been made.

11. The Council may instruct the Chair to meet with the participants to discuss the rationale for the Council's decision and to provide feedback on the instructor's grading practices.

12. The decision of the Council in the hearing cannot be appealed.

13. For any question of procedure, the Council will abide by the most recent edition of Robert's Rules of Order, Newly Revised.

14. No portion of any Council meeting may be tape-recorded.

15. All materials submitted by both parties to the Grade Review Council will be retained in the Office of the Provost.

**Article VII: Guiding Principles**

 1. The presumption is that the grade was awarded in a fair and equitable manner. The student has the burden of proof to demonstrate to the Council that the grade was awarded in an arbitrary or a capricious manner involving significant deviations from the course syllabus or treatment of the student significantly different from other members of the class.

2. A student who is dissatisfied with a final grade must first attempt to negotiate a change with the instructor of record.

a. The student appealing a final grade must follow the steps prescribed in Article V in the order enumerated.

b. The information for the appeal must be written on or attached to the grade appeal form, which will serve as the basis for deliberation at each step. The student must initiate the appeal, and either the student or a representative approved by the Provost must be present at each stage of the appeal. (See exception. Article VI, Section 1.) It is the responsibility of each reviewing official (department chair, dean, and Provost) to provide each party with a copy of the grade appeal for showing the action taken.

3. A student must initiate the appeal procedure within 30 school days (excluding Saturday, Sunday, and official student holidays) of the beginning of the semester subsequent to the one in which the grade was awarded, or 120 calendar days after the issuance of spring semester grades, should the student not be enrolled during the summer term. The following special cases should be noted:

a. The "120-day rule" shall also apply to the student who is not in residence during the semester following the awarding of the grade in question.

b. For the case of a challenge of a grade to which a grade of "I" was changed, the time limit shall be gauged from the submission of the removal of the incomplete grade-by using the change of grade form-to the Registrar by the dean of the college involved. It is the responsibility of the Registrar to notify those students whose grades have been changed. In the absence of such notification, the time limit shall be gauged from the date on which the student was first notified of the grade awarded. (This date must be documented by the student.)

c. In cases for which a grade of "I" was automatically changed by University regulations to a grade of "F," the grade is considered to have been awarded at the end of the semester following the one during which the "I" was received.

Except for items returned to the student, faculty members should preserve all materials used in determining the grade for at least the number of days indicated above.

4. The grade challenge procedure will have been officially initiated when the student picks up the grade appeal form from the Office of the Provost and signs the log book. If the appeal is initiated during either the fall or spring semesters, the student has sixty (60) days in which to complete the grade appeal form and return it with accompanying documents to the Office of the Provost. If the appeal is initiated during the summer term, the student has to complete the process within forty (40) days of the beginning of the fall semester. If the student fails to complete the process in the allocated time, the student loses the right of appeal. The Provost, either independently or upon petition by the student, may determine that the 60-day requirement cannot be met due to inaction by the Administration or by the Council and may set a new deadline. Additionally, the student may petition in writing the Provost for an extension. This letter of petition must include the reasons for the request and the proposed ending date for the extension. Whether or not the extension is granted, the parties concerned and the members of the Grade Review Council must be advised of the decision.

5. After the appeal process has been initiated, it is the responsibility of the student either to ensure that deadlines are met or to request an extension as provided for in Section 4. It is the responsibility of the department chair to request copies of all pertinent documents and data from the student and the faculty member for duplication. Copies of this material will be provided each person involved, including all members of the Grade Review Council should the case reach that level. It is recommended that the following items be submitted in support of every grade challenge:

a. a copy of page(s) from the course grade book, with names (but not the grades) of the other students in the class deleted;

b. all tests, quizzes, reports, exams, or other materials which were used in determining the grade (student should supply copies of those which were returned); and

c. a description of the procedure utilized to calculate the course grade, as well as the grading criteria actually given to the students (either orally or in writing) at the beginning of the course.

In addition, whatever else either party deems pertinent may be submitted as part of the appeal package (e.g., handouts, class notes, letters of support).

6. A faculty member whose grade award has been challenged may elect not participate in the hearing or in any other phase of a grade challenge. However, this will not prevent the Council from hearing and, if the facts so warrant, deciding the case and changing a grade.

7. All documents presented to the Council will become a part of the official record and will not be returned.

8. Grade Review Council meetings are closed; thus witnesses may be present only while they are making their statements.

9. The names of the members of the University Grade Review Council (with the exception of the Chair) shall not appear in any University publication nor be released by any University faculty member or administrator.

10. A Council member may not attend Council deliberations for any case involving a challenge to a grade in his or her department. A Council member holding a joint appointment may not attend Council deliberations for any case involving a challenge to a grade in either department.

11. A Council member should recuse him or herself from any case in which he or she has a personal relationship with either party.

**Article VIII:  Changes in Bylaws**

  1. These bylaws may be amended at any regular or special meeting of the Council, upon 30 days written notification of the time, place, and purpose of the meeting. The full text of any proposed amendments must accompany said notification.

2. The amendment(s) will become effective upon the affirmative approval of the Provost, and the President of the University