

EXAMINATION REVIEW AND GRADE APPEAL POLICY

(Updated June 2021)

Section I

Creation of Grade Appeals Board, Purpose

1. There is hereby established a permanent Grade Appeals Board consisting of six (6) members.
2. This Board shall have authority to hear complaints made by students regarding their final letter grade received in a course and make recommendations consistent with its finding.

Section II

Composition and Selection of Members

1. This Board shall consist of four (4) members of the Law Center's faculty and two (2) members of the student body. Three (3) of the faculty members shall be appointed by the Chancellor of the Law Center. One (1) faculty member shall be appointed by the Law Center's Senior Class in a process approved by the Associate Vice Chancellor for Student Affairs. The faculty member appointed by the Senior Class shall be selected no later than Friday of the second full week of the fall semester.
2. The two (2) student members shall be chosen in the manner provided for by the rules of the Student Bar Association, provided that one student member shall come from the second-year class and one from the third-year class. The student members of the Board shall be appointed no later than Friday of the second full week of the fall semester. A student must be in the top five (5) percent of that student's class to serve on the Board.

Section III

Tenure, Voting Power, and Meetings

1. Each Board member shall be appointed to serve one (1) academic year. A Board member may be reappointed. A faculty member shall not serve more than three (3) consecutive years. A faculty member who has served three (3) consecutive years may be reappointed after at least a one (1) year break in that faculty member's service.
2. The Chancellor shall appoint the chairman of the Board and, if necessary, one (1) faculty member as an ad hoc faculty member of the Board. The ad hoc member will serve only when a conflict on a grade appeal occurs for a Board member.
3. The Board members shall have equal voting power.

Section IV

Power of the Board

The Board shall have the following authority:

1. render a finding of fact upholding the decision of the professor;
2. render a finding of fact indicating that there are reasonable grounds to believe possible error resulted in grading a student's examination; and

3. in cases in which the Board finds that there are reasonable grounds to believe possible error resulted in grading a student's examination, the Board shall make recommendations consistent with its findings.

Section V

Examination Review and Discretionary Grade Change

1. Prior to appealing a grade earned in a course, the student shall review his final examination or paper with the professor by contacting the professor directly. Upon a student's request, professors shall provide the student with an opportunity to review his or her final examination paper. Any explanation that explains the grading process and identifies the substantive shortcomings in the student's answer is sufficient to meet the requirement. The term "review" does not necessarily mean a face-to-face discussion of the examination paper with the student. Examples of a review are providing the student with the student's examination paper and the grading sheet; providing the student with the student's paper and answering any question that the student may have via email; providing the student with the student's examination paper that contains detailed marks and comments that indicate how the points were determined; or conferring with the student one-on-one to explain the grading process. The professor should at least provide a copy of the examination during the review. This list is only illustrative and is not meant to exclude other methods that explain the grading process and identifies the substantive shortcomings in the student's answer.
2. While reviewing his or her examination, the student should record specific errors the professor made while grading the examination that may form the basis of the student's grade appeal in the event the issues cannot be resolved with the professor.
3. After reviewing a student's paper, if the professor learns that the grade submitted was incorrect, the professor may change the student's grade via the form located in the Records Office. Grades should only be changed if the professor discovers the grade submitted was incorrect due to error such as mathematical error, scrivener's error, failure to include points earned by the student, etc. All grade changes must be approved by the Vice Chancellor for Academic Affairs and the Chancellor.

Section VI

Rules for Appeal of Final Grade

After reviewing a final examination, a student may appeal a grade earned in a course in accordance with the following rules:

- Rule 1. Any student, other than a freshman student who has just completed the first semester, shall have the right to appeal the final grade earned in a course if the grade is at least one letter grade lower than that student's overall law school cumulative grade point average at the end of the term prior to the term in which the challenged grade was assigned.

Example: A student with an overall letter grade average of C must be given the right to review if the student makes a letter grade of D or F. On the other hand, if that same student with the C average should earn a D+ in a particular course, that student will have no right to review as a part of the appeal process.

A freshman student who has completed only the first semester of studies has a right to review that student's examination with the professor in accordance with Section V, Paragraph 1 above, but the student does not have the right to appeal a grade received in the first semester.

- Rule 2. A student desiring to exercise that student's rights under Rule 1 shall file a written request to appeal his or her final grade in the Maxient system via the online report form located on the Law Center website (<https://www.sulc.edu/page/registrar-forms>). The student's appeal request shall include a specification of errors detailing the mistakes the student believes were made by the professor while grading the examination or final paper.
- Rule 3. The request must be filed within 30 calendar days after the beginning of classes in the semester immediately following the semester in which the appealed grade was received, excluding summer sessions. Except as provided in Sections VII and VIII, grades earned in the spring semester shall be addressed in the subsequent fall semester. In cases in which the professor submits a student's final grade after the 30 days identified herein, the grade appeal request must be filed within ten (10) calendar days of receiving the final grade. If the 30th or 10th calendar day is on a weekend or holiday, the student will have until the next business day to exercise the student's rights hereunder.
- Rule 4. Upon request by the Chairman of the Grade Appeal Board, the Office of Records shall immediately forward the student's grade point average to the Chair of the Board.
- Rule 5. Upon notice to the professor of the student's grade appeal, the professor shall have seven (7) days after receipt of the notice to forward to the Board chair a copy of the examination in question, the student's answer(s), and any other information the professor deems necessary to explain the student's grade.
- Rule 6. The hearing must be held within 30 days after the receipt of the information mentioned in Rule 5, absent unusual circumstances. The Board chair shall notify the student in writing of the date and time set for the hearing. A hearing may not be held without at least four (4) members of the Board present, including both student members of the Board. At the hearing, the student shall have the burden of establishing reasonable grounds to believe that the grade given was likely the result of significant and serious error.
- A majority of the Board members present must concur in a decision. The Board shall notify the student and professor of its decision no later than three (3) days after the decision has been made.
- Rule 7. A finding by the Board upholding the decision of the professor shall preclude any further review in the correctness of the grade that was the subject of the student's complaint.

- Rule 8. A finding by the Board that there are reasonable grounds to believe that the grade given was likely the result of significant and serious error shall be presumptive evidence of the probability that the student's grade should be changed in accordance with the recommendation of the Board.
- Rule 9. Upon a Rule 8 finding by the Board, written notice shall be sent immediately to the concerned professor advising the professor of the professor's right to appear before the Board on a date and time provided in the notice. The professor may rebut allegations made by the student, answer questions from the Board members, or otherwise explain the grade received by the student.
- Rule 10. After meeting with the professor, if the Rule 8 finding remains, the Board may recommend to the professor that the student's grade be changed in accordance with its findings.
- Rule 11. Absent an agreement by the Professor to comply with the recommendation of the Board, the Board may recommend a grade change to the Chancellor, along with an explanation of its findings supporting the recommendation. After a review of the Board's findings that recommend changing a grade that was originally given in a course, and providing an opportunity for the professor to address the grade given, the final decision to change a professor's grade rests with the Chancellor of the Law Center.

Discretionary Review and Hearing

The Board may in its discretion grant a student a grade appeal hearing in cases not otherwise provided herein. In such case, the articles and rules above shall apply as much as practicable.

Expedited Grade Appeal

In the case of a graduating senior, the Grade Appeal Board may use an expedited process to review a student's final grade in a course taken during the student's final semester, in accordance with the procedures set forth herein.

Board Authority to Adopt Rules

The Board shall have authority to adopt procedural rules not in conflict with the Rules of Procedure for Appeal of Grades provided herein.

Amendments to Rules

The members of the Board may recommend changes to the grade appeal procedure by a majority vote of all members. Any changes to the Grade Appeal Policy must be submitted to the Law Center faculty for its approval.