



MONTCLAIR STATE
UNIVERSITY

University Senate

Recommendation of Revisions and Amendments to the Grade Grievance Policy

Approved by the University Senate - May 19, 2021

The University Senate recommends revisions and amendments to the University Grade-Grievance policies and procedures as specified in the accompanying annex. These revisions include:

1. addition of a Preamble that clearly articulates the jurisdiction of, and reasons for, a grade grievance;
2. clarification of the steps to be taken by a student through the grievance process;
3. election of the members of the Committee by a vote of peers.
4. clarification of the charge to the Committee and the steps to be taken by the Committee;
5. provision of detailed specifications for record keeping and documentation that both retain institutional memory, and keep student information confidential;
6. limitation of grade-grievance process timeline to be completed within one semester, with clearly articulated timeframes for each step;
7. substitute 'Provost, or designee' for 'Vice Provost for Academic Affairs';
8. designation of the policies and procedures as 'Grade Mediation' or 'Grade Resolution' in place of 'Grade Grievance'.

Rationale

The Grade Grievance policy as it is currently written lacks clarity in (1) reasons why a student would pursue a grade grievance, and (2) clear, step by step instructions, including an efficient timeline for students. Further, changing the title to 'Grade Mediation' or 'Grade Resolution' is less contentious, and more reflective of restorative justice processes embedded in the procedure.

Background

The Administrative Affairs Council reviewed the Grade Grievance practices, from beginning to end, through the report submitted by the Family Science and Human Development department (see attached). Council members gathered additional information about the process, practices, and outcomes, from their constituents. Further, they met with David Hood, Associate Provost for Undergraduate Education and Dean of University College, University College, to discuss more generally, issues and complications, with the Grade Grievance Policy as it is currently written. Last, Council members reviewed policies at other institutions, such as Boston University, Rowan University, Rutgers University, Stanford University, The College of New Jersey, & University of Delaware, among others.

References:

Boston University: <https://www.bu.edu/academics/policies/policy-on-grade-grievances-for-undergraduate-students-in-boston-university-courses/>

CUNY:
<https://psc-cuny.org/rights/grievance-process>

Rowan University:
<https://confluence.rowan.edu/display/POLICY/Grade+Dispute+Policy>

Rutgers:
<https://nursing.rutgers.edu/wp-content/uploads/2019/06/SON-Grade-Grievance-Policy.pdf>
http://catalogs.rutgers.edu/generated/ssw_current/pg75.html

Stanford University:
<https://web.stanford.edu/dept/registrar/bulletin1112/4988.htm>

SUNY Albany:
<https://www.albany.edu/risk-management/policy/title-ix-grievance-new>

SUNY New Paltz:
https://www.newpaltz.edu/media/compliance-and-campus-climate/SUNY%20New%20Paltz-SCI-Model-Title-IX-Policy_July-2020.pdf

TCNJ:
https://policies.tcnj.edu/wp-content/uploads/sites/247/2018/02/Grade_Appeals.pdf
<https://titleix.tcnj.edu/formal-administrative-hearing/>

University of Delaware:
<https://facultyhandbook.udel.edu/handbook/3110-grade-grievance-and-other-related-academic-complaints>

University of Rhode Island:
<https://web.uri.edu/hr/personnel-policies/grievance-procedure/>

William Paterson:
<https://catalog.njcu.edu/graduate/academic-requirements-policies-procedures/academic-grievanceappeal-procedure/academic-grievanceappeal-procedure.pdf>
<https://www.wpunj.edu/human-resources/employee-relations/programs-and-services/grievance.html>

Annex: Recommended Policy and Procedure

Presented as additions (in Blue) and deletions (strikethrough) to current policy and procedure.

Goals and Objectives

1. To ensure a formal procedure to guarantee due process for every student who feels aggrieved
2. To ensure equitable treatment for all parties concerned and protect the rights of individuals.
3. To ensure academic freedom as well as academic quality. To ensure remedy within a reasonable period of time.

Preamble

Initial jurisdiction over grade mediation lies within academic departments. Grading is the prerogative of the instructor and is based upon a student's performance against a clearly articulated set of assignments, expectations, and standards outlined within the course syllabus. The professional judgment of the instructor is not subject to the process of grade mediation. Only final course grades may be formally mediated. The student bears the burden of initiation and proof. A student preparing to begin the grade mediation process is encouraged to articulate a desirable outcome, e.g. what do they wish to accomplish by mediating their grade.

The grounds for mediation are

1. application of non-academic criteria, such as: considerations of race, politics, religion, gender, or other criteria not directly reflective of performance related to course requirements;
2. unfair and arbitrary academic procedures that affect the student's grade such as, assigning new criteria that are a substantial, unreasonable, and unannounced departure from the instructor's previously articulated criteria.

~~Informal Resolution Procedure~~ Mediation Process

It is the responsibility of any student wishing to pursue an academic grade ~~grievance~~ mediation involving a ~~faculty member to first~~ an instructor to follow the steps outlined below. The initiation of the student grade ~~grievance~~ mediation must take place within two (2) weeks from the beginning of the next regular (fall or spring) semester (i.e. Fall/Winter grade would have until end of 2nd week of Spring semester; Spring/Summer grades would have until end of 2nd week of Fall semester). Initiation will be time stamped when the student establishes contact with the instructor involved, or has reported a concern about their grade to the Chair of the department, and received confirmation of receipt of their report from the Chair.

1. **Step 1:** The student must first privately discuss the ~~matter privately~~ grade mediation with the ~~professor-instructor~~ involved. ~~In the event that~~ **The student should is-be prepared to present and discuss evidence of unfair grading practices.** Should the student be unable to contact the instructor within a two (2) week period, ~~an appointment should be arranged through the departmental secretary for the first time available. The initiation of the student grade grievance must take place within three weeks from the beginning of the next regular (fall or spring) semester.~~ **the student should reach out to the Chair of the academic department of the course to be mediated, to facilitate. Should the meeting fail to accomplish a resolution between the student and the faculty member, the student should arrange a private conference with the faculty member's Chair.**
 - a. **Instructor must meet with the student face to face or via video conference by the end of the fourth (4th) week of the semester.**
 - b. **Instructor will resolve, or reach a conclusion within three (3) days of meeting with the student, and share in writing, a statement of the outcome with the student, and with the Chair of the academic department in which the course is housed.**
 - c. **If an agreeable resolution is not reached, the process may proceed to Step 2.**
2. **Step 2:** Upon receiving the Instructor's statement, the student has three (3) business days to elevate the grade mediation to the Chair of the course's academic department. The role of the Chair in this process is two fold: 1) to review any evidence of unfair grading, and 2) to facilitate a mutual agreement and resolution between the student and instructor. The Chair may request any related documentation from the instructor or the student that will assist in comprehending the scope of the mediation.
 - a. **The Chair must notify, in writing, the instructor member involved that a meeting has been arranged between the Chair and the student.**
 - b. **Following the ~~conference~~ meeting with the student, the Chair must meet privately with the ~~faculty~~ instructor member to discuss the ~~problem~~ mediation, and to suggest possible outcomes and conclusions to resolve the conflict.**
 - c. **Finally, the Chair must notify the student within three (3) business days sharing any outcomes, or resolution they determined.**
 - d. **Should the ~~grievance~~ mediation not be resolved, the process may proceed to Step 3.**
3. **Step 3:** Upon receiving the Chair's statement, the student has three (3) business days to elevate the grade mediation to the Dean of the College/School. The Dean's role, like the Chair's role above, is to facilitate a resolution between the instructor and the student. Their focus should be on a review of the evidence both demonstrating and challenging unfair grading, with the intention of mediating a conclusion.
 - a. **The Dean should attempt to resolve the problem informally, meeting separately, or jointly with ~~the individuals involved.~~ The student, ~~faculty~~ instructor, and Chair, as they deem fit for the individual case by **the end of the 9th week of the semester.****

- b. Upon conclusion, the Dean should prepare a written evaluative statement concerning the student-faculty instructor conflict. ~~All concerned parties must receive a copy of the Dean's statement within eight weeks from the beginning of the regular (fall or spring) semester and all potential resolutions. The student, faculty instructor, and Chair must receive a copy of the Dean's statement~~ **within three (3) business days of the last meeting.**
 - c. If the conflict is not resolved, ~~the Dean of the College/School must notify the Associate Vice President for Academic Affairs in writing of the unresolved grievance and must forward all paperwork to the Associate VPAA within one week of the issuance of the Dean's statement. Both~~ **process may proceed to Step 4.**
- 4. Step 4:** Upon receiving the Dean's statement, the student has three (3) business days to elevate the grade mediation to the Provost in writing of the unresolved mediation. The Provost may designate another officer in their unit to lead the case.
- a. The Dean must forward any related documentation, previously proposed resolutions, and conclusions to the Provost, or designee, upon request.
 - b. All parties to the ~~grievance~~ mediation must be apprised of this action **in writing.**
 - c. The Provost, or designee may attempt to resolve the mediation informally, meeting separately or jointly with the student, instructor, Chair, and Dean, as they deem fit for the individual case, by the end of the 12th week of the semester.
 - d. The Provost, or designee, shall decide whether a formal ~~grievance~~ mediation is warranted. If a formal ~~grievance~~ mediation is deemed warranted, a ~~grievance~~ mediation committee must be convened, and all parties should be informed of this decision in writing **within three (3) business days, but no later than the end of the 13th week in the semester.**

~~Formal Resolution Procedure~~

~~Grievance Committee~~

The Grade ~~Grievance~~ Mediation Committee:

1. The Grade ~~Grievance~~ Mediation Committee shall be composed of:
 - a. one instructor from each College/School, ~~appointed by the Dean of that College/School,~~ **elected by a vote of peers** of that College/School, total of six (6) members,

- b. two students selected by the Student Government Association (SGA),
 - c. the Dean of Students, who will chair the committee while retaining voting rights.
3. The Grade ~~Grievance~~ Mediation Committee must be convened within two weeks after receipt of the ~~paperwork~~ documentation from the ~~Dean of the College/School~~ Provost, or his designee, **but no later than the 14th week of the semester.**
 4. **Committee instructor members should be established in a 2 year, rotating cycle so that institutional memory of process and procedures are maintained, e.g. every 2 years, only 2 of the six instructor members rotate off.**
 5. The bargaining agent of the ~~faculty member~~ instructor involved may appoint one representative to be present during committee deliberations, **as provisioned by their Union contracts.**
 6. The aggrieved student may also bring an advisor to the proceedings. The advisor is not permitted to participate in the proceedings, but may support and advise the student.
 7. If any committee member has a direct personal or professional relationship with any individual(s) involved in a particular case, the committee member must disqualify him/herself from serving on the committee while the case is being heard. If the impartiality of a committee member is questioned, the committee itself must reach a decision as to the continuance of the individual so questioned. If a member is disqualified, another individual from the same constituency shall be appointed to serve in ~~his or her~~ their place.
 - ~~8. Grievance Committee Procedures:~~
 - ~~9. The Grievance Committee will hold hearings in two steps. In the first step the complainant will present the relevant charges and the complainant and the individual charged will present relevant evidence in support of their respective positions and ask questions of the other party. In the second step members of the Grievance Committee only will deliberate leading to a recommendation to be forwarded to the Vice President for Academic Affairs.~~

Grade Mediation Committee Procedures:

1. In advance of the hearing, the Chair of the Grade ~~Grievance~~ Mediation Committee shall notify the ~~grievant~~ student, the ~~individual charged with the unfair practice~~ **instructor** accused of unfair grading, and the members of the committee of the time and place of the hearing, specification(s) of the complaint, composition of the committee, and the right of

~~the individual charged instructor to be accompanied by an advisor. The advisors their bargaining agent, if they wish. An advisor to the student and faculty member instructor may be present when charges the grade grievance mediation and evidence are presented to the committee. At any hearing, all parties with the exception of advisors may question witnesses. All committee hearings shall be confidential; witnesses shall be excluded except for the period of their questioning. The report and recommendation of the committee shall be Class schedules of students and faculty instructor must be accommodated when setting committee meetings.~~

2. ~~The Grade Grievance Mediation Committee will hold hearings in three steps:~~
 - a. **Step 1:** The student and instructor will present relevant evidence in support of their respective positions.
 - b. **Step 2:** Witnesses are called, if any, and may be questioned by the student, instructor, and committee members. Witnesses shall be excluded except for the period of their questioning.
 - c. **Step 3:** Members of the Grade Mediation Committee will deliberate leading to a recommendation to be forwarded to the Provost, or designee.
3. All committee hearings shall be confidential.
4. After deliberation, the committee will create a report and recommendation in writing, including the committee's rationale for its decision and any dissenting opinion(s). Only those committee members who have heard all testimony and evidence in a given case may vote on a committee's recommendation.
5. ~~The committee's report and recommendation shall be forwarded to the Vice President for Academic Affairs of the University~~ **Provost, or designee**, after completion of the hearing, and copies shall be provided to all parties of the complaint. ~~If the committee finds in favor of the faculty member and no appeal to the committee's decision is filed within the specified time period, (see 3a below) the committee shall destroy all documents pertaining to that particular case.~~

Appeal Process:

1. If any parties to the complaint are not satisfied with the committee's report and recommendation, they may request a meeting with the ~~Vice President for Academic Affairs~~ **Provost, or designee**.
 - a. Such a request must be filed within five (5) calendar days after receipt of the report.
2. Such an appeal to the ~~Vice President for Academic Affairs~~ **Provost, or designee**, must be based upon one of the following:

- a. a contention that committee procedure may have had a prejudicial effect on the outcome of the report and recommendation;
 - b. the discovery of new information after the committee hearing which may have an effect on the outcome of the hearing;
 - c. the belief that the committee recommendation was unsubstantiated by the evidence and documentation presented.
3. The ~~Vice President for Academic Affairs~~ Provost, or designee, shall weigh all evidence and recommendations and render a final written determination of the matter. All parties to the mediation must receive copies of the ~~Vice President for Academic Affairs~~ Provost's, or designee's recommendation.
 - a. ~~If the Vice President is in agreement with the committee's findings in favor of the faculty member, the Vice President must destroy all documents pertaining to that case. If, however, the Vice President for Academic Affairs~~ A copy of this recommendation should go to the Chair of the Department, the Dean of the College/School, and the Dean of Students.
 - b. All procedural actions with the exception of the Appeal process must be completed within the semester they are initiated.
4. If the ~~Vice President for Academic Affairs~~, **Provost, or designee**, finds in favor of the student, a recommendation for change of grade should be made by the ~~Vice President for Academic Affairs~~ Provost, or designee, to the ~~faculty~~ instructor member.
5. Department Chairs, Deans, Provost, etc. should not attempt to discuss or resolve any grade mediation unless the above procedure has been faithfully adhered to.

Record keeping and Documentation:

1. The student may present any relevant evidence that demonstrates grounds for grade mediation at any stage of the grade mediation process, including potential witness testimonies.
2. The instructor member whose grade is grieved may present any relevant evidence at any stage of the grade mediation process, including potential witness testimonies.
3. The Chair, Dean, Provost, or designee, and Grade Mediation Committee members may review any relevant evidence and testimonies presented by the student and the instructor member as outlined in the grade mediation procedure above. No other evidence, or outside circumstances or complaints should be considered.
4. Confidential records of submitted reports and evidence should be kept for a period of three (3) years by the last University member (instructor, Chair, Dean, or Provost) who last reviewed and resolved the case.

NOTE: No individual involved in the appeal process should hear, initiate, or attempt to resolve a grade grievance mediation unless the Grade Grievance Mediation Procedure, obtainable at ~~Department Chair's office or at the Office of the Dean of Students~~ posted on the University's website, has been properly followed adhered to, **or all parties, including the student in writing, agree to an extension.**

Appendix 1: Proposed Timeline (included as a point of information to clarify steps and their allotted time frame):

1. Student has [2 weeks into next full term semester] (i.e. Fall/Winter grade would have until end of 2nd week of Spring semester; Spring/Summer grades would have until end of 2nd week of Fall semester) to reach out to the instructor with concern of unfair grading practice. If an instructor member does not respond timely, the student should ask the Chair of the academic department where the course is housed for assistance in facilitating a response. 2 weeks into the semester.
2. Instructor has [until the end of the 4th week] to arrange a face to face or video meeting at an agreeable time. 4 weeks into the semester.
 - a. Instructor must resolve, or reach a conclusion within [3 days] and share with student in writing. 5 weeks
 - b. Student may elevate to the Chair within [3 business days]. 6 weeks into the semester.
3. Chair has [until the end of the 7th week] to arrange meetings with instructor and student as necessary. 7 weeks
 - a. Chair's decision is made in writing to student and instructor within [3 business days] of meetings concluding. 7 weeks
 - b. Student may elevate to the Dean within [3 business days]. 8 weeks
4. Dean has [until the end of the 9th week] to arrange meetings with Chair, instructor, and student as necessary. 9 weeks
 - a. Dean's decision and resolution is made in writing to student and instructor within [3 business days] of meetings concluding. 10 weeks
 - b. Student may elevate to the Provost within [3 business days]. 10-11 weeks
5. Provost has [7 business days] to arrange meetings with the involved parties. 12 weeks
 - a. Provost's decision to proceed with formal grade mediation should be in writing to Grade Mediation Committee Chair, & instructor, and student with copy to Dean and department Chair within [3 business days].
6. Grade Mediation committee convenes by the end of the 14th week of the semester.
 - a. Decisions/reporting within [end of the semester]
7. Student appeals within [7 days] of report.
 - a. Conclusion by Provost within [7-10 days].

Attachment: Family Science and Human Development report

Dear Montclair State University Senate,

The Department of Family Science and Human Development (FSHD) wishes to call for action to address the Montclair State University (MSU) administration's failure to follow the grade grievance policy. We specially direct your attention to the events regarding how the university dealt with a case of academic dishonesty (two students suspected of cheating on an exam during the Winter semester held in December, 2018- January, 2019) within the FSHD Department. Throughout the grievance process, several ranks in the MSU administration undermined the first four objectives of the current grade policy: (1) due process, (2) equitable treatment, (3) academic freedom and quality, and (4) did not meet the assurance of remedy within a reasonable period of time.

More specifically, attached you will find a timeline of events that includes enough descriptive information to make clear the administration's failure to follow its own policies, and its treatment of faculty during the process. Below we include a couple of the most important take-away points from the events:

1. Whereas the policy outlines "due process," the administration did not follow the required timeline, which negated due process for the students and faculty involved. For example, there was no further communication from the administration about further steps to be taken during the summer, 2019. Due to this lack of communication, the two students already registered for the same course (FSHD 200-02) in the summer. By the time when the Mediation Committee hearing was scheduled in the fall, 2019, these students already started taking the course and went on taking it throughout the process of this grievance. Further, the administration claimed that they conducted additional analyses of the test scores to examine the potential of cheating, yet did not provide those analyses to the faculty for review, even after they were requested. This leads us to wonder if the goal of conducting the analyses was to undermine the faculty member. Even more than 18 months after the original event, there have been no clear explanations provided as to why the administration conducted these additional analyses, and no offer to share the results of the analyses.
2. Whereas the policy seeks equitable treatment, events outlined in Number 1 above also suggest that the faculty was not treated equitably; the faculty member was held to the policy's standards, but the administration was not. The faculty was not given access to the additional analyses performed by the administration, thereby infringing upon the faculty member's rights to prepare rebuttal and even be aware of evidence used in decision-making. This point also brings a bigger concern about potential harmful effects of power inequality on non-tenured and adjunct faculty who may face similar situations.

3. Whereas the policy seeks “academic freedom and academic quality,” violations of the objectives automatically undermine academic freedom and the academic quality and rigor of the entire institution.
4. Finally, whereas the policy seeks “remedy within a reasonable period of time”, as reviewed above, it took a total of 11 months to reach a remedy. The suspected dishonesty event occurred during the 4-week Winter 2019 session (December, 2018) and was not resolved until November, 2019 during the fall 2019 semester. This falls well far outside the policy’s timeline for remedy.

This failure of MSU to follow their own policies presents a great risk to create a lack of transparency, inequities, harms students, faculty, and staff, and the academic rigor and environment of the institution, specifically. In particular, currently, we are experiencing extreme social changes due to worldwide health concerns. While dealing with this unprecedented circumstance, many operational strategies have been altered and are expected to change. To protect students, faculty, and staff, it is essential of utmost importance to find the best ways to maintain academic rigor and just treatment.

Several recommendations are, but not limited to:

1. To maintain transparency in academic policy implementation, the current academic policies must be kept in records in both paper and online formats, including all the revisions made to the policies in a timely manner. These records must be available for public review.
2. A request for the grievance and the entire process outside the college should be made in writing and clearly monitored by the Mediation Committee, not by individual members of administration.
3. The final verdicts must be fair and consistent across the institution and be officially documented for public review, including all the exceptions made throughout the process.

In closing, we ask how a university that explicitly states the value of social justice as endemic to the culture of our community can, at the same time, allow such injustices to occur. Currently, no policy exists that protects faculty, staff, and/ or students from the failures of the administration to follow its own stated policies. Therefore, FSHD seeks your actions to ensure all policies that fall within the purview of the Senate’s academic mission are followed equally by all parties, and consequences for not doing so are articulated and enacted.

Should additional information be needed, we pledge to provide it.

Sincerely (in alphabetical order),
Dr. Jon Caspi

Dr. Connie Gager
Dr. Pauline Garcia-Reid
Dr. Sara Goldstein
Dr. Soyoung Lee
Dr. Steven Lee
Dr. Miriam Linver
Dr. Olena Nesteruk
Dr. Robert Reid
Dr. Pearl Stewart

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