

## Appeals From Grades\*

Students may appeal a final grade in two circumstances, described below.

### 1. MATHEMATICAL ERROR

Any student may appeal a final grade because the student believes an error has been committed in the mathematical computation or transcription of the grade. Any student who feels aggrieved shall first consult with the professor about the grievance. The professor shall explain to the student the standard of measurement by which the grade was determined. This consultation need not take the form of a face-to-face meeting if it is unreasonable to do so under the circumstances.

If, after consultation with the professor, the student still feels aggrieved, the student may petition the Committee specifically established by the faculty for the purpose of reviewing student grade appeals. The petition shall be submitted in writing to the Associate Dean for Student Affairs and must contain a clear, accurate, concise, full, and complete statement of the grounds for appeal and the facts relied on in support of the petition. The petition shall be filed within six weeks after the student's final grade in the course is posted by the School of Law Administration. This requirement can be waived by the Committee for good cause.

### 2. SUBSTANTIALLY UNEQUAL TREATMENT

A student may appeal a final grade because the student believes he/she suffered substantially unequal treatment in the grading of the examination on which the grade was based as compared to the grading of other students' examinations in the same course, or any other substantially unequal treatment in the assignment of the course grade. A student who receives a final grade of 2.2 or above will not have the right to appeal pursuant to this section.

### 3. PROCESS FOR GRADE APPEALS

#### a) CONSULTING WITH THE PROFESSOR

Any student who feels aggrieved shall first consult with the professor about the grievance. The professor shall explain to the student the standard of measurement by which the grade was determined. This consultation need not take the form of a face-to-face meeting if it is unreasonable to do so under the circumstances.

#### b) PETITIONS COMMITTEE REVIEW

If, after consultation with the professor, the student still feels aggrieved, the student may petition the Committee specifically established by the faculty for the purpose of reviewing student grade appeals. The petition shall be submitted in writing to the Associate Dean for Student Affairs and must contain a clear, accurate, concise, full, and complete statement of the grounds for appeal and the facts relied on in support of the petition. The petition shall be filed within six weeks after the student's final grade in the course is posted by the School of Law Administration. This requirement can be waived by the Committee for good cause. If the professor is not available for the consultation described in this paragraph during this six week time period, the presumption stated in paragraph F(3)(c) infra shall apply, and the student must file his/her appeal within an additional four week period after expiration of the six week period.

The Committee, or a designated member, shall examine the petition after receiving it. If, upon review, the Committee or its designated member concludes that the allegations on the face of the petition are insufficient to state a grievance pursuant to paragraph F(1) or F(2) supra, the Committee shall dismiss the petition. The student

may file an amended petition within ten days after the mailing or other delivery of the written notice of the petition's dismissal.

If, upon examination of the petition or amended petition, the Committee, or designated member, concludes that the allegations on the face of the document are sufficient to state a ground for appeal under paragraph F(1) or F(2) supra, the Committee shall forward the petition to the professor involved and request a reply to the petition, which must include a written explanation of the standard of measurement by which the student's grade was determined. The standard of measurement shall consist of one or more of the following:

- A. a sample or model answer for each of the questions being appealed on the examination;
- B. a key to correct answers on the examination;
- C. a written statement of the criteria used in assessing the quality of student answers;
- D. an outline statement of the points or issues to be discussed in answering the examination and the substance of such discussion;
- E. sample student answers which received high and low grades on this examination;
- F. answers of students receiving grades equivalent to the petitioner on this examination;
- G. any other documentation for grading which in the opinion of the professor will permit independent objective evaluation by a person familiar with the subject matter of the examination.

If the Committee concludes that the professor's response is adequate and that no reasonable question of fact exists, the matter shall be dismissed. The student shall receive notice of the dismissal. If the Committee concludes that a reasonable question of fact exists, the Committee shall set a time and place for hearing at which the student and professor involved shall have the right to be present and to present any relevant evidence. The student or professor may be represented by counsel of their own choosing at the hearing.

#### c) BURDEN OF PROOF

At the hearing, the burden is on the student to establish by a preponderance of the evidence that he or she is aggrieved for one or more of the reasons stated in paragraph F(1) or F(2) supra, except as provided in paragraph F(6) infra.

Any of the following facts, if established by the student or Committee as indicated through a preponderance of the evidence, will give rise to a presumption that the professor did treat the student in a substantially unequal manner as stated in paragraph F(2) supra:

- A. If the student establishes that through no fault of the student's, the student was denied the consultation described in paragraph F(2) supra, within the time limitation stated in paragraph F(2) supra;
- B. If the Committee establishes that the professor has violated paragraph F(4) by failing to substantially comply with the required standards for measuring the student's grade described in that paragraph; or
- C. If the Committee establishes that the standard of measurement provided by the professor is incorrect or, as applied to the student's grade, clearly indicates that the student should have received more credit than was in fact received.

The effect of this presumption is that it will shift the entire burden of proof to the professor to prove by a preponderance of the evidence that the professor did not violate paragraph F(2).

#### d) DELIBERATION AND DECISION

After any hearing, the Committee shall deliberate in private, and if, after full consideration, the Committee finds that the student has received a grade that is not substantiated by the total record with respect to the particular

ground or grounds alleged, the Committee may then direct the Administration to change the grade by lowering or raising it. The Administration shall notify the student and professor affected by the decision.

Any decision of the Committee shall be accompanied by written statement of reasons.

\*This policy can be found in section IV.F of the 2017 University of Detroit Mercy School of Law Student Handbook, on pages 28 – 30.