

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

(Approved by the President August 1, 1991; amended April 21, 2016)

I. PURPOSE

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.

II. POLICY

A. Expectations of faculty and academic units in the conduct of academic courses are set forth below.

1. Faculty

The University has the following reasonable expectations of faculty teaching undergraduate courses:

- a. There shall be 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. 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 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;
 - 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 explanation of the delay and the basis of course development shall be provided.

- b. There shall be a reasonable number of graded assessments or progress reports to permit evaluation of student 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.
- e. 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.
- 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.
- j. 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.
- k. 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.
- l. 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.

- 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, Colleges, Schools) 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 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. Equitable 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

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

Neither the University of Maryland Non-Discrimination Policy and Procedures (VI-1.00[B]) nor any other University grievance procedure may be utilized to challenge the actions, determinations, or recommendations of any person(s) or board(s) acting pursuant to these procedures.

Notwithstanding any provision of this Policy to the contrary, the following matters do not constitute the basis for a grievance under this procedure:

- 1. Policies, regulations, decisions, resolutions, directives and other acts of the Board of Regents of the University System of Maryland, The Office of the Chancellor of the University System of Maryland, and the Office of the President of the University of Maryland;
- 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;
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 and the University of Maryland;
7. Any issues or acts which 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 hearing board, shall deem appropriate.
9. "Class-action" grievances are not 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, there may be no challenge to the award of a specific grade.

C. Procedure for Grievance Involving Faculty Member or Academic 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 achieve resolution of the grievance through 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.

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 chair, program director, or equivalent, and present the grievance in its entirety.

The department chair or program director 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

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

- a. The student shall file a written grievance with the dean of the College or School.
- b. The writing shall contain:
 - the act, omission, or matter 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 within twenty (20) business days 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. It is the responsibility of the student to ensure timely filing.
- d. The dean shall convene a screening board as set forth in section E.2 of this policy.

- e. The dean shall notify an instructor or academic unit head of a timely grievance. A copy of the grievance and all relevant material shall be provided.
- f. The instructor or program director or department chair shall make a complete written response to the 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.
- g. A copy of the faculty member's or program director's or department chair's response shall be sent by the screening board to the student filing the grievance.
- h. The screening board may request further written information from either party.
- i. The 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 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; or
- frivolous or filed in bad faith.

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

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

The 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.

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

The following rules apply to the conduct of a hearing by the 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 screening board shall be forwarded to the 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 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 UMD 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 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 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 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, 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. 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 believes appropriate;
 - reconvene the 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 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.

D. Procedure for Grievance 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 dean, present the grievance in its entirety, and attempt a complete resolution.
- b. 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 Senior Vice President and Provost. A grievance may be initially presented to the Provost if the dean is not reasonably available to discuss the matter.
- c. The 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

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

- a. The student shall file with the Provost a timely written grievance.
- b. The writing shall contain:
 - the act, omission or matter 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 within twenty (20) business days 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.

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

- d. Upon receipt of a timely grievance, the Provost shall convene a screening board as set forth in section E.2 of this policy.

The Provost shall notify the dean against whom the grievance has been filed and provide a copy of the grievance and all relevant materials.

- e. The dean against whom the grievance has been filed shall respond in writing to the screening board within ten (10) business days. In the event the grievance is received by the 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 dean shall be sent to the student.

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

The Provost 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.

- 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 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 College and School hearing boards, except that the decision shall be forwarded to the Provost.

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

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

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

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

- l. In the absence of a timely appeal, or following receipt and consideration of all timely appeals and responses, the Provost may:

- dismiss the grievance;
 - grant such redress as the Provost 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 shall inform all parties of the final decision in writing, and the grievance shall be thereafter concluded. The decision of the Provost is final and binding, and is not subject to appeal or review.

E. Composition of Screening and Hearing Boards

The following procedures are directives only, and for the benefit and guidance of deans and the Provost in the selection and establishment of 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 Screening and Hearing Boards for Academic Grievances

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

2. Establishment of College and School Screening Boards

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

The dean 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.

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

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

The hearing board shall be composed of three (3) faculty members and two (2) students selected by the dean.

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

No faculty member or student should be appointed to hear a grievance arising out of their own department or program.

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

The Provost should designate one faculty member to serve as chairperson.

No faculty member or student should be appointed to hear a grievance arising out of their own program, department, College, or School.

F. Finality

Any student who elects to use this Policy 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. For the purposes of this limitation, a student shall be deemed to have elected to utilize this Policy at the time a written grievance under the formal resolution procedure is filed.