TO: The Academic Senate

FROM: The Fairness Committee

SUBJECT: Fairness Document Revision

PURPOSE: For Action by the Academic Senate

ACTION REQUESTED: That the Academic Senate approve the proposed Fairness document revision, highlighted below; effective Fall 2011.

BACKGROUND
INFORMATION: During the Committee’s review of one of its cases, it discussed with some concern that while the Hearing Panel’s report in the case had been issued in November, as of late February the Panel’s recommendations had not been completed. (The Panel recommended that the student’s coursework be reviewed by another faculty in the department, and that review had not been completed 3 months later). It was noted that this is one of the only steps in the Fairness process that does not have a specific deadline to be completed. Therefore, the Committee recommends that the Senate approve the above change to the Fairness document.

On February 28, 2011, the Fairness committee voted to include the new point III.B.6.g.(8). The following points in the document should then be renumbered accordingly. (See highlighted area below):

III. The Academic Grievance Procedures
B. Consideration of the Academic Grievance
  6. Academic Hearing Panel
     g. The Hearing Panel will conduct a hearing to consider the charges, determine the facts of the case, and, where appropriate, institute remedies.

     (1) The Hearing Panel shall not find for the student if it concludes the actions which gave rise to the complaint resulted from the exercise of reasonable judgment.

     (2) There is a presumption that any grade assigned by the instructor is correct; the burden of proof to change an assigned grade rests with the student.

     (3) If the Hearing Panel determines that a grade should be changed, or that a student’s work needs to be evaluated, the Panel may utilize the expertise of other faculty from the department involved (or closely related
departments) when assigning a new grade.

(4) No member of the Hearing Panel may evaluate the academic quality of a student’s work.

(5) No grade may be lowered by any action of the Fairness Committee or its Hearing Panels. If a Hearing Panel determines that a grade should be raised, the Presidential Appointee to the Fairness Committee will submit the new grade.

(6) The decision of a properly constituted Hearing Panel that has followed correct procedures is final.

(7) The Hearing Panel will report its determinations and judgments to the Presidential Appointee to the Fairness Committee in writing within twenty academic days of its convening. All three members of the Panel must sign the final report. A minority view may be expressed when appropriate. The outcome of the Hearing Panel will be reported to the Fairness Committee at its next meeting by the Presidential Appointee.

(8) **The recommendations of the Hearing Panel will be completed by the appropriate designated faculty member or department and reported to the Presidential Appointee within 40 15 academic days following the receipt of the report of the Hearing Panel.**

(9) The Presidential Appointee to the Fairness Committee will report in writing the results to the student, instructor, and Department Chair. Upon request, copies of the Panel's report will be made available to the student, instructor, and/or Department Chair.

(10) None of the contents of the minutes or other records of the Hearing Panel may ever be included in any faculty personnel file or student folder. The minutes are confidential and shall all be forwarded by the Presidential Appointee to the Office of Academic Programs and Graduate Studies which shall destroy them six months after the final resolution of the grievance.

(11) If the student or the instructor (or the Department Chair in the instructor's absence) believes the Hearing Panel followed improper procedures, he/she may appeal to the Fairness Committee within five academic days of receipt of the Hearing Panel decision. The Fairness Committee shall not review the decision(s) of a Hearing Panel that has followed proper procedures. If, however, the Fairness Committee finds that improper procedures may have influenced the decision(s) of the Hearing Panel, it may establish a new Hearing Panel to make a final decision.