

## **Hearing Procedures for Employees with Faculty Rank**

(This section of the Handbook was updated in May to reflect the Faculty approval March 2, 2012)

A. The Elon University Faculty Bylaws provide (Article VI, Section 3, k) that:

“Elected members of Academic Council shall serve as a hearing committee, when a hearing is to be held, in cases involving 1) the dismissal or suspension of a faculty member or 2) charges of unprofessional conduct against a faculty member with the exception of complaints of harassment or discrimination based on membership in protected categories in Elon’s non-discrimination statement. Any dismissal, suspension, or disciplinary action as a result of a finding of a violation of the university’s nondiscrimination/nonharassment policies may, upon request by the accused faculty member, be heard by Academic Council.”

B. The academic council has adopted the following procedures for use when it sits as a hearing body for any employee with faculty rank:

1. The person requesting the hearing (hereinafter referred to as the aggrieved person) may present the grievance and/or he/she may be represented by any other faculty member he/she selects.
2. Any other person who considers himself/herself to be directly affected by the hearing may apply to the academic council to be made a party. Persons granted such status by the academic council will have the same rights to representation and presentation of evidence as the aggrieved person. The administration, or persons complained against, shall be parties to the hearing.
3. Parties to the hearing will be afforded opportunity to present written or oral evidence and may call witnesses to present evidence.
4. During the course of presentation of evidence, members of the hearing body may interject questions as considered necessary.
5. All sessions shall be open only to parties to the hearing, their representatives, and to witnesses while they are testifying.
6. After all testimony has been heard, the academic council shall meet in executive session to formulate its recommendations.
7. In reaching its decision, the academic council will consider only documents, materials and testimony presented in the hearing.

8. Recommendations of the academic council as to disposition of the case shall be made to the president of the university with a copy of same to each party.
9. During and after the hearing members of the academic council shall make no comment regarding the case beyond those made in meetings of the council.

C. Procedures for Dismissal of Tenured Teaching Faculty

1. Administrative Consultation

When reason arises to question the retention of a teaching faculty member who has tenure, the chair of the department, the dean, and the provost/vice president for academic affairs will discuss the matter with the faculty member. The procedure may be terminated at this point by mutual consent.

2. Academic Council

If the issue is not resolved by mutual consent, the faculty member has the right to request a hearing by the academic council. The hearing procedures adopted by the academic council are printed in the above section. The faculty member requesting the hearing may present the grievance and/or may be represented by any other faculty member he/she selects. The faculty member has the right to secure counsel and the right to question witnesses.

Recommendations of the academic council concerning disposition of the case shall be made to the president of the university.

3. Board of Trustees

If requested by the faculty member, the president shall take the full report of the academic council to the Board of Trustees stating the council's recommendation, together with the president's own recommendation. The Board may accept the president's recommendation or the recommendation of the council, or the recommendation may be returned to the council for reconsideration.

## Faculty Grievance Procedure

### A. For Faculty

#### 1. Purpose

The purpose of this procedure is to assure fairness and consistency in faculty employee relations and to resolve misunderstandings as quickly as possible. No employee shall be discriminated against because he/she uses this procedure.

#### 2. Coverage

For purposes of this procedure, employees are full-time and part-time faculty. Academic support staff with faculty rank and administrative staff with faculty rank may choose either the faculty or staff procedure.

#### 3. Grievable Issues

- a. Disciplinary actions, including written warnings placed in employee's file, suspensions and discharges, where the employee questions the appropriateness of the stated cause except hearings conducted by the academic council under I-5, Article VI, Section 3, k of the faculty bylaws.
- b. Alleged violation, misinterpretation or inequitable application of university policy affecting the employee.
- c. Alleged violation of the professional boundaries policy as defined in Web Reference A-17 in the Table of Contents of the *Handbook*. (Note: Students who wish to issue a complaint of the professional boundaries policy against a faculty or staff member should use the process identified in the Student Handbook for addressing such violations.)

#### 4. Non-Grievable Issues

- a. Issues heard by the Academic Council under I-5, Article VI, Section 3, k of the faculty bylaws.
- b. Issues heard by the Tenure/Promotion Appeal Board and the Continuance Appeal Hearing Board as defined by the *Faculty Handbook*.
- c. Determinations of responsibility for discrimination and harassment based on membership in protected categories in Elon's non-discrimination statement and any sanctions resulting from such determinations.

- d. Termination related to: reduction in force or expiration of grants, failure to receive tenure, failure to receive a continuing contract, and expiration of employment contracts.
  - e. The content of published personnel policies and procedure.
5. Procedure for Grieving Items listed above (General Grievance Procedure)
- a. Step One
    - 1.) Informal discussion with the employee's supervisor/department chair should always take place first in an attempt to resolve any problem. In some cases, input from a higher authority may be helpful. The employee and/or supervisor/department chair may wish to contact such a person.
    - 2.) In the event that the department chair is involved in the complaint, a second person, selected by the provost/vice president for academic affairs, will assist in the investigation.
    - 3.) Investigation at this step will be conducted expeditiously.
  - b. Step Two
    - 1.) If the aggrieved employee (grievant) is not satisfied with the disposition of the grievance at step one, he or she shall, within 30 days after the event giving rise to the grievance, submit a written statement of grievance to his/her department chair.
    - 2.) Upon receipt of the grievance at this stage, the department chair will notify the director of human resources who will contact the university legal advisor in order to help assure that the grievance procedure is followed carefully.
    - 3.) The department chair shall investigate and attempt to resolve the grievance. This investigation may include a meeting between the department chair, appropriate dean, the grievant, and any other appropriate personnel.
    - 4.) A written response shall be given to the employee within 2 weeks after receipt of the written grievance by the department chairperson unless the employee agrees to an extension of this time period.
  - c. Step Three

If the grievant is not satisfied with the disposition of the grievance at step two, or if no decision has been rendered within 2 weeks of the department chair's receipt of the grievance at step two, the employee may request the dean of the department chair's college or school to begin processing the grievance at step three.

d. Step Four

- 1.) If the grievant is not satisfied with the disposition of the grievance at step three, or if no decision has been rendered within 2 weeks of the dean's receipt of the grievance, the employee may request that the provost/vice president for academic affairs begin processing the grievance at step four.
- 2.) The provost/vice president for academic affairs, with the support of the director of human resources, will arrange for a hearing to be conducted by a three-member committee of employees, one member of which will be selected by the grievant, one by the provost/vice president for academic affairs. Both of these members shall select a third member from the current members of the academic council.
- 3.) If the two members are unable to agree on the selection of a third member, they shall alternately eliminate names from the academic council until the last name, which person shall become the third committee member. First elimination is to be determined by the toss of a coin.
- 4.) The committee selected above will select from among its members a chair by majority vote. If no member receives a majority, the member chosen from the academic council shall be chair. The chair, with support provided from the director of human resources, will be responsible for determining how the facts relative to the grievance shall be investigated. The chair will also determine whether a formal hearing is required. If such a hearing is held, the grievant may be accompanied and represented at the hearing by a university employee of his or her choosing. Only university employees may represent an employee in a grievance hearing. Reasonable provision will be made for other employees to appear as witnesses.
- 5.) The investigation by the three-member committee should normally be completed within one month of its formation. Within 3 weeks of the completion of the investigation, the recommendation of a majority of the committee, along with their findings of fact, shall be submitted to the president.
- 6.) The president, after reviewing the findings and recommendations and any other evidence considered relevant, shall make a final decision which will then be communicated to the grievant.

**6. Grievance Procedure for Alleged Violation of the Professional Boundaries Policy**

Faculty who are found to be in violation of the Professional Boundary Policy and who wish to contest the finding should follow the faculty's general grievance policy, see Faculty Handbook, Section II-10-Faculty Grievance Policy.

**7. Regarding Discrimination and Harassment Violations (includes sexual harassment)**

The university seeks to provide an educational community and workplace free of prohibited discrimination and harassment. To that end, it has adopted the following nondiscrimination statement: "Elon University does not discriminate on the basis of age, race, color, creed, sex, national or ethnic origin, disability, sexual orientation, gender identity, or veteran's status (collectively, "Protected Categories") in the recruitment and admission of students, the recruitment and employment of faculty and staff, or the operation of any of its programs." Consistent with our nondiscrimination statement, the university does not tolerate the discrimination or harassment of any student or university employee on the basis of membership in any of these Protected Categories.

**a. Definitions**

- 1.) **Discrimination.** Prohibited discrimination occurs when an individual suffers an adverse employment, academic or other decision based on protected categories.
- 2.) **Harassment** is defined as conduct (including verbal, written, visual, or physical conduct) that denigrates or shows hostility against an individual based on his or her membership in one or more Protected Categories when such conduct has the purpose or effect of:
  - a.) unreasonably interfering with his or her work or academic performance, or
  - b.) creating an intimidating, hostile, humiliating, or offensive working, living or learning environment.
- 3.) **Sexual harassment.** Sexual harassment is a particular type of harassment and is a form of prohibited sex discrimination. Sexual harassment includes sexual violence. Sexual harassment generally may be described to include unwelcome sexual advances, requests for sexual favors, or other physical and expressive behavior of a sexual nature when:
  - a.) Submission to or rejection of such conduct is made either explicitly or implicitly a term of or a condition of education, employment, or participating in university activities;
  - b.) Submission to or rejection of such conduct by an individual is or could be used as the basis for evaluation in making academic or personal decisions affecting that individual; or

- c.) Such conduct has the purpose or effect of unreasonably interfering with an individual's performance, or creating an intimidating, hostile or offensive working, living or learning environment.

Examples of sexual harassment vary with the circumstances but may include, but are not limited to, slurs, threats, derogatory or suggestive comments, unwelcome jokes, and displays of sexually-oriented literature or pictures, unwelcome teasing or sexual advances and other similar verbal or physical conduct, including e-mail, phone calls or other online communications. Sexual violence includes acts such as rape, acquaintance rape and other forms of non-consensual sexual activity.

- b. University Obligation to Act. Any member of the university may file a complaint of discrimination or harassment. The university has a duty to investigate all alleged incidents of prohibited harassment or discrimination in violation of its policy and reserves the right to act as complainant should the university become aware of alleged violations of this policy. Because some actions reported under this policy may also involve potential criminal conduct (sexual violence is considered sexual harassment under Title IX), the university, consistent with applicable law, will determine whether appropriate law enforcement or other authorities ought to be notified. The university will follow its processes for the investigation and redressing of such allegations even when law enforcement authorities are involved. Regardless of pending criminal investigation, the university is obligated to investigate claims and take corrective action to ensure a working and learning environment that is free from discrimination or harassment. All members of the Elon community are expected to cooperate in the resolution or investigation of complaints of harassment and discrimination.
- c. Timeliness of Reporting a Complaint. A complaint of discrimination or harassment should be submitted pursuant to this policy as soon after the offending conduct as possible in order to allow for an effective investigation, appropriate resolution to the complaint, and prevention of recurrence. Complaints received more than one year after the occurrence may be difficult to investigate due to such factors as passage of time, availability of witnesses and relevant information, and opportunity to take remedial action (such as when the student or employee are no longer at the university).
- d. Confidentiality. All persons involved in the grievance process related to claims of discrimination or harassment are expected to maintain confidentiality regarding information related to the claims to the extent that such confidentiality does not contradict or undermine the university's responsibility to respond effectively to the complaint or to comply with the law. An individual's requests regarding the confidentiality of reports of

discrimination or harassment will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the university's legal obligation to ensure a working and learning environment that is free from discrimination or harassment and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a prompt, thorough and impartial investigation.

- e. **Filing of False Complaints.** The university does not allow the filing of false, frivolous or malicious complaints under this policy. Those bringing such complaints are subject to discipline, up to and including dismissal.
- f. **Corrective Action.** The university provides educational and training programs, and victim resources, to prevent harassment and discrimination, as presented at <http://www.elon.edu/e-web/students/saa>. The university may, after becoming aware of an alleged violation of this policy, take appropriate action to ensure safety and non-retaliation. Such interim actions may include placing the accused on administrative leave, reassignment, or authorizing other types of temporary measures while an investigation is pending, including but not limited to "no contact" instructions.

Should it be determined that a violation of the university policy on discrimination or harassment has occurred, appropriate action will be taken and will reflect the severity of the incident and any past discrimination or harassment offenses. Possible actions shall include, but not be limited to, written warning placed in the personnel file, reassignment of duties, suspension without pay, demotion, removal from a portion of assigned duties, appropriate professional training, and dismissal. The resolution of all claims, whether via the informal or formal procedures outlined below, must fulfill the university's responsibilities to prevent future discrimination and harassment and the creation of a hostile environment, and to ameliorate any negative effects of the discrimination or harassment in question. Determinations of responsibility or non-responsibility for harassment or discrimination will be made using the preponderance of evidence standard. Claims of sexual harassment and discrimination will be handled in accordance with Title IX, and claims of discrimination regarding disability, including failure to provide appropriate accommodations approved through published procedures, will be handled in accordance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Acts. Please refer to <http://www.elon.edu/e-web/students/saa/> and for information on Title IX policies and procedures and to <http://www.elon.edu/e-web/academics/support/disabilities.xhtml> for information on disabilities services policies and procedures.

- g. **Retaliation.** The university prohibits retaliation against a member of the Elon community because he or she (a) made a complaint of discrimination or



harassment in good faith, (b) assisted someone with a complaint of discrimination or harassment, or (c) participated in any manner in an investigation or resolution of a complaint of discrimination or harassment. Examples of such prohibited retaliation include such actions as threats, intimidation, reprisals, adverse employment actions or adverse educational actions due to participation under this policy. Retaliation is a violation of this policy and should be reported under this policy. The university will take corrective action, including disciplinary action up to termination for retaliation prohibited by this policy.

- h. **Support Resources.** Any member of the university community who believes that he or she has been the victim of discrimination or harassment, particularly sexual harassment, is encouraged to seek information and support from members of the institution who can legally provide confidentiality due to their training and position, such as: members of the Counseling Center, medical providers, clergy on the religious & spiritual life staff or the coordinator for student development – violence prevention. Because of the confidentiality afforded these resources, those who believe they are victims of violations of this policy should be aware these resource persons cannot report the alleged harassment or discrimination to the university. To ensure a report to the university, members of the university community should follow Section 8 below.
8. **Grievance Procedures for Complaints of Discrimination or Harassment (including sexual harassment) Against a University Employee**
    - a. **General Information**
      - 1.) This procedure applies for any complaints of violations of this university policy against discrimination or harassment made against a university employee (including claims made by students). Claims of discrimination or harassment made against students will be addressed through the judicial process as identified in the Student Handbook at [www.elon.edu/students/handbook](http://www.elon.edu/students/handbook).
      - 2.) While the university encourages informal resolution of complaints when possible, the complainant is not required to attempt the informal procedure prior to instigating the formal procedure. Moreover, the complainant retains the right to halt the informal procedure in favor of the formal process at any point in the process.
      - 3.) A member of the university community who wishes to make an official report of discrimination or harassment regarding a university employee can report the incident to any of the following persons who will refer the

complaint to the assistant director of human resources for employee relations (ADHRER) for follow-up: deans; associate provosts; vice presidents; the ADHRER or, in cases involving sex discrimination or sexual harassment, the university's Title IX Deputy Officer or Title IX Officer. Upon receipt of the complaint, the ADHRER, will contact the complainant to determine which of the two processes below he or she wishes to initiate. In the event that the ADHRER is involved in the complaint, the office of record will contact the director of human resources who will appoint a university official to carry out the duties of the ADHRER as describe below. Complaints of alleged policy violations by members of the president's senior staff should be made to the president and complaints of alleged policy violations by the president should be made to the chair, board of trustees.

- 4.) The timelines for implementing the grievance procedures below are intended to allow for an expeditious and complete resolution of complaints. The university will make every reasonable effort to achieve resolution of complaints within these or shorter timeframes. However, during times when classes are not in session or at the end of an academic term, or depending on the ability of the university to conduct an effective investigation, timelines may be adjusted. The estimated timeframe for resolution of a complaint via the informal procedure is thirty (30) days from the report of an incident. The estimated timeframe for resolution of a complaint via the formal procedure is ninety (90) days or less from the time the ADHRER receives a written request to initiate the formal procedure. The estimated timeline for notification of the results of an appeal is twenty-one (21) days from the date the request for appeal is received by the provost. When the university cannot adhere to these estimated timelines, the complainant and accused will be notified and provided an anticipated completion date.

b. Informal Procedure

- 1.) The goal of the informal procedure is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. Informal resolution may include inquiry into the facts, but typically does not include a formal investigation. Allegations involving sexual assault may not be addressed using the informal procedure.

Upon receiving the initial report from the complainant, the ADHRER will notify the university employee's supervisor(s) (if the accused is a faculty member, this will usually be the chair of the employee's department and the dean of the employee's school or college). In cases involving sex discrimination or sexual harassment, the university's Title IX Deputy Officer or Title IX Officer will also be notified, as applicable, as will the

504 Officer in cases of disabilities discrimination. The ADHRER will then take appropriate steps to resolve the concern, which may include holding discussions (either separately or together) with the complainant, the accused, the accused's supervisor, and appropriate university officials.

- 2.) If the matter is resolved informally to the satisfaction of all parties, the supervisor of the accused (and, in instances of sexual discrimination or harassment, the university's Title IX Deputy Officer or Title IX Officer as applicable, and in cases of disabilities discrimination, the 504 Officer), in consultation with the ADHRER, will maintain a record of the resolution.
- 3.) If the matter cannot be resolved informally to the satisfaction of all parties or the complainant chooses the formal process at any time, the complainant may initiate the formal procedure described below by notifying the ADHRER.

c. Formal Procedure

- 1.) If informal resolution is unsuccessful, unavailable (such as in the instance of sexual assault), or if the complainant prefers the formal procedure, a formal written complaint must be filed. The written complaint shall include details of the allegations of violations of the university policy against harassment and discrimination including, but not limited to the alleged violations, the date/s and time/s of the alleged violations and any witnesses or other relevant information about the complaint. If the assistant director of human resources for employee relations (ADHRER) is involved in the complaint, the complainant should submit the statement to the director of human resources. If the ADHRER is involved in the complaint or is unavailable to complete the investigation, the director of human resources will investigate or assign an investigator who will then take on the duties of the ADHRER as described below.
- 2.) Upon receipt of the written complaint, the ADHRER will notify the accused, the university accused employee's supervisor(s), the provost and if the case involves sex discrimination or sexual harassment, the university's Title IX Deputy Officer or Title IX Officer as applicable, and in cases of disabilities discrimination, the 504 Officer. The university will conduct a prompt, thorough and impartial investigation.
- 3.) The ADHRER will undertake an investigation of the allegations contained in the written statement. Depending on the nature of the allegations, the investigation could include interviews with the complainant, the accused and/or witnesses; review of written documentation and relevant policies; and any other steps necessary to thoroughly investigate the allegations.

The investigation will be conducted as expeditiously as possible, and the results of the investigation will be forwarded to the provost.

- 4.) Within fourteen (14) days of the ADHRER's receipt of the written complaint, the provost, or his/her designee, will assemble a three-member hearing committee. One member of the committee will be a faculty member, appointed by the chair of the Academic Council; one member will be a staff member, appointed by the provost from a list of staff recommended by the Staff Advisory Council; and one administrator, at the level of assistant dean or above, appointed by the provost. To be eligible for appointment, an appointee must have completed training in university discrimination and harassment policies and procedures (including Title IX and 504/ADA obligations), and have no conflict of interest in the complaint. If the provost finds an appointee to have a conflict of interest or be unable to complete the required training in a timely fashion, she or he will request an additional three names from the appointer and choose one name from that list.
- 5.) The hearing committee will elect a chair by majority vote who will serve as the convener of the committee.
- 6.) The provost will provide the hearing committee with a copy of the results of the confidential investigation conducted by the ADHRER. After reviewing the results of the investigation, the committee will conduct a hearing regarding the allegations and investigation findings. Both the complainant and the accused each may be accompanied and advised at the hearing by a university student or employee; however, no attorneys may be present or participate in the hearing. Reasonable provisions will be made for university employees or students to appear as witnesses.
- 7.) The hearing should normally be completed within thirty (30) days from the receipt of the investigation. Within fourteen (14) days of the completion of the hearing, the committee will provide a written report of responsibility or non-responsibility for policy violations. The committee will provide a copy of this report to the complainant, the accused, the ADHRER, the provost, and, in cases involving sex discrimination or sexual harassment, the university's Title IX Deputy Officer or Title IX Officer as applicable, and in cases of disabilities discrimination, the 504 Officer. The committee will also issue a recommendation to the provost for sanctions, if any, to be assigned to the accused if the accused is found responsible for any alleged policy violation.
- 8.) Either the complainant or the accused may request an appeal of the hearing committee's finding of responsibility or non-responsibility by providing a written notice of appeal to the provost within seven (7) days of

the hearing board's determination. Appeals of the hearing board's decision may only be made on the basis of (i) substantial violations of the procedures of this policy and/or (ii) the emergence of new, material information relevant to the alleged policy violations. Written notice of appeal must identify the basis of the appeal and should include sufficient detail to support the appeal. If the provost is involved in the case, the complainant should submit the statement to the president of the university, who will then take on the duties of the provost as described in this paragraph. Upon receipt of this written appeal, the provost will review the information from the formal procedure plus any new information submitted and permit the non-appealing party an opportunity to provide information relevant to the appeal if desired. The provost will make a final determination of responsibility and notify the complainant and accused of the outcome within thirty (30) days of receiving the request for appeal. If the provost upholds a decision of responsibility, she or he will assign sanctions and communicate in writing this decision and sanctions to the accused, the accused's supervisor, the ADHRER, and, in cases involving sex discrimination or sexual harassment, the university's Title IX Deputy Officer or Title IX Officer as applicable, and in cases of disabilities discrimination, the 504 Officer). Any decision to issue sanctions by the provost will be placed in the accused's personnel file.

9.) If no appeal is filed of the hearing committee findings, the provost will determine appropriate corrective actions including sanctions upon a review of the hearing committee findings and file. A written summary of corrective action will be provided to the accused, the accused's supervisor, the ADHRER, and, in cases involving sex discrimination or sexual harassment, the university's Title IX Deputy Officer or Title IX Officer as applicable, and in cases of disabilities discrimination, the 504 Officer) within two weeks of provost receiving the reports of the hearing committee.

10.) The university will maintain documentation of the complaint, its investigation and hearing process under this policy. In cases involving sex discrimination or sexual harassment, all documentation will be filed with the university's Title IX Deputy Officer or Title IX Officer as applicable, and in cases of disabilities discrimination, the 504 Officer.

#### 9. Implementation of sanctions

- a. The provost is responsible for implementing sanctions and will follow all relevant existing procedures.
- b. In cases where the sanctions assigned to the accused include either dismissal or suspension, the accused case may be heard by Academic Council (see

Article VI, Section 3, k of the faculty by-laws) with the recommendation of the council being provided to the president. Tenured faculty may also request the Board of Trustees to review the recommendations of the Academic Council and the president.

- c. In cases where the corrective actions assigned to the accused do not include either dismissal or suspension, and the accused believes that the corrective actions assigned are excessive or inappropriate, the accused can request that Academic Council serve as a hearing committee to review the assigned sanctions. The accused must make this request to the chair of Academic Council within seven (7) days of provost's determination of sanctions, and the council must hold a hearing concerning the sanctions within fourteen (14) days of receiving the request by the accused employee. The council must then provide a written recommendation to the provost within seven (7) days of the conclusion of the hearing. Within seven (7) days of receiving the recommendation of council, the provost will then provide a final written statement of sanctions to the accused, the accused's supervisor, the ADHRER, and, in cases involving sex discrimination or sexual harassment, the university's Title IX Deputy Officer or Title IX Officer as applicable, and in cases of disabilities discrimination, the 504 Officer.

(5/2012)

## Grade Appeal Procedure

The grade appeal system affords recourse to a student who has evidence or believes that evidence exists to show that an inappropriate grade has been assigned as a result of clerical error, personal bias, or arbitrary grading. Grades (for an entire course, assignment, or unit) given by an instructor after the student is found responsible for an academic honor code violation through the University Honor System may not be appealed.

Keeping in mind that the appeal of a course grade should be attended to as soon as possible, the student must contact the professor involved within the first 2 weeks of the start of fall semester for the appeal of a spring semester or a summer term grade, and within the first 2 weeks of the spring semester for the appeal of a fall semester grade. In the case of a winter term grade the appeal must be made no later than April 1<sup>st</sup> of the year in which the course was completed. If the faculty member who taught the course is not available, the appeal should be made to the chairperson of the faculty member's department.

In the case of a grade that would affect a graduating senior or that would result in probation or suspension, the student must contact the professor immediately after the grade is posted, and the procedure will be expedited.

### **Procedure for appealing a course grade:**

To begin an appeal the student must first set up a meeting with the professor to discuss the situation within the timeframe outlined above. As it is the responsibility of the student to demonstrate that the appeal has merit, the student should bring to this meeting any work from the course the student has in his/her possession for the professor to review. At the meeting the professor will:

1. Review any work that the student brings to discuss.
2. Show the student any of the student's work that remains in the professor's possession (e.g., papers, final examinations and projects).
3. Explain how the student's grade was determined based on the standards set forth at the beginning of the class and listed in the course syllabus.
4. Re-figure the numerical computation of the grade, if any, to determine if there has been a clerical error.

If the student wishes to continue the appeal following this meeting, he or she must file a written appeal with the professor's department chairperson by the end of the fourth week

of the semester, or by April 15<sup>th</sup> in the case of the appeal of a winter term grade. If the department chairperson is the professor involved, the written appeal will go to the dean of the college or school. The student will submit to the department chairperson the "Student Grade Appeal Statement" form together with copies of the course syllabus, tests, assignments, and papers in the student's possession. The department chairperson will notify the professor involved, and the professor will file the "Professor Grade Appeal Statement" form with the department chairperson by the end of the fifth week of the semester, by April 22<sup>nd</sup> for winter term grade, together with copies of the syllabus, assignments, and any of the student's work that remain in the professor's possession. The department chairperson, following consultation with the related dean or deans, will render a decision in writing regarding the grade appeal by the end of the sixth week of the semester, or by April 29<sup>th</sup> in the appeal of a winter term grade.

If the student wishes to appeal the Chair's decision to the final hearing body, he or she must put that request in writing to the dean within 1 week. The dean, or his/her designee, will notify the chairperson of Academic Council to form a grade appeal hearing committee and forward all documentation to the chairperson of the Academic Council. The committee should meet no later than the end of the eighth week of the semester, or by May 13<sup>th</sup> for a winter term grade appeal. The grade appeal committee will consist of:

- a. three members of Academic Council appointed by the chairperson of council.
- b. one faculty member appointed by the dean of the department/division involved.
- c. one Student Government Association representative appointed by the student government executive president. In the case that the involved student is the student government president, the vice-president shall appoint the student representative.

The chairperson of the grade appeal hearing committee will be chosen by the chairperson of Academic Council from the three council members serving on the committee.

**Grade Appeal Hearing Procedure:**

Hearings are restricted to those Elon faculty or staff directly involved in the appeal. The student and the professor may each bring an advisor from the Elon University community (currently enrolled student, faculty, or staff member) to the hearing. The advisor may only counsel the student or the professor and may not actively participate in or make any statement during the hearing. Recognizing that the grade appeal hearing is an in-house procedure, attorneys, other legal counsel, and any other persons outside the university community are not permitted in the hearing.



The hearing committee will review all of the documentation received from the dean and then ask the student, professor, and their advisors, if present, to come into the room. The student and the professor will each be allowed to make a statement, and the committee members may ask questions of the student and the professor. The student, professor, and their advisors will then be asked to leave the room, and the final discussion and vote by the committee shall be in closed session. The decision of the committee is final, and the Chair of Academic Council will send written verification of the committee's decision to the professor and the student. In the case of a grade change, the dean of the school or college, or his/her designee, will make the change.

**Elon University**  
**Student Grade Appeal Statement**

**Student Information**

Student's Name \_\_\_\_\_

Local Address \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_

**Course Information**

Course Number & Title \_\_\_\_\_

Semester \_\_\_\_\_ Professor's Name \_\_\_\_\_

Grade Received in Course \_\_\_\_\_ Grade Expected in Course \_\_\_\_\_

Number of Class Absences \_\_\_\_\_

Date of meeting with instructor about grade received \_\_\_\_\_

Was a change of grade requested? \_\_\_\_\_ Yes \_\_\_\_\_ No

Basis of Grade Appeal Request \_\_\_\_\_ Personal Bias \_\_\_\_\_ Arbitrary Grading  
\_\_\_\_\_ Clerical Error

**Please attach a separate sheet explaining the reason for requesting a grade change, any discussions with the instructor about your class performance prior receiving the disputed grade and during the meeting to discuss the grade, and the outcome of the meeting with the professor.**

Provide documentation of class performance, including laboratory portions of the course if applicable.

Include copies (not originals) of:

1. Syllabus and other course materials (handouts, assignments, etc.)
2. All tests, assignments, papers, etc. returned by the professor
3. Any other pertinent materials or information

Student Signature \_\_\_\_\_ Date \_\_\_\_\_

**This form is to be filed with the department chairperson no later than the end of the fourth week of the semester.**

**Please retain copies of all information filed with this statement.**

**Elon University  
Professor Grade Appeal Statement**

**Professor Information**

Name \_\_\_\_\_

Campus Address \_\_\_\_\_

Office Phone \_\_\_\_\_ Department \_\_\_\_\_

**Course Information**

Course Number & Title \_\_\_\_\_

Semester \_\_\_\_\_ Student's Name \_\_\_\_\_

Number of class/lab meetings per week \_\_\_\_\_

Number of Student Absences \_\_\_\_\_

Grade Given in Course \_\_\_\_\_

Date of meeting with student about grade \_\_\_\_\_

Was a change of grade requested? \_\_\_\_\_ Yes \_\_\_\_\_ No

Basis of Grade Appeal Request \_\_\_\_\_ Personal Bias \_\_\_\_\_ Arbitrary Grading  
\_\_\_\_\_ Clerical Error

**Please attach a separate sheet explaining any discussions with the student about his/her class performance prior to the granting of the disputed grade and during the meeting to discuss the grade, and the outcome of the meeting with the student.**

Provide documentation of the student's class performance, including in laboratory portions of the course if applicable.

Include copies (not originals) of:

1. Syllabus and other course materials
2. All tests, assignments, paper requirements etc.
3. All of the student's work still in your possession
4. Any other pertinent materials or information

Professor Signature \_\_\_\_\_ Date \_\_\_\_\_

**This form is to be filed with the department chairperson no later than the end of the fifth week of the semester.**

**Please retain copies of all information filed with this statement.**

(8/05)