Sept 11, 2020

To: Academic Council

From: Dr. Luke, VPAA

RE: KSA Proposal on Grade Appeal Policy

The KSA has presented VPAA with a Grade Appeal Policy. The deans and I do not endorse or approve this policy, but it is the right of the Academic Council to review it.

This memo has two parts. The first part highlights significant differences between the Academic Council’s newly approved policy and the KSA proposed policy. The second part lists the reasons why the deans and I do not endorse the KSA policy change.

I. SIGNIFICANT DIFFERENCES INTRODUCED

I highlight the following differences:

1. *The grounds for appeal*:

**Current:**

A grade assigned by an instructor is only subject to the appeals procedure if:

• There was a clerical/administrative error in the calculation and/or assignment of the grade, or;

• The student’s grade does not adhere to the syllabus assessment grading system, or;

• A demonstrable technical problem substantially undermines a student’s assessed results (this is primarily for online assessments)

**Proposed:**

The grade appeals policy applies to all enrolled students at KIMEP University. It should be followed by any student who believes that a course grade was assigned as a result of

A grade assigned by an instructor is only subject to the appeals procedure if:

• Mechanical/technical error,

• Deficiency of the online tools,

• Or other improper condition such as prejudice or harassment.

***2*.** *Standard of Proof*

**Current:** No comment

**Proposed:** has “preponderance of the evidence” standard and initial burden of proof falls on Student.

***3.*** *New Standing Committee*

**Current**: College level committee decision is not appealable

**Proposed**: New standing committee: University Grade Appeals Committee

***4.*** *Representation and Support*

**Proposed:** The proposed policy allows students to have accompaniment in committee meetings:

“The student may seek the assistance of the program manager, department chair or college dean in pursuing the appeal. The student may have an advisor or friend with him/her during all meetings with faculty members, administrators, and/or committees, who may advise the student but may not speak for the student during the meetings.”

II. REASONS FOR NOT ENDORSING THE KSA PROPOSAL

1)  The new proposal is vague in its use of grade challenge and grade appeal.

The new proposal does not clearly distinguish between a grade challenge (available for any grade at any time, but limited to the instructor) and a grade appeal which can only occur at the end of the term, once the final grade has been posted.

2) The new proposal is overly broad in its grounds for appeal.

The new proposal has an overly broad and vague catch-all provision for anything deemed "improper."  Adding as examples "prejudice or harassment" does not solve the problem of vague overbreadth.  Indeed, the mere fact that an instructor may dislike (or like) a student should be irrelevant to the grade awarded, provided the grade awarded objectively falls within the criteria therefor.  Simply put, the AC version is tighter, more objective, and not subject to interpretation.

3) The new proposal has two layers of appeal when one suffices.

The new proposal allows grade appeals to be decided at multiple levels, and ultimately by a University-wide committee.  Grade appeals should not go beyond the college level for reasons of efficiency, fairness, and consistency.  The student is given two shots at changing the grade. If a student cannot convince his or her instructor that the grade awarded is wrong, and on appeal cannot convince the Chair/Dean and the college committee that the grade is wrong, it should not be allowed to keep going.  This limitation of appeals to the college level is consistent with the procedures employed by most if not all other universities (certainly those in the United States.)

4)  The standard of evidence (“preponderance of the evidence”) is too low.

The new proposal imposes the civil adjudication "preponderance of the evidence" standard for all matters to be proved, whether it be the student insisting the grade was wrong or the instructor claiming the student plagiarized the work.  Grade appeals are not civil court adjudications; rather, they're administrative proceedings and, as such, the administrative standard of "clear and convincing" ought to apply.  This standard protects equally the instructor (presumption of validity for a grade apparently imposed within the syllabus and consistent with KIMEP grading standards) as well as the student (presumption of validity for the work done if the instructor claims the student plagiarized his or her work).  The student mounting a grade appeal should have to prove by clear and convincing evidence that the instructor is wrong; by the same token, the instructor should have to prove by clear and convincing evidence that the student's work was plagiarized.

5) The new proposal has asymmetry of representation if appeals occur at the university level

The new proposal asks for a student right of representation by coordinators, faculty, and deans.  Aside from the fact that there is a lack of mutuality in this proposal. If students get representation, so should the instructors and Chairs/Deans if there is to be a University-wide appeal step.