

**FLORIDA ATLANTIC UNIVERSITY
NOTICE OF PROPOSED NEW REGULATION**

Date: April 5, 2010

REGULATION TITLE AND NUMBER: Student Academic Grievance Procedures for Grade Reviews (4.002).

SUMMARY: The Division of Academic Affairs seeks approval of the proposed FAU Regulation 4.002, *Student Academic Grievance Procedures for Grade Reviews*. Approval is dependent on the repeal of the current FAU Regulation 4.002 and the approval of the proposed amended Regulation 4.001, *Code of Academic Integrity*. The FAU Regulation 4.001 that is currently in effect contains two unrelated items: procedures for handling cases of academic dishonesty and procedures for the resolution of student academic grievances, in particular disputes over course grades. To provide clarity both to students and to faculty, these procedures have been separated into two distinct regulations which are now put forth for approval in the form of proposed amended Regulation 4.001 and proposed Regulation 4.002.

The proposed Regulation 4.002 contains no substantive change in the current policy on student grievances involving grade reviews. Such policy has simply been removed from the current Regulation 4.001 and inserted into the proposed Regulation 4.002. New academic grievance procedures involving grade reviews are currently under consideration by faculty. When approved, the Division of Academic Affairs will present such revised procedures to the Board of Trustees for consideration. Until that time, we ask that the current policy regarding student academic grievances remain in force, as reflected in the proposed Regulation 4.002.

FULL TEXT OF THE REGULATION: The full text of the proposed regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at www.fau.edu/regulations. In addition, the full text of the proposed regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or GeneralCounsel@fau.edu.

AUTHORITY FOR THE REGULATION: Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

UNIVERSITY OFFICIAL INITIATING THE REGULATION: Dr. Diane Alperin, University Provost and Chief Academic Officer

COMMENTS CONCERNING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation in whole or in part after notice, or proceed with adopting the regulation. The comments must identify the regulation(s) on which you are commenting:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Myrlande Dessalines, Paralegal, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), GeneralCounsel@fau.edu.

PROPOSED NEW REGULATION

Florida Atlantic University

Regulation 4.002 Student Academic Grievance Procedures for Grade Reviews

Student grievances arising from academic activities require a written request for conference with the Instructor. If unsatisfied, the student may request further discussion in a department conference within ten (10) days. The conference, held as soon as possible, will be among the student, the Instructor, and the Head of the Department administering the course. An advisor may attend to provide counsel to the student, but not to answer in place of the student. The Department Head's written statement of action taken pursuant to the conference will be delivered to the student and the Dean of the College administering the course. Grades will not be changed except by the Instructor, and grievances involving the judgment and discretion of a faculty member in assigning grades shall not proceed under this rule beyond the conference with the Instructor. This is an application of the concept of academic freedom. The exception to this rule occurs if the student can demonstrate malice on the part of a faculty member.

A grievance involving a charge of malice may be appealed to a student-faculty council. This council will be established by each College and will be composed of the Dean, two faculty members, and two students. Requests for a hearing must be presented in writing within ten (10) days of the departmental conference. Records of appeals and minutes will be maintained by the Dean. These hearings are considered to be educational activities. The strict rules of evidence do not apply. Students may be assisted by attorneys, but may not abdicate the responsibility to respond to charges to their legal advisors.

The student may appeal the faculty-student council's action to the University Provost by requesting a hearing within ten (10) days of the committee's decision. These appeals are limited to the following bases:

- (a) Failure to receive due process.
- (b) Arbitrary actions including lack of commensurateness of penalty to offense.
- (c) New pertinent information not available during earlier proceedings.

In the event of a finding of malicious action, the University may take disciplinary action against the faculty member and, at the option of the student, remove the grade from the record and refund the student's fees for the courses. Students, whose accusations of malice are found to be frivolous by the Vice President of Student Affairs, are subject to disciplinary action.

Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors Resolution dated January 7, 2003, Florida Board of Governors Regulation Development Procedure dated July 21, 2005, Board of Governors Regulations 1.001 and 6.010, 1001.74 FS. History–New - -10.