

3361:50-81-18

College of law: procedure for review of a claim that an individual student has been subjected to prejudice or capricious academic evaluation.

- (A) Any student who has reason to believe that his final grade in any course or seminar was determined as a result of prejudice or caprice shall consult with the faculty member who determined the grade. A request for consultation shall be made within two weeks after the student receives the grade. If such request cannot be made because the student is unable to contact the faculty member personally or by telephone within that time, a written request mailed to the faculty member at the law school within the two week period shall satisfy this requirement.

The faculty member shall consult with the student promptly after receipt of a request. If the faculty member or the student is absent from the greater Cincinnati area at the time the request is made, the consultation shall occur within two weeks after both are in the area.

- (B) If after such consultation the student has reason to believe that his grade was determined as a result of prejudice or caprice he may file a complaint with the dean of the college of law. The dean shall refer the complaint to the petitions committee and send a copy to the faculty member involved.

The complaint shall be filed with the dean within two weeks after the consultation described in A or within two weeks of the student's having discovered that consultation is not possible.

- (C) The complaint shall contain a statement of facts indicating the basis for the student's belief that the grade was determined as a result of prejudice or caprice. Allegations that the grade was so determined that the grade was so determined or that the grade was low or failing, or both, will not alone suffice.

The complaint shall also contain an allegation that the consultation required in A has occurred or a statement of facts indicating the student's inability to comply therewith.

The committee shall review the complaint and on the basis of its factual allegations decide whether a hearing should be held. A hearing shall be held promptly if any two members of the committee so vote. Unless two members so vote, the complaint shall be dismissed and the matter deemed concluded.

- (D) Hearings shall be before the committee. The committee shall arrange for the production of all documents considered in determining the grade. If requested by the committee, the student shall produce his notes for the course and, if the grade was based in whole or part on a paper or papers, the research materials assembled by the student preparatory to writing the paper or papers. Upon request the student shall be provided a copy of the examination questions and his answers thereto before the hearing.

The student shall appear at the hearing or his complaint shall be dismissed and the matter deemed concluded.

The faculty member involved may appear at the hearings. He shall appear if available, if the student so requests. The hearings should be scheduled so as to try to accommodate the availability of both the faculty member and the student.

The hearings shall proceed on an informal basis with a full presentation of all relevant evidence, including an analysis by the faculty member involved of the questions and answers. Expert witnesses may appear.

The student shall have the burden of persuading the committee that the grade was determined as a result of prejudice or caprice.

- (E) If a hearing is held, the committee shall decide if the grade was determined as a result of prejudice or caprice. A majority vote of the members of the committee shall be necessary for a decision that the grade was so determined. It shall report its decision and the vote thereon to the dean who shall place the question on the agenda for the next scheduled faculty meeting.

At that faculty meeting the committee shall reports its decision for review. Thereafter the faculty member involved and the student member of the committee may make statements. They shall not be present during the faculty discussion and voting. A majority vote of those present shall be required to change the committee's decision. The faculty action shall be final.

If it is decided that the grade was determined as a result of prejudice or caprice, the committee, after consultation with the student and the faculty member involved, shall determine the appropriate grade. The grade may be higher,

lower, or the same as the original grade or a grade of "S" may be given if deemed appropriate.

A reevaluation, when made, shall be final.

- (F) If one of the members of the committee is the person who determined the grade, the dean shall appoint another full-time faculty member to sit in his place throughout any proceedings herein described. If the student member of the committee is the student complainant, another student shall be appointed to take his place in accordance with existing procedures.

The student member may disqualify himself from a case for cause at any stage of the proceedings described herein. In that event another student shall be appointed to take his place, in accordance with existing procedures, for purposes of the remaining proceedings in that case.

- (C) These procedures shall take affect and apply to the final grades given for courses and seminars in the spring semester of nineteen hundred and seventy and thereafter.

Effective: March 16, 1978

Certification: Mary A. Owens signature
Mary A. Owens

Date: March 3, 1978

Promulgated under: R.C. Section 111.15
Rule amplifies: R.C. 3361.