Grade Appeals Procedure In The School of Health Professions (SHP)

The procedures detailed below apply to professional phase students in the Departments of Nursing, Occupational Therapy, Physical Therapy and students in the Physician Assistant Studies program. All other students in the pre-professional stage programs of SHP are expected to follow the usual grade appeals procedure of NYIT.

1. Basis For Grade Changes

A final course grade may be changed only if there is unequivocal evidence that one or more of the following applies:

a. It was a direct result of arbitrary and capricious conduct on the part of the instructor;
b. The instructor discriminated against the student on the basis of a protected classification as the term is defined by Federal Law, New York State Law, or the Administrative Code of the City of New York;
c. The grade was incorrectly calculated;
d. A clerical error occurred in recording the grade; or
e. A mitigating circumstance prevented the student from completing a final assignment or attending the final examination. In such cases, a grade may be changed to either a "W" or "I" pursuant to the rules governing these grades.

In cases where the grade has been changed to an "I", the student shall have one (1) additional semester beyond the final decision of the Grade Appeals Committee in which to complete the work. However, the student may not be able to progress in the professional program. The temporary grade of incomplete (I) shall change to a failing (IF) grade if the student does not complete all work by the end of the allotted time (see schedule in the catalog). Such an IF grade may not be challenged, and the course must be repeated by the student to receive credit, if permitted to do so by the major's progression policy.

f. A grade awarded on the basis of academic dishonesty may not be appealed under this procedure, unless the charge has been resolved in favor of the student pursuant to NYIT's Academic Integrity Policy.

2. Initial Challenge of Grade and Appeal

A student may file a formal challenge to a grade on any of the grounds set forth in subsections (a. through e.) of section one above. The student must present positive detailed and specific evidence in support of his/her claim.

- The student must notify the instructor in writing within two days after receiving the grade or within two days after the grade is posted on NYIT Connect, whichever occurs first. The instructor must confer with the student and notify the student in writing whether he/she will change the grade within five days. In the event that New York Institute of Technology no longer employs the instructor, a student's challenge shall commence with the chair. In such cases, the
student must notify the Chair and all rights and responsibilities otherwise assumed by the instructor will be assumed by the Chair.

- If the instructor or Chair, acting in place of the instructor, agrees to change the grade based on the appeal, the instructor or Chair shall send a Change of Grade Form, with the appropriate documentation, to the Registrar within two working days.

- If the instructor declines to change the grade, or has not met the deadline, the student may appeal to the Chair and the Chair will meet with the instructor and the student and attempt to mediate the appeal within two business days of the student's notification. Where the Chair has attempted, but failed, to mediate the appeal within that time period, the Chair shall notify the student immediately and promptly send a written report regarding the mediation to the instructor and the student.

- If after the Chair's attempted mediation, the student remains dissatisfied with the decision, the student may submit the appeal in writing to the Dean's office within two days, with copies to the instructor and the Chair.

- Where the Chair has not taken steps to mediate the appeal within the allotted time, or where the Chair has acted in place of the instructor and has declined to change the grade, the student may appeal the grade directly to the Dean.

- The Dean shall convene a meeting of the standing grade appeals committee as soon as possible to resolve the issue within two weeks of receiving the grade appeal letter. The standing committee's decision is made on the day of the meeting and communicated verbally to the student, followed by a written confirmation of the decision by the VPHSMA or a designee.

3. Program Progression
Each student challenging or appealing a grade may be allowed to continue with his or her program of study until a final decision is made on the appeal, depending upon the policy of the professional program. In all programs, the student's clinical rotation or internship may be delayed and promptly rescheduled if participation in such training is deemed unsafe. There may also be financial consequences.

4. Grade Appeals Committee
The Committee shall consist of: a) the Vice President for Health Sciences and Medical Affairs (VPHSMA) or designee, b) the Dean of SHP who shall chair the meeting, (c) the Vice President for Student Affairs or designee-a non-voting member of the committee; and d) three faculty members: two from any of the other departments in SHP that is not directly involved with the appeal, one faculty member from another school or college in the institution and one student representative from within SHP but not in the program. The committee shall be deemed to have a quorum when any two committee members, the Dean (or designee) and the VPHSMA (or designee) and the Vice President for Student Affairs or designee convene to review a grade appeal.

5. Meetings of the Grade Appeals Committee
The Grade Appeals Committee meeting shall be convened by the Dean of SHP as needed. The committee shall invite the instructor and student to the meeting and consider any evidence which the student, the instructor, or the committee deems relevant. Should the student or instructor or
Chair, if the instructor is no longer employed by NYIT, not be available or decline to meet with the committee, it may determine cases on the basis of the submitted written arguments and supporting documents alone. However, if the instructor or the student attends the meeting, no attorneys will be permitted to attend as representatives for either side. Every effort will be made to keep the committee's investigation confidential.

6. **Report and Determination of the Grade Appeals Committee**

The committee will vote after its deliberation, and a final decision will be made by simple majority. In case of a tie, the decision will be determined by the VPHSMA. The Office of the VPHSMA will issue the committee's decision in writing to the student and instructor, and provide copies to the Chair and the Academic Dean. If the committee determines that the grade should be changed, a copy of that determination will be forwarded to the Office of Academic Affairs, which will direct the Registrar to effect the grade change. The decision of the Grade Appeals Committee shall be final, binding and unreviewable.

7. **Written Signature of the Instructor Required for Other Grade Changes**

Other than specified in section 6 above, no grade may be changed by the Registrar without the instructor's and chair's signatures on a Change of Grade form; provided, however, that when the Chair acts in place of the instructor and decides to change the student's grade, the signature of the Chair shall be sufficient.