

NEW YORK INSTITUTE OF TECHNOLOGY

NEW YORK INSTITUTE OF TECHNOLOGY STUDENT GRADE APPEAL PROCEDURE

Effective as of Fall 2020

The Student Grade Appeal Procedure described below shall take effect in the Fall 2020 semester and shall apply to all NYIT students, except those enrolled in programs in schools which have equivalent procedures in place. Students who have received failing or reduced grades because of plagiarism must appeal through the Academic Integrity Policy procedures, not through the procedures described in this document.

Where the grade appeal involves a student attending at an off-site NYIT location, the Vice President for Academic Affairs shall ensure that adequate time is provided to all participants in the process and shall have the authority to extend any deadline for that purpose. The Vice President for Academic Affairs shall also have the authority, in exceptional cases and on a case-by-case basis, to extend any deadline relating to the grade appeal procedure, in his or her sole discretion.

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 and a summer beyond the final decision of the Grade Appeals Committee in which to complete the work. 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.

- 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 1 above. The student must present positive, detailed and specific evidence in support of his/her claim.

In order to timely commence such a challenge, a student must notify the instructor in writing no later than the third week of the succeeding semester that she/he wishes to challenge the grade.

Within two weeks of receipt of the challenge notification, the instructor must meet with the student and notify the student in writing whether she/he will change the grade.

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.

3. If the instructor or Chair, acting in place of the instructor, agrees to change the grade on the basis of the appeal, the instructor or Chair shall promptly send a Change of Grade form, with the appropriate documentation, to the Registrar. (See Grade Appeal Timeline.)

4. Submission of the Dispute to the Grade Appeals Committee

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, within two weeks of receipt of the student's appeal, meet with the instructor and the student and attempt to mediate the appeal. Where the Chair has attempted, but failed, to mediate the appeal within that two-week 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 instructor's decision, the student may, within two weeks of being notified of the failed mediation effort, submit the grade dispute to the Academic Dean of the school responsible for the course with copies to the chair and instructor.

Conversely, where the Chair has not taken steps to mediate the appeal within the two-week period, or where the Chair has acted in place of the instructor and has declined to change the grade, the student may appeal directly to the Academic Dean.

Within two weeks of receipts of the appeal, the Academic Dean must advise the student and the instructor, in writing, whether she/he thinks the grade

should be changed. If the student or the instructor is dissatisfied with the recommendation of the Academic Dean, within two weeks of receipt of the Dean's recommendations, the student or the instructor must notify the Academic Dean that she/he wishes to submit the grade dispute to the Grade Appeals Committee in the Office of Academic Affairs. This notification must be in writing with copies to the student and the instructor.

5. Grade Appeals Committee

The administration of the Grade Appeals Committee shall be centralized in the Office of the Vice President for Academic Affairs. There shall be separate standing committees for the Old Westbury and Manhattan campuses. The Committees shall consist of: a) the chairperson and non-voting Vice President for Academic Affairs or designee; b) the non-voting Vice President of Student Affairs or designee; and c) three faculty senators plus one alternate for each campus, who shall be elected annually for this purpose by the Academic Senate at their first meeting in each academic year.

6. Meetings of the Grade Appeals Committee

The Grade Appeals Committee shall meet at least once each semester and invite the instructor and student to the meeting. It shall consider any evidence which the student, the instructor, or the committee deems relevant. Should the student or instructor or chairperson, if the instructor is no longer employed by NYIT, not be available, or declines 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. The dates of the committee meeting shall be published at the beginning of each semester.

7. Report and Determination of the Grade Appeals Committee

The Office of the Vice President for Academic Affairs will issue the committee's determination in a written report to the student and instructor, and will 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 determination of the Grade Appeals Committee shall be final, binding, and un-reviewable.

8. Written Signature of the Instructor Required for Other Grade Changes

Other than as specified in Section 7, 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.

GRADE APPEAL TIMELINE
ACADEMIC YEAR 2020–2021

Student challenges grade from previous semester.	By 3 rd week of semester. FALL: SEP 25 SPRING: FEB 12
Instructor notifies student of decision.	By 5 th week of semester FALL: OCT 9 SPRING: FEB 26
Grade change, if any, submitted to Registrar.	By 6 th week of semester FALL: OCT 16 SPRING: MAR 5
Chairperson mediates dispute.	By 7 th week of semester FALL: OCT 23 SPRING: MAR 12
Student or instructor submits dispute to Academic Dean.	By 9 th week of semester FALL: NOV 6 SPRING: MAR 26
Student or instructor submits dispute to Grade Appeals Committee.	By 11 th week of semester FALL: NOV 20 SPRING: APR 9
Meeting of Grade Appeals Committee.	15 th week of semester FALL: December 15, 2019 - NYC FALL: December 17, 2019 - LI SPRING: May 4, 2021 - NYC SPRING: May 6, 2021 – LI