

**Brothers, Sheila C**

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**From:** Jones, Davy  
**Sent:** Tuesday, September 13, 2011 11:23 AM  
**To:** Jackson, Brian A  
**Cc:** Swanson, Hollie; Brothers, Sheila C; Fink, Joseph; Feist-Price, Sonja M  
**Subject:** Improper Course Grade Change: Interpretation of Senate Rules on Parameters and Remedies

**To:** Brian Jackson, Chair, College of Medicine Faculty Council

**From:** Davy Jones, Chair, Senate Rules and Elections Committee

**Date:** September 12, 2011

**Cc:** SREC, Hollie Swanson Chair of Senate Council, James Geddes Chair of SACPT; Joe Fink Chair University Appeals Board; Sonja Feist-Price Academic Ombud

At the August meeting of the COM Faculty Council a request was made for the Senate Rules and Elections Committee to make further clarifications on the meaning of Senate Rules relating to changing of a course grade. The Senate Rules and Elections Committee last week finished its deliberations on these questions, and rendered the interpretations that I forward to you now. If I can be of any further assistance, please let me know.

**Senate Rule 5.1.7 - Definitions**

- “Grade” within the scope of the interpretations here means course grades as defined in Senate Rules 5.1.1 - 5.1.6 that are recorded by a Registrar on a transcript.
- “Registrar” in this rule and in all cases of the Senate Rules, refers to the following officers: Registrar of the College of Medicine, the Registrar of the College of Dentistry, the Registrar of the College of Law, and the University Registrar, unless a Senate Rule specifically designates applicability to a particular Registrar.
- The phrase in SR 5.1.7 about changing a grade “pursuant to this rule” does not include changing a grade of “I” to another grade, nor the changing of “pass/fail” to a letter grade or vice versa, or similar situations, when those grade changes are made pursuant to other authorizing Senate Rules (e.g., SR 5.1.3, SR 5.1.4).

**Senate Rule 5.1.7 – Statute of Limitations**

- SR 5.1.7 authorizes the Instructor of Record to direct the Registrar to change the original grade reported to the Registrar, and the change must be made within one year from the date that the original grade was submitted to the Registrar. For a reason other than error, the department chair is authorized to direct the Registrar to change the originally reported grade to a grade mutually agreed upon by the Instructor of Record and the department chair, and that grade change must be made prior to graduation of the affected student.
- SR 5.1.7 can only be exercised once for any reason to change a particular student’s grade in a particular course. (I.e., SR 5.1.7 does not mean that SR 5.1.7 can be exercised on a first occasion to cause a grade to be changed for reason of 'original error' and then exercised again on a second occasion for 'reason other than error').

**Remedies Available In Senate Rules for Instructor of Record to Correct an Errant Change to a Grade**

- If a change is made to an originally submitted grade that is not a change authorized under SR 5.1.7, that action does not prevent the Instructor of Record from correcting that improperly changed grade to the originally submitted grade, and this correction does not count as the one allowed grade change under SR 5.1.7. If, on the other hand, the Instructor of Record (and, if necessary under SR 5.1.7, the department chair) changes the improperly changed grade to a grade other than the one originally submitted, then this change does count as the one allowed grade change under SR 5.1.7.

- If a grade originally submitted to the Registrar by the Instructor of Record becomes improperly changed in a context that the Instructor of Record believes is a violation of his or her academic privilege, the Instructor of Record has the right to lodge a complaint with the Senate Advisory Committee on Privilege and Tenure ("SACPT"; SR 1.4.4.2). If the committee finds in favor of the Instructor of Record, the committee is authorized to recommend to the President that the President direct the Registrar to change the grade back to the grade originally submitted by the Instructor of Record.

### **Remedies Available in Senate Rules to Students Concerning a Grade or Change to a Grade**

- If a student believes that the grade originally submitted by the Instructor of Record (or a grade change made pursuant to SR 5.1.7) is a violation of the student's academic rights, then except as otherwise provided by SR 6.5.2.4, the student has 180 days from the end of the semester in which the grade was submitted (or changed) to formally bring the issue to the academic Ombud.

### **University Appeals Board**

- If the Instructor of Record, or the Instructor of Record with the approval of the department chair, causes an original grade to be changed pursuant to SR 5.1.7, that action does not prevent the University Appeals Board from subsequently deciding to cause that changed grade to again become changed, because the University Appeals Board in causing such a second change is acting pursuant Senate Rule 6.5.1.2.B.

- In its procedures for hearing cases and in its disposition of cases, the University Appeals Board must operate within the parameters established by the Governing Regulations and the University Senate Rules (GR XI.F, G; SR 6.5.2.4). These include the procedural parameters that a case of student can cause a grievance of violation of academic rights (SR 6.1.0) to reach to and be decided by the UAB (SR 6.5.1.2) only by the student having first lodged (SR 6.2.0) and processed (SR 6.2.1.3, SR 6.2.1.5) the grievance with the Academic Ombud.

### **Recommendations**

During its consideration of the meaning of SR 5.1.7, the Senate Rules and Elections Committee became aware that there is not 'a' Registrar for the University, but rather that there are four registrars, and that there is no closely coordinated supervision of the four Registrars by a single academic administrative supervisor. In fact, three of the registrars appear to be supervised directly by the deans of the colleges for which they are registrars. This situation is not conducive to all four registrars being similarly informed as to the application of the Senate Rules that specify the responsibilities of "the Registrar." The SREC believes that this situation may have contributed to a mistaken understanding by at least one registrar that a Dean's office is independently authorized under the Senate Rules to direct a registrar to make a change in a course grade. The SREC recommends that the Senate Council thoroughly discuss the current situation of four registrars, its academic implications, and identify any appropriate new academic policies or any appropriate recommendations to administrators.

The SREC notes that there is currently no provision in the University Senate Rules or Governing Regulations for oversight of the long-term performance of the University Appeals Board, e.g., there is not even a requirement for a generic end of the year report as is required of the Academic Ombud. The SREC recommends that the Senate Council discuss whether a mechanism of oversight of the long-term performance of the University Appeals Board is warranted, and if so, what that mechanism ought to be.