OTHER GRADUATE SCHOOL POLICIES

Waiver of a Regulation
All policies of the Graduate School have been formulated by the Graduate Council with the goal of ensuring academic quality and approved by the Provost. These policies are to be equitably and uniformly enforced. Circumstances occasionally occur that warrant individual consideration. A graduate student who believes that there are compelling reasons for a specific regulation to be waived or modified, the student should submit a written petition to the Dean of the Graduate School, Room 2125, Lee Building, explaining the facts and issues that bear on the case. In all instances, the petition must be signed by the student’s Graduate Director and, if the petition involves a course, by the course instructor. If these individuals recommend approval, in writing, the petition is then forwarded to the Office of the Dean of the Graduate School for consideration. Forms for Petitions for Waivers of Regulation (http://gradschool.umd.edu/forms) are available on our Graduate School website.

Application for Graduation
During the academic year, applications for graduation must be filed with the Office of the Registrar (http://registrar.umd.edu) within the first ten days of the semester in which the candidate expects to obtain a degree. During the summer session, the application must be filed during the first week of the second summer session. Exact dates are noted for each semester and the summer sessions in the Schedule of Classes and on the Graduate School website (http://gradschool.umd.edu/calendar/deadlines). Failure to meet specific deadlines may result in a delay of one or more semesters before graduation. In addition, the Thesis and Dissertation Manual (http://gradschool.umd.edu/students/academic-progress/thesis-and-dissertation-filing) contains a time line for completion of the master’s or doctoral degree. If for any reason students do not graduate at the end of the semester in which they have applied for the diploma, the application will automatically transfer to the following semester.

Academic regalia are required of all candidates at commencement exercises. Those who so desire may purchase or rent caps and gowns at the University of Maryland student supply store. Orders must typically be filed eight weeks before the date of Commencement at the University Book Center in the Stamp Student Union.

Arbitrary and Capricious Grading Policies

Policy and Procedures for Review of Alleged Arbitrary and Capricious Grading in Courses
Arbitrary and capricious grading is constituted by the assignment of a course grade to a student on some basis other than performance in the course, or the assignment of a course grade to a student by unreasonable application of standards different from standards that were applied to other students in that course, or the assignment of a course grade by a substantial and unreasonable departure from the instructor’s initially articulated standards.

A student who believes he or she has received an improper final grade in a course should inform the instructor promptly. The instructor will meet with the student at a mutually convenient time and place within ten working days of receipt of the information. The purpose of the meeting is to attempt to reach a resolution.

If the instructor has left the University, is on approved leave, or cannot be reached by the student, the student should contact the Department Chairperson. The Department Chairperson, or a designee, will meet with the student as described above to attempt to resolve the problem.

If these meetings (known as the informal process) do not resolve the problem, the student may initiate a formal appeal. This appeal must be made in writing to the Dean of the Graduate School and must contain: the course title and number; the instructor’s name; and a statement detailing why the grade is believed to be arbitrary and capricious as defined in this policy, and providing all relevant supporting evidence. The appeal must be received in the Dean’s Office within twenty (20) days of the first day of instruction of the next semester (excluding summer and winter semesters.) If these criteria are met, the Dean will institute a formal procedure.

Formal Procedures
Each academic unit will have a standing committee of two tenured professors and two graduate level students to hear appeals of arbitrary and capricious grading. The appeal will be heard within the academic unit offering the course. If the instructor of the course is a member of the committee, that instructor will be replaced by an alternate designated by the Department Chairperson.

Each written appeal is to be reviewed by the entire committee for a decision by the majority. The committee will either dismiss the appeal, or move it forward. Grounds for dismissal are: the student has submitted the same complaint to any other grievance procedure; the allegations, if true, would not constitute arbitrary and capricious grading; the appeal was not timely; or the informal process has not been exhausted. If the appeal is dismissed, the committee will notify the student in writing within ten days of the decision, and will include the reason or reasons for the dismissal.

If the appeal is not dismissed, the committee will submit a copy of the appeal to the instructor. The instructor must reply in writing to the committee within ten days. If, based on the instructor’s reply, the committee feels there is a viable solution, that solution should be pursued with the student and the instructor. If no solution is reached, the committee shall hold a fact-finding meeting with the student and the instructor. It is to be non-adversarial and informal, with neither party represented by an advocate.

Witnesses may be asked to make statements to the committee if the committee is informed prior to the meeting. The meeting will not be open to the public. The committee will meet privately at the close of the fact-finding meeting to decide whether a majority believes the evidence supports the allegation of arbitrary and capricious grading beyond a reasonable doubt. The committee will notify the student, the instructor, and the Dean of the Graduate School of the decision in writing within five days of the meeting.

The committee has the authority to take any action that it believes will bring about substantial justice, including but not limited to directing the instructor to grade the student’s work anew, directing the instructor to administer a new final exam or paper, directing the cancellation of the student’s registration in the course, and directing the award of a grade of “pass” in the course. The committee does not have the authority to assign a letter grade for the course or reprimand or take disciplinary action against the instructor.
The University procedures for reviewing alleged arbitrary and capricious grading of doctoral qualifying examinations envision a multi-step process. (Qualifying examinations are defined as any examinations, oral or written, that are necessary, but not sufficient, for admission to candidacy for a graduate degree.) Prior to filing a formal written appeal, the student must engage in an informal attempt to resolve the problem directly with the Chair of the Examination Committee. The Graduate School’s Ombudsperson may be called upon to facilitate resolution if both parties agree. If these informal efforts fail, then the student may file a formal appeal to the Dean of the Graduate School. When such an appeal is received by the Graduate School, the Program will be notified and will receive a copy of the appeal letter. An Appeal Committee of faculty and students established by the Department/Program will then meet to conduct the formal appeal process.

The formal appeal process consists of four phases. In the first phase, the Committee evaluates the student’s written appeal and determines, according to certain established criteria, whether it should be dismissed on procedural grounds or whether the process should move forward to the next phase. In the second phase, the appeal is sent to the Chair of the Examination Committee for a written response.

In the third phase, the Appeal Committee decides if there may be a viable informal solution and if so, pursues it with both the student and the graduate program. If the Appeal Committee does not feel that such an attempt would be feasible or if the effort is unsuccessful, the process moves to phase four, which is the fact-finding phase.

In the fact-finding phase, the student, the graduate director, and a member of the examination committee meet with the Appeal Committee. Each party may make statements to the Appeal Committee and may call witnesses. This phase, however, is both informal and non-adversarial, and neither side may be represented by an advocate. After hearing both sides, the Appeal Committee meets privately to consider the evidence and decide whether the evidence offered in support of the allegation of arbitrary and capricious grading is clear and convincing. If the Appeal Committee supports the allegation, it then has several options for resolving the issue. Whatever the decision of the Appeal Committee, it is binding on both parties and is final; i.e., it may not be appealed elsewhere in the University of Maryland or elsewhere within the University System of Maryland.

Qualifying examinations are defined as any examinations, oral or written, that are necessary, but not sufficient, for admission to candidacy for a graduate degree. Arbitrary and capricious grading applies only to the grade assigned in a doctoral qualifying examination. Arbitrary and capricious grading is defined as any of the following:

- The assignment of a grade to a student on some basis other than performance in the qualifying examination;
- The assignment of a qualifying examination grade to a student by an unreasonable application of standards different from standards that were applied to other doctoral students, where an objective comparison of students is possible;
- The assignment of an examination grade by a substantial and unreasonable departure from the graduate program’s or the Examination Committee’s initially articulated standards or requirements for the doctoral qualifying examination.

The University Policy on Arbitrary and Capricious Grading

For more information, please review The University Policy on Arbitrary and Capricious Grading (http://www.college.umd.edu/administration/policy/section-iii-academic-affairs/iii-120a).

Policy and Procedures for Appeals of Alleged Arbitrary and Capricious Grading of Doctoral Qualifying Examinations

The decision of the committee is final, and binding on both parties. The decision may not be appealed to any other body within the University of Maryland or the University of Maryland System.

The Dean of the Graduate School will be responsible for implementing the decision of the committee.

For more information, please review The University Policy on Arbitrary and Capricious Grading.
brief, specified period. If the Appeal Committee's resolution efforts are
unnecessary and both Committee Chairs agree in writing to continue for a further,
days from receipt of the Examination Committee's written response,
phase should not generally have a duration longer than 30 calendar
days from the moment the allegations are true.) If, based on its evaluation of the
appeal, the Examination Committee believes that a solution may be possible, the Appeal
Committee Chair may present statements, oral or written, to the Appeal
Committee as well as other documentation to support their positions.
Neither party may be represented by an advocate of any kind. The
meeting will not be open to the public. The Graduate School may send an
administrator to observe the proceedings, but this observer should not
participate substantively in the proceedings themselves. The meeting is
to be both informal and non-adversarial; its purpose is to determine the
relevant facts in the matter. At the close of the fact-finding meeting, the
Appeal Committee will meet privately to consider the evidence presented.
If the majority of the Appeal Committee believes that the student has
not provided clear and convincing evidence of the allegation of arbitrary
and capricious grading of a qualifying examination as defined above, the
appeal must be denied. If the majority of the Appeal Committee believes
that there is clear and convincing evidence that supports the allegation of arbitrary
and capricious grading, the Appeal Committee will decide which of the various actions within its authority (see below) should be taken.
The Appeal Committee Chair should notify the student, the Department/Program Chair, the Examining Committee Chair, the Graduate Director, and the Dean of the Graduate School in writing of the Appeal Committee's decision on the appeal within five campus business days after conclusion of the fact-finding meeting.

The Authority of the Appeal Committee
The Appeal Committee generally has the authority to take any action it
believes will bring about substantial justice, except a) it may not direct
that a passing grade for the qualifying examination be assigned for the
student; and b) it may not reprimand or take disciplinary action against
the Examination Committee or any of its members.

The following is a list of possible actions that the Appeal Committee may
take. The list is not exhaustive; the Appeal Committee may take other
appropriate actions in order to achieve what it believes to be substantial justice.

a) The Appeal Committee may direct the Department/Program that the
examination be re-graded by a new Examination Committee from within
the Program.

b) The Appeal Committee may direct the Program that the examination be
re-graded by a new Examination Committee from outside the Program.

c) The Examination Committee may be directed to administer a new
examination.
GRADUATE STUDENT RIGHTS AND RESPONSIBILITIES

It is the policy of the University of Maryland to maintain the campus as a place of study and work for students, faculty, and staff in which all parties are expected to uphold the values of the University by conducting themselves in accordance with University policies and procedures. Such an environment must be free of intimidation, fear, coercion, reprisal, harassment, bullying or other unacceptable behaviors. Graduate students can expect to be treated fairly and with dignity and respect as outlined in the University Non-discrimination Policy and Procedures [VI-1.00(B)].

GRIEVANCE PROCEDURE

The University is an academic and collegial community. Graduate students are subject to a range of policies and procedures relating to academic standards, as well as rules and regulations of behavior set forth by the University and the Office of Student Conduct. Graduate Assistants are subject primarily to the Policy on Graduate Assistantships. If a graduate student believes that they have experienced treatment that is unethical, grossly unjust, uncivil, or otherwise creates a hostile learning or working environment from a faculty member, a staff member, or another student, the student should attempt to resolve the matters locally, collegially, and informally. If the issue has not been resolved to the graduate student’s satisfaction or the treatment cannot be stopped through informal means, the graduate student may elect to file a formal grievance.

Limitations

No other University grievance procedure may be used simultaneously or consecutively with this procedure with respect to the same or substantially same issue or complaint, or with issues or complaints arising out of or pertaining to the same set of facts. Neither the University of Maryland Non-discrimination Policy and Procedures (VI-1.00(B)) nor any other University grievance procedure may be utilized to challenge the actions, determinations, or recommendations of any person(s) or board(s) acting pursuant to these procedures.

Notwithstanding any provision of this Policy to the contrary, the following matters do not constitute the basis for a grievance under this procedure:

1. Policies, regulations, decisions, resolutions, directives and other acts of the Board of Regents of the University System of Maryland, The Office of the Chancellor of the University System of Maryland, and the Office of the President of the University of Maryland;
2. Any statute, regulation, directive, or order of any department or agency of the United States or the State of Maryland; V-1.00(A) page 4
3. Any matter outside the control of the University System of Maryland;
4. Course offerings;
5. The staffing and structure of any academic department or unit;
6. The fiscal management and allocation of resources by the University System of Maryland and the University of Maryland;
7. Any issues or acts which do not affect the complaining party directly;
8. “Class-action” grievances are not permitted under these procedures. Grievances must be presented by individual students. If multiple students file individual grievances on the same matter, a screening or hearing board may, in its discretion, consolidate grievances presenting similar facts and issues, and recommend generally applicable relief as it deems warranted;
9. Under these procedures, there may be no challenge to the award of a specific grade.

Informal Consultation

The graduate student is strongly encouraged but not required to first attempt to resolve the difficulty by discussing the situation with the person/persons (faculty member, the staff member, and/or student) as expeditiously as possible and/or practical. If a satisfactory resolution is not reached, the graduate student should next discuss the situation with the Director of Graduate Studies (or equivalent) and/or the Department Chair (or equivalent). It is expected that these discussions will be kept confidential and not discussed publicly beyond the individuals involved. However, the Director and/or Chair should keep a record of such complaints and report annually to the Graduate Ombuds Office.

Either before or after such discussions, the graduate student may wish to confidentially seek advice from another academic advisor, an assistant or associate dean of their college or of the Graduate School, or the Ombuds Officer for Graduate Students. The graduate student is encouraged to consult with the Ombuds Officer early in the informal discussion process, and must consult with the Ombuds Officer before initiating a formal grievance. The Ombuds Officer is available to all graduate students with questions or concerns related to their graduate experience, including their roles as GAs. The Ombuds Officer provides informal assistance in resolving conflicts and works to promote fair and equitable treatment within the University. The Ombuds Officer works confidentially within the scope of the law. The purpose of the Ombuds Officer is to ensure that the graduate student's voice is heard and that problems receive prompt and impartial attention. The Ombuds Officer does not advocate.
for an individual; rather, the Ombuds Officer advocates for a fair process that promotes the University's commitment to excellence in graduate education and in the graduate student experience. Queries may be directed to Ombuds Officer for Graduate Students, The Graduate School, 2103 Lee Building, phone (301) 405-3132.

Formal Grievance
These conflicts should be ideally addressed first by the Director of Graduate Studies (or equivalent) and then by the Department Chair (or equivalent) according to the process and appropriate remedies and disciplinary actions set by the grievance policy of the college or school. If the conflict cannot be resolved at this level and/or the graduate student does not feel comfortable disclosing an issue to one or more of these parties, the grievance shall be formally filed with the dean of the college or school. The dean will initiate the grievance process created within the college or school to address such issues. The process is to remain confidential and not publicly discussed beyond the parties involved. If the Director of Graduate Studies or Chair or Dean is the subject of the accused, said person will recuse him or herself.

In cases in which this process is not effectively resolved, the graduate student may file an appeal to the Graduate School. If the grievance is with the Director of Graduate Studies or Dean, the appeal may be made directly to the Dean of the Graduate School.

Formal Appeal Process
If a satisfactory resolution has not been achieved following procedures at the unit and/or college/school level, either party may initiate an appeal process with the Graduate School by sending a written appeal to the Dean of the Graduate School. To be considered, it must be received by the Graduate Dean within 30 calendar days from the announcement of the decision at the level of the college or school. All parties will be notified of this deadline at the time of the announcement of the college/school decision. Under exceptional circumstances, the deadline may be extended at the discretion of the Graduate Dean.

1. The appeal must be signed and:
   a. Contain a clear description of the facts giving rise to the grievance;
   b. Provide a clear explanation of why the party filing the appeal found the outcome(s) of the unit and/or college/school level grievance proceedings unsatisfactory;
   c. Set forth the desired remedy; and
   d. Elect to have the Graduate Dean decide the grievance either:
      i. In the manner described in Paragraph 2.b below; or
      ii. Following receipt of a recommendation from a three-person panel appointed by the Graduate Dean to consider the matter.

2. Upon receipt of the formal appeal, the Graduate Dean (or designee) will:
   a. Share the letter of appeal with the Dean of the appropriate college or school and solicit a written response from the Department Chair and/or College Dean.
   b. Offer to meet with the parties involved, either individually or together, before reaching a decision. The Graduate Dean shall confidentially consult with the Academic Dean, Associate Provost for Faculty Affairs, and such other persons as the Graduate Dean believes may be knowledgeable about the policies, practices and issues involved. The Graduate Dean shall endeavor to convey a written decision and, where appropriate, the remedy, to the parties involved within 30 calendar days of receipt of the letter of appeal; or
   c. If the grieving party is either a graduate student or faculty member and elects to have a panel, the Graduate Dean will appoint two graduate faculty (one of whom shall serve as chair of the panel) and one graduate student, each familiar with the graduate student's discipline but not from the student's or other parties in the grievance program or department, to confidentially review the matter and make a recommendation to the Graduate Dean. If the grieving party is a staff member, the Graduate Dean will appoint one faculty (serving as chair of the panel), one staff person, and one graduate student, not from the staff's or other parties in the grievance program or department, to confidentially review the matter and make a recommendation to the Graduate Dean. The panel should conduct its review in an impartial and unbiased manner. The Graduate Dean will provide the panel with the letter of formal grievance and written responses from the Department Chair (or equivalent) and/or College Dean. The panel shall offer to meet with the parties involved, either individually or together, as well as confidentially consult other people as appropriate in determining its recommendation. The panel shall endeavor to convey its written report recommendation to the Graduate Dean within 30 calendar days of the receipt of the letter of appeal; the Graduate Dean shall endeavor to convey a written decision and, where appropriate, the remedy, to the parties involved within 15 calendar days of receipt of the panel's report. The written report of the panel will contain a statement of the issues, the panel's findings of fact, the controlling policy provisions, the panel's assessment regarding the merits of the grievance, and a recommended disposition of the grievance, including a suggested remedy and/or disciplinary action(s).

The decision of the Graduate Dean regarding the merits of the grievance and, where appropriate, the remedy/disciplinary action shall be final. The Dean of the Graduate School will convey the final decision to the parties involved as well as to the Associate Provost for Faculty Affairs for possible other actions.

General Principles Controlling Formal Grievance Procedures
These procedures are not intended to mimic a courtroom and be adversarial in nature. Rather, they are formal in the meaning of offering a structured method to investigate, weigh, and remedy differences and prevent future occurrences of such action. They are designed to preserve collegiality and minimize injury to the student-faculty, student-student, student-staff relationships. Because grievances, if not made known or not considered expeditiously, may threaten the learning experience and/or mental health of the parties involved, graduate students, faculty, and administrators share responsibility to deal with them promptly. It is also expected that proceedings are conducted confidentially in order to protect the parties involved, to minimize damage to reputations and relationships, and to prevent the occurrence of retaliatory actions. Experience has shown that the following rules promote the orderly and efficient disposition of grievances. Accordingly, they shall be observed:

1. There is a burden of proof. The graduate student has the responsibility of convincing the Graduate Dean or panel of four things: a) that the policies of the University have not been followed; b) that the graduate student has been adversely affected; c) that the actions and activities of the parties involved have long-term impacts; and d) that the requested remedy is appropriate.

2. All matters to be considered in support or defense of a grievance should be made known as early in the informal process as possible. In both the informal and formal process, it is the responsibility of the
graduate student and faculty member (or student or staff member) to produce in a timely way the evidence they each wish considered, including any documents and witnesses.

3. The Grievance Procedure is not a trial. Formal rules of evidence commonly associated with criminal and civil trials may be counterproductive in an academic investigatory process and shall not be applied. The Academic Dean, Graduate Dean, and three-member panel shall follow the rules of confidentiality and privilege, but shall otherwise accept for consideration all matters which reasonable persons would accept as having probative value in the conduct of their affairs, giving it such weight as they consider proper. Unduly repetitive, irrelevant, or personally abusive material, however, should be excluded. They may also consider matters within the common knowledge and experience of University faculty, including published policies of the University System of Maryland and the University of Maryland.

4. The graduate student may be assisted at any meeting by an advisor, who must be a registered, degree-seeking graduate student at the University or a current member of the University Faculty or staff. Although the graduate student is expected to take an active role in all meetings, the advisor may help with the presentation of arguments and evidence.

5. The University has in place other grievance procedures and administrative processes designed to address specific types of claims. These are meant to be the exclusive avenue for review and redress. Grievances that by their subject matter may be considered under other established institutional procedures must be brought under those procedures and may not be considered under this formal procedures. Matters pertaining to the general level of wages, wage patterns, fringe benefits, or to other broad areas of financial management and staffing are not grievable under this process. Matters expressly excluded from consideration under other procedures may not be grieved under these formal procedures.

6. A decision may not be made at any step that conflicts with or modifies a policy, regulation, or grant of authority approved by the Board of Regents, the Chancellor, the President, the Provost, or the University Senate or with any applicable Federal or State of Maryland law.

7. Currently enrolled University of Maryland graduate students may initiate a formal grievance. A student that withdrew from the University or was dismissed from the University has 30 days following the date of withdrawal or dismissal to initiate a formal grievance. The Graduate Dean can grant an extension depending on the circumstances. The grievance must pertain to the graduate student personally, not those of another graduate student. Group grievances are permitted; similar grievances may be consolidated and processed together as a single issue.

8. Because it is critical to address potentially corrosive grievances sooner than later, and because the remedies and disciplinary actions available are prospective, the time requirement established for initiating a formal grievance is necessary to the effective administration of the graduate program. Unless otherwise agreed in advance among the graduate student, the faculty member (or other parties), and the Graduate Dean, strict adherence to them is a condition of review and appeal under these procedures. Time requirements are measured from the first occurrence of an event; “continuing” wrongs are not recognized for the purpose of satisfying time requirements.

9. The Graduate Dean may delegate such parts of these responsibilities as the Dean deems reasonable and efficient, provided the final decision and any remedy must be reviewed and approved by the Dean personally.

10. The University and Graduate School should make all conduct and corresponding grievance policies and processes clearly visible and accessible by graduate students, faculty and staff. The Dean of the Graduate School will provide a summary report of grievances filed and actions taken under this policy to the Graduate Council.