MEMORANDUM

DATE: August 5, 2015

TO: Dr. Bob Strawser
    Speaker, Faculty Senate

FROM: Dr. David W. Parrott
      Chair, Rules and Regulations Committee

SUBJECT: Proposed Revisions to the Texas A&M Student Rules

Attached please find proposed revisions to the Texas A&M University Student Rules as approved by the Rules and Regulations Committee. These changes are for the following rule:

Change in Rule 53
PROPOSAL

To bring the rule in alignment with the undergraduate academic appeal rules.

JUSTIFICATION

To bring the rule in alignment with the undergraduate academic appeal rules.

PROPOSED BY

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Approved by the Student Rules and Regulations Committee on 7/17/15
Present rule 53 with all changes in red font: additions in bold and underlined, deletions are struck.

53. Graduate Student Examination Evaluation Disputes

The decision as to which procedure to utilize for a grievance filed by a graduate shall be made solely by the university and shall be based on the fact pattern of each particular case. Each grievance shall be directed to a specific procedure and shall be accorded only one opportunity to be adjudicated unless the appeal body remands for further review.

53.1 Rules

The graduate student shall be informed in a timely manner regarding the date, time, location, procedures and nature of any examination required by a department, interdisciplinary degree program, or the graduate student’s advisory committee. The decision regarding any such examination shall be based upon performance on the examination. Examinations include, but are not limited to, preliminary examinations, qualifying examinations, and final oral examinations.

The appropriately designated departmental, interdisciplinary degree program, or graduate advisory committee (hereafter examining committee) is the primary authority with respect to a graduate student’s proficiency and level of performance on an examination.

53.2 Scope

A graduate student may appeal an adverse decision regarding the outcome of an examination if the graduate student believes the respondent’s decision was capricious, arbitrary or prejudicial. In the appeal process, which is described in detail in Student Rule 59, the burden of proof shall be upon the graduate student.

53.3 Definitions

“Adverse decision” means a decision by a faculty member or administrator that negatively impacts the student and for which the student wishes to pursue a grievance under this rule.

“Arbitrary” means no reasonable factual basis for reaching the conclusion or taking the action.

“Capricious” means unpredictable and subject to whim.

“Faculty” means an individual holding a position in which the primary title includes the word “professor,” “instructor,” “lecturer,” or “librarian” regardless of other rank of appointment qualifiers associated with the title. Appointments with the word “dean” or “provost” with or without a specified faculty rank higher than assistant professor are normally tenured faculty appointments.
"Prejudicial" means irrational attitude of hostility directed against an individual. This does not include hostility on the basis of any legally protected status that is addressed through Student Rules 45 - 47.

"Respondent" means the faculty member, instructor, or administrator that made the decision.

"Graduate student" means an individual graduate or professional student (not including first professional students – JD, MD, DDS, DVM, PharmD) — whose appeals are addressed through Rule 62 (forthcoming) — enrolled at the university who is the subject of an adverse academic decision.

53.4 Grievance Procedures

Graduate students must follow the resolution procedures and deadlines for disputes over examination evaluations as described in Student Rule 59 Graduate Academic Appeals Panel.