

Southern Illinois University School of Law

Examination Conflict and Reschedule Policy

[Excerpted from the School of Law Rules for AY 2022-2023]

ARTICLE III - ACADEMIC REGULATIONS

...

3. Examinations and Other Forms of Evaluation [amended 11/2006; 5/11/10]

- (a) Methods of Evaluation. The instructor shall evaluate student academic achievement by examinations of suitable length and complexity, papers, projects, or assessment of performances of students in class or in the role of lawyers. The instructor must specify the method(s) of evaluation in the course syllabus. Except for first-year courses whose focus is legal writing and legal research, each first-year course must involve at least one “regular” examination—that is, a graded, timed, written, non-take-home examination, and, in each such course, at least 50% of the course grade must be based on one or more such examinations.
- (b) Anonymous Grading of Written Examinations. The Associate Dean, in consultation with the faculty, shall establish and maintain such policies and procedures as necessary to ensure student anonymity when grading written examinations.
- (c) Saving Written Course Work. Unless the instructor returns examination answers, papers, or other written, graded course work to the students, the instructor must retain all such materials, and any written grading records, for one year following the date the instructor submits a grade in the course.
- (d) Examination Conflict and Reschedule Policy. Students must take all examinations, whether in-class or take-home, at the time and place announced either on the examination schedule or by the instructor, unless the examination is rescheduled by the Registrar for one of the following reasons:
 - (i) a student has two examinations scheduled on the same day;
 - (ii) a student is prevented from taking the examination(s) because of the student’s illness or a death in the student’s immediate family; or
 - (iii) the Associate Dean has determined that a student is faced with other exceptional circumstances that justify rescheduling one or more

examinations, which determination is not subject to review by grievance or otherwise.

A student may not reschedule an examination solely because the student has examinations on consecutive days. Any examination that is rescheduled shall be administered, if possible, on the reading day prior to the examination period. If rescheduling on the reading day is not possible, the examination will be rescheduled at such time as the Registrar shall determine.

- (e) Student Honor Code. Students must comply with the Southern Illinois University School of Law Honor Code during all examinations and other evaluations. The Associate Dean, in consultation with the faculty, shall establish and maintain such policies and procedures as necessary to provide for proctoring or monitoring of examinations and evaluations.
- (f) Timely Submission of Final Examinations. Instructors shall submit their final examinations to the Registrar each semester by the deadline(s) established by the Associate Dean. The deadline(s) shall be set with due regard for the time needed for instructors to adjust and finalize final examinations as the semester concludes and for the Registrar to prepare and distribute final examinations, including any need for them to be made available in alternative formats.
- (g) Student Grievances of Grades. Individual student grades, the content of examinations and other assessments, and the internal control and conduct of a particular course are considered matters within the academic judgment of the faculty member. The person best able to evaluate the student's performance is the faculty member who taught the course, because evaluation is affected by participation in the course, by the course objectives, by the materials covered in the course, by the method of presentation, and by reference to the general performance of the students in the course as a whole. A student may only file a grievance about a final course grade awarded to the student and only according to the following standards and procedures.
 - (i) Standard for a Grade Grievance. In order to prevail in such a grievance, a student must prove by demonstrable evidence that the grade was awarded due to prejudice or arbitrary and capricious conduct by the faculty member. A grade grievance may not be based solely on a claim that the faculty member exercised allegedly erroneous academic judgment—e.g., a student may not file a grievance that complains that the class standards were too high, the course load was too heavy, the grades were too low, too much (or too little) weight was allocated to a particular exercise, question, or examination, etc.
 - (ii) Meeting with Faculty Member. Before filing a written grievance, the student must make reasonable efforts to meet with the faculty member to discuss the grade.

- (iii) Filing of Written Grievance; Deadline to File. If the matter is not settled during the meeting with the faculty member or if the faculty member fails to meet with the student after the student has made reasonable efforts to schedule a meeting, the student may file a written grievance with the Associate Dean. The written grievance must allege that the grade awarded was the result of prejudice or arbitrary and capricious conduct by the faculty member and must include the evidence reasonably available to the student which the student believes substantiates that allegation. Absent compelling circumstances, the written grievance must be filed with the Associate Dean no later than the first Monday in April with respect to a grade awarded in a course held in the preceding fall semester and no later than the first Monday in November with respect to a grade awarded in a course held in the preceding spring semester or summer session.
- (iv) Associate Dean's Determination; Dismissal or Referral to Academic Standards Committee. If the Associate Dean determines that the student's written grievance creates a reasonable suspicion that the faculty member awarded the grade as a result of prejudice or arbitrary and capricious conduct, the Associate Dean shall refer the matter to the Academic Standards Committee ("the Committee"). If the Associate Dean determines that the student's written grievance does not create reasonable suspicion that the faculty member has given a grade as a result of prejudice or arbitrary and capricious conduct, then the Associate Dean shall dismiss the grievance without further right of appeal in the law school. The Associate Dean shall make such determination no later than ten days after the date on which the written grievance was filed with the Associate Dean.
- (v) Committee Investigation. The Committee shall make an appropriate investigation into the circumstances surrounding the award of the grade and shall provide an opportunity for the grievant and the faculty member to present relevant evidence; provided, however, that neither the grievant nor faculty member is entitled to have counsel or other representative present at any hearing or other proceeding that the Committee may conduct.
- (vi) Committee Report. The Committee shall submit a written report to the Dean not later than 60 calendar days after the date on which the Associate Dean referred the grievance to the Committee, unless the Dean shall grant the Committee's request for additional time for good cause shown. The report shall contain: the Committee's findings of relevant facts; the Committee's conclusion whether the faculty member assigned the grade as a result of prejudice or arbitrary and capricious conduct; and, if the Committee recommends a decision in favor of the grievant, the remedy to

be awarded to the grievant. The Committee may include in the report any additional materials it deems relevant.

- (vii) Dean's Decision. The Dean shall defer to the Committee's findings and may reject those findings only if they are not clearly supported by the evidence. If the Dean determines a grievance in favor of the grievant, the Dean shall award the remedy recommended by the Committee, unless the Dean concludes that the remedy is impracticable or inconsistent with University policy, in which case the Dean shall award an appropriate remedy. If the remedy awarded would cause the grades for the course to violate the mandatory mean or the mandatory grade distribution range rule or any other law school rule relating to grades, the Dean shall have the authority to allow a deviation from the mandatory mean or the mandatory grade distribution range rule or other rule. The Dean shall make such determination no later than ten days after the date on which the Dean received the Committee's report. The Dean's determination may not be further appealed in the law school. [amended 5/10/21]
- (viii) Substitution of Faculty Member. If a student files a grievance against a faculty member who at the time is serving as the Associate Dean, the Dean, or a member of the Committee, then the Associate Dean (or the Dean if the Associate Dean is the faculty member involved) shall appoint another faculty member to act in connection with the grievance.