

The Defenders of the Right¹

You are the department Chair of Environmental Studies. At the end of the first week of classes in September Marianne Agular, a junior major in your department and the captain of the university's highly regarded women's soccer team, knocks on your office door seeking your help.

Marianne says that last Spring Prof. Boswell, a tenured member of the department, gave her a C for a required upper division course in the major. Thinking she deserved a B, she corresponded with Prof. Boswell over the summer about her grade. She learned the lower grade resulted from receiving an "F" on her last paper of the term, an assignment the professor did not return to the students, the term having already ended and the students being away for the summer. Marianne shows you e-mail from Prof. Boswell in which he says he assigned the "F" because she "committed academic dishonesty by turning in the same work for another course in the Journalism Department." The e-mail continues, "and I know this because your instructor for that course is a good friend of mine and we were talking about students we both knew. He mentioned your name and the remarkably fine paper you had done for his course."

Marianne tells you that she followed up with a personal visit to Prof. Boswell on the first day of the current term. Prof. Boswell reacted "in his legendary condescending manner." The professor said he was right to be a demanding grader because students deserve nothing less than the high standards he maintains.

Marianne said she offered the professor the graded Journalism paper so he could compare it with the work she had turned in for him. But he refused to look at the two essays side by side, saying that it was his job to teach, not to play FBI agent. He said the question was moot anyway, since university policy prohibited faculty from changing grades except in the case of a computation error.

The student tells you that this all very unfair. The paper was different than the one she did for Journalism. It met all the requirements Professor Boswell had specified in the syllabus while violating none of the rules the professor had set. The student says that confronted in this way Professor Boswell became animated and launched off on a diatribe about the general decline of University education, the admission of unmotivated student-athletes, the deplorably lax standards of the newer faculty.

Questions:

1. **If the story ended at this point, what actions, if any, should the Chair pursue?**
2. **Assume there are no formal grade appeal procedures in this department or at this campus. Assume the facts of the case are exactly as the student related them. Assume you review the student's two essays and determine that they are different enough to satisfy your sense of separate work. What would you do?**

¹ All characters, situations, and stories described here are fictional. No reference to actual persons, events, or institutions is intended or assumed. Drs. Peter and Noreen Facione developed and refined these hypothetical cases based on the experiences gained through their many decades of service as faculty, administrators, workshop presenters, and leadership consultants to colleges and universities throughout the nation.

3. Assume, on the contrary, that the professor is right, and that upon close comparison the two papers were substantially the same. In this case what steps should be taken?

Marianne goes on to tell you that before seeing you she sought out her advisor, Prof. Tusgrove, to talk about changing her major to something else. She told her advisor that she was frustrated, angry, and believed that she had no choice but to accept the C. She did not want to be in the same program where Prof. Boswell was a teacher. Prof. Tusgrove, a new faculty member in the department, listened to the student's troubles and then urged her to stick with her appeal. As it turns out there is a campus policy on grade appeals and Prof. Tusgrove gave Marianne a copy of the policy statement entitled "Student Appeals based on Allegations of Capricious, Unfair, or Arbitrary Grading." Prof. Tusgrove also encouraged Marianne to see you, her Chair, because you would know how to handle the situation procedurally. Although Marianne had never heard of the policy before, when she read it she learned that campus policy in fact does allow instructors to change grades in cases other than computational error. In extraordinary circumstances the administration, while not allowed to alter a grade assigned by a faculty member still employed at the institution, may drop a student from a course roster, thus deleting all record of the student's work or grade in a given course.

In your conversation with her you determine that Marianne, at this stage prefers justice to oblivion. She asks that you find a way for Prof. Boswell's peers to prevail on the professor's better judgment to have the grade changed on the basis of the merits of her work. You are somewhat skeptical of that this approach, anticipating that it might result only in alienating Prof. Boswell from his colleagues, and not in a grade change after all. You worry that the other option, administrative course withdrawal, will mean that the student will have yet to satisfy the upper division requirement, currently fulfilled by the course only taught by Prof. Boswell.

Questions:

- 4. Should there be a way for the faculty of a department or college to prevail upon a senior tenured colleague to change a grade that the rest of the faculty members think of as capricious, arbitrary, or substantially unfair?**
- 5. If so, what mechanisms would produce a just result while maintaining respect for all involved?**
- 6. If not, what mechanisms would produce a just result while maintaining respect for all involved?**
- 7. What is the difference between negligence (capricious and arbitrary grading) and poor teaching (assigning a grade that other professionally competent faculty colleagues would honestly agree to be an inaccurate indication of the quality of the students work)?**
- 8. How does academic freedom fit into this picture and how does the fiduciary responsibility of the institution to its students fit?**
- 9. What if this were a case of where the question of ethnic, gender, disability, retaliation, religion, or sexual orientation were introduced?**