

5.16 Academic Action Appeal Policy/ Procedures.

A student has the right to appeal a final assigned grade or dismissal at the program level. A student may only appeal a final grade or program dismissal if he/she can show the grade or program dismissal was assigned *arbitrarily or impermissibly*. A student who wishes to appeal a grade on a particular assignment or exam can do so only in the context of how it affects their final assigned grade or dismissal from a program.

A final grade or program dismissal is deemed to have been assigned arbitrarily or impermissibly if, by a preponderance of the evidence, a student establishes that:

1. The final grade or dismissal was based upon the student's race, color, religion, national origin, age, sex, disability, sexual orientation, or for some other arbitrary or personal reason unrelated to the instructor's exercise of his or her professional academic judgment in the evaluation of the academic performance of the student; or
2. The final grade or program dismissal was assigned in a manner not consistent with the standards and procedures for evaluation established by the instructor, the program, or the University in the Catalog, in the course syllabus, or during the class/program in written or oral communications directed to the class/program as a whole; or
3. The final grade or program dismissal was the result of a clear and material mistake in calculating or recording grades or other evaluation. Individual elements (e.g., assignments, tests, activities, projects) which contribute to a final grade are generally NOT subject to appeal or subsequent review during a final grade appeals procedure. However, individual elements may be appealed under these procedures providing all of the following conditions are met:
 - a) The student presents compelling evidence that one or more individual elements were graded on arbitrary or impermissible grounds;
 - b) Grounds can be established for determining a professionally sound grade for the appealed element(s); and
 - c) The ensuing grade for each appealed element would have resulted in a different course grade than that assigned by the faculty member.

If dismissal from the Graduate School is a result of grades (3 C's or an F), the student may appeal the grade causing the dismissal. If the appeal is unsuccessful, the dismissal stands; the student cannot appeal the dismissal as well as the grade because dismissal is based upon the grades.

If a student is appealing dismissal from a program, or a final assigned grade that results in dismissal, the student shall be allowed to continue taking courses until the appeal is resolved (with the approval of the program in which the classes are taken), with the exception of clinical placements or internships, or when the students' continued participation is deemed by the program director or department head to be harmful or disruptive to other students and/or the program.

If the appeal is unsuccessful and the dismissal stands, the student will be removed from any classes in which he or she is registered and will be responsible for any tuition and fees accrued as a result of registration during the appeals process.

Academic Action Appeal Procedure Overview:

Students who wish to appeal a final assigned grade or dismissal from an academic program for any reason other than academic dishonesty should follow, in order, the academic appeal procedure outlined below. (n.b. For these procedures, a “working day” = a day classes are held on campus)

Appeals of a final assigned grade and appeals of dismissals from an academic program follow similar procedures:

- 1) Appeal to Instructor
- 2) Appeal to Department Head
- 3) Appeal to Academic College – Associate Dean – may dismiss appeal or send to:
- 4) College Academic Action Committee Review
- 5) Academic Dean Review

An Appeal to Provost is only allowed for alleged violations of procedures, protected class, or constitutional rights,

Final Grade Appeal Procedures:

The following procedures detail the steps for appealing a final assigned grade (whether or not that grade results in dismissal from the Graduate School). The student is encouraged to meet/talk with the instructor prior to filing a formal appeal.

The student must demonstrate that the grade was impermissibly or arbitrarily assigned (see Academic Action Policy). That the student simply disagrees with the assigned grade does not constitute a basis for a review.

(Step 1) Appeal to Instructor:

Within 35 calendar days after the student receives notification of the academic action (grade) the student should submit a formal written appeal to the instructor. This appeal must include:

- a) a statement of the reason(s) why the student believes the grade was impermissibly or arbitrarily assigned (see policy Academic Action Appeal Policy)
- b) the resolution sought.

If the grade being appealed is leading to dismissal from the Graduate School, the Dean of the Graduate School should be copied on the student’s initial appeal. All correspondence should include contact information.

The instructor must respond to the student's request in writing as soon as possible (no later than ten working days after receiving the student's written appeal). This response should detail whether or not the instructor is approving or denying the appeal.

(Step 2) Appeal to Department Head:

If the student is unable to resolve the grievance through the appeal to the instructor, the student should submit a written appeal to the department head within 10 working days of receiving the instructor's written response (from Step 1). If the department head is the instructor for the grade assigned, the associate dean of the department's college will serve this function. Students appealing to the department head assume the burden of proof. Therefore, the appeal must include:

- a) A statement of the reason(s) the student believes the grade was impermissibly or arbitrarily assigned;
- b) The steps taken to resolve the disagreement over the assigned course grade; and
- c) The resolution sought.

The appeal must be accompanied by evidence the student believes supports the conclusion that the grade was impermissibly or arbitrarily assigned. Evidence might include papers, tests, syllabi, or written documentation.

Within ten working days of receiving this appeal, the department head will attempt to resolve the appeal. If the department head is unable to resolve the appeal within ten working days, the department head will notify the student of the decision, and the student has 10 days to appeal to the associate dean of the academic college.

(Step 3) Appeal to the Academic College (Associate Dean Review):

If appealing to the academic college, the student should forward (to the associate dean of the academic college) his/her initial Appeal to the Instructor and response from the instructor (from Step 1), the subsequent Appeal to the Department Head, and the department head's written notification (from Step 2). Upon receipt of the appeal and aforementioned materials the associate dean may request further information from the student, the instructor, and/or the department head.

If the associate dean concludes that the facts alleged by the student would not constitute a violation of the Academic Action Appeal Policy or Procedures, the associate dean may, in consultation with the Dean and Graduate Dean if applicable, dismiss the review. The student will not be allowed any further appeal.

If the associate dean determines that the facts alleged in the student's written appeals could, if true, constitute a violation of the Academic Action Appeal Policy or Procedures, the associate dean, within ten working days of receiving all information, shall refer the case to the College's *Academic Action Committee*.

(Step 4) Academic Action Committee Review:

The *College Academic Action Committee* (CAAC) will consist of faculty members (who do not teach in the program from which the appeal originated) and students as designated by the

academic college (graduate or undergraduate based upon appeal) appointed by the appropriate Academic Dean or Associate Dean. At least two of the faculty members shall be selected from “allied” disciplines or programs. The Associate Dean will serve as ex officio (non-voting) chair of this committee. The purpose of the CAAC is to determine whether the facts support the student’s contention that the grade was impermissibly or arbitrarily assigned as defined in the policy. It is not the function of the Committee to re-evaluate the student’s work to determine whether the CAAC agrees with the professional judgment of the faculty member who assigned the grade.

The CAAC Chair shall convene the Committee not later than ten working days from the request by the associate dean to examine the student’s appeals to the instructor and department head. The CAAC will also take into consideration any written statements received by the associate dean from either the student or the instructor, and any additional relevant documentation. Additionally, the CAAC may request oral presentations from both parties. Other relevant parties may be questioned.

Neither the student nor the faculty member may be accompanied or represented in the hearing by legal counsel or other advisor. The CAAC may consider only such evidence as is offered by the parties and at the hearing(s) and need consider only the evidence offered that it considers fair and reliable. The burden of proof shall be on the student to satisfy the Committee that a preponderance of the evidence supports a conclusion that the grade was awarded arbitrarily or impermissibly as defined. All recommendations of the CAAC shall be made by a simple majority vote.

Within ten working days from the conclusion of its hearing(s) on the matter, the CAAC Chair will provide a written report to the academic dean and to the graduate dean (for graduate-level grade appeals). The Committee report must include the Committee’s finding as to whether or not the grade assigned was awarded arbitrarily or impermissibly as defined in the policy. If such a determination is made, the CAAC shall recommend a course of action which could include recommending assignment of a specific grade to replace the one originally assigned or implementation of some process to re-evaluate the student’s work.

(Step 5) Review by the Dean:

Within ten working days after receiving the CAAC’s report, recommendations and other documentation assembled in the review, the academic Dean will, in consultation with the faculty member and department head, determine a final course of action. S/he will then communicate the final action in writing to the student, faculty member, department head, and (for graduate-level grade appeals) the dean of the Graduate School.

Appeal to the Provost:

An appeal to the Provost is only allowed if the student can establish a reasonable basis that the appeal procedures were not followed, discrimination of a protected class has occurred, and/or a student’s exercise of rights guaranteed by the First Amendment has been violated. If the student

feels one of these conditions applies, s/he must file a written appeal to the Provost explaining the situation that warrants this level of appeal.

Substitution Provisions: In the event that the faculty member whose grade is being reviewed is also a department head/school director, the associate dean shall do those things required by the head or director. In the event that the faculty member whose grade is being reviewed is also an associate dean, the academic dean or Provost can name an appropriate substitute to perform the functions of the associate dean as required by this policy.

Program Dismissal Appeal Procedures:

The following procedures detail the steps for appealing a dismissal from a program for any reason other than final assigned grade(s), including failure to adhere to technical standards.

Dismissal from the Graduate School (and therefore dismissal from the program) based on bad grades may only be appealed by appealing the final grade(s) resulting in the dismissal from the Graduate School. The student is encouraged to meet/talk with the program director prior to filing a formal appeal.

The student must demonstrate that dismissal was impermissibly or arbitrarily assigned (see Academic Action Policy). That the student simply disagrees with the dismissal does not constitute a basis for a review.

(Step 1) Appeal to Program Director:

Within 35 working days after the student receives notification of the academic action (grade) the student should submit a formal written appeal to the instructor. This appeal must include:

- c) a statement of the reason(s) why the student believes the dismissal was impermissibly or arbitrarily assigned (see policy Academic Action Appeal Policy)
- d) the resolution sought.

When appealing a dismissal from a graduate program, the student must copy the Dean of the Graduate School on this initial appeal. All correspondence should include contact information.

The program director must respond to the student's request in writing as soon as possible (no later than ten working days after receiving the student's written appeal). This response should detail whether or not the program is approving or denying the appeal.

(Step 2) Appeal to Department Head:

If the student is unable to resolve the grievance through the appeal to the program director, the student should submit a written appeal to the department head within 10 working days of receiving the program director's written response (from Step 1). If the department head is the instructor for the grade assigned, the associate dean of the department's college will serve this function. Students appealing to the department head assume the burden of proof. Therefore, the appeal must include:

- d) A statement of the reason(s) the student believes the dismissal was impermissibly or arbitrarily assigned;
- e) The steps taken to resolve the disagreement over the dismissal; and
- f) The resolution sought.

The appeal must be accompanied by evidence the student believes supports the conclusion that the dismissal was impermissibly or arbitrarily assigned. Evidence might include papers, tests, syllabi, or written documentation.

Within ten working days of receiving this appeal, the department head will attempt to resolve the appeal. If the department head is unable to resolve the appeal within ten working days, the department head will notify the student of the decision and copy the dean of the Graduate School, and the student has 10 days to appeal to the associate dean of the academic college.

(Step 3) Appeal to the Academic College (Associate Dean Review):

If appealing to the academic college, the student should forward (to the associate dean of the academic college) his/her initial Appeal to the Program Director and the program director's response (from Step 1), the subsequent Appeal to the Department Head, and the department head's written notification (from Step 2). Upon receipt of the appeal and these materials the associate dean may request further information from the student, the program director, and/or the department head.

If the associate dean concludes that the facts alleged by the student would not constitute a violation of the Academic Action Appeal Policy or Procedures, the associate dean may, in consultation with the academic Dean and Graduate Dean if applicable, dismiss the review. The student will not be allowed any further appeal.

If the associate dean determines that the facts alleged in the student's written appeals could, if true, constitute a violation of the Academic Action Appeal Policy or Procedures, the associate dean, within ten working days of receiving all information, shall refer the case to the College's *Academic Action Committee*.

(Step 4) Academic Action Committee Review:

The *College Academic Action Committee* (CAAC) will consist of faculty members (who do not teach in the program from which the appeal originated) and students as designated by the academic college (graduate or undergraduate based upon appeal) appointed by the appropriate Academic Dean or Associate Dean. At least two of the faculty members shall be selected from "allied" disciplines or programs. The Associate Dean will serve as *ex officio* (non-voting) chair of this committee. The purpose of this Committee is to determine whether the facts support the student's contention that the dismissal was impermissibly or arbitrarily assigned as defined in the policy. It is not the function of the CAAC to re-evaluate the student's work to determine whether the Committee agrees with the professional judgment of the program director or faculty member(s).

The CAAC Chair shall convene the Committee not later than ten working days from the request by the associate dean to examine the student's appeals to the program director and department head. The committee will also take into consideration any written statements received by the associate dean from either the student or the program director, and any additional relevant documentation. Additionally, the Committee may request oral presentations from both parties. Other relevant parties may be questioned.

Neither the student nor the program director may be accompanied or represented in the hearing by legal counsel or other advisor. The CAAC may consider only such evidence as is offered by the parties and at the hearing(s) and need consider only the evidence offered that it considers fair and reliable. The burden of proof shall be on the student to satisfy the Committee that a preponderance of the evidence supports a conclusion that the dismissal was awarded arbitrarily or impermissibly as defined. All recommendations of the CAAC shall be made by a simple majority vote.

Within ten working days from the conclusion of its hearing(s) on the matter, the CAAC Chair will provide a written report to the academic dean and to the graduate dean (for graduate-level grade appeals). The Committee report must include the Committee's finding as to whether or not the dismissal assigned was awarded arbitrarily or impermissibly as defined in the policy. If such a determination is made, the CAAC shall recommend a course of action which could include recommending readmission or implementation of some process to re-evaluate the student's actions/work that lead to the program dismissal.

(Step 5) Review by the Dean:

Within ten working days after receiving the CAAC's report, recommendations, and other documentation assembled in the review, the academic Dean will, in consultation with the program director and department head, determine a final course of action. S/he will then communicate the final action in writing to the student, faculty member, department head, and the dean of the Graduate School.

Appeal to the Provost:

An appeal to the Provost is only allowed if the student can establish a reasonable basis that the appeal procedures were not followed, discrimination of a protected class has occurred, and/or a student's exercise of rights guaranteed by the First Amendment has been violated. If the student feels one of these conditions applies, s/he must file a written appeal to the Provost explaining the situation that warrants this level of appeal.

Substitution Provisions: In the event that the faculty member whose grade is being reviewed is also a department head/school director, the associate dean shall do those things required by the head or director. In the event that the faculty member whose grade is being reviewed is also an associate dean, the academic dean or Provost can name an appropriate substitute to perform the functions of the associate dean as required by this policy.