

June 2012

## 6.111 Academic Appeal Policy

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Type of Policy <input checked="" type="checkbox"/> <b>University</b> <input type="checkbox"/> <i>Campus</i> <input type="checkbox"/> <i>Department/Unit</i> <input type="checkbox"/> <b>Interim</b>		<b>Academic Appeals</b>  <b>Policy 6.111</b>	
<b>Student Policies</b>		Effective date: June 5, 2012	
<b>Policy History:</b>	<b>Approved by:</b>	<b>Resolution #</b>	<b>Date</b>
Approved	Chancellor	N/A	June 5, 2012
Revised (Non-substantive)	Office of University Counsel	N/A	June 8, 2017
<b>Responsible Office</b>	<b>Responsible Administrator:</b>	<b>Contact information</b>	<b>Applies to:</b>
Vice Chancellor of Academic Affairs	Vice Chancellor of Academic Affairs	937-769-1890	All Students

## I. Introduction

### A. Purpose

This policy is to provide students with a mechanism to address academic actions taken by the faculty or administration which students believe they have legitimate grounds to appeal.

### B. Standards of Review

Faculty members are in the best position to evaluate students' academic work product and achievement of learning. Therefore the faculty member's decision will be given significant weight and will be overturned only where there is a clear abuse of discretion.

## II. Academic Appeals Covered by this Policy

### A. Appeals of Student Learning Evaluations

The faculty is vested with the authority to establish requirements and standards of performance for a course or project or other learning activity. The completed student learning

evaluation that an instructor submits to the Registrar is presumed to be accurate and final. A student who believes an evaluation is unfair or inaccurate can appeal the evaluation if the student believes one or more of the following has occurred:

- Failure of the instructor to notify students of the criteria and standards being used in the evaluation;
- An evaluation based on reasons other than the criteria and standards stated in the course syllabus;
- An evaluation based on factors other than student performance, e.g., prejudice or discrimination;
- Inconsistent or inequitably applied standards;
- Factual or technical inaccuracies (e.g., wrong name, wrong gender pronouns).

#### **B. Other Academic Appeals**

Complaints related to academic warning, probation, and dismissals; assessment of satisfactory academic progress; or unfair, inconsistent, or inequitable treatment in a program may also be appealed under this policy.

### **III. Actions that May Not be Appealed Under this Policy**

The University maintains specific policies and procedures regarding many aspects of student rights and responsibilities. Those specific policies prevail over the academic appeal procedures contained in this policy. Therefore, the following actions may not be appealed under this policy. For each item, the relevant appeal process is listed.

- Failure to be provided reasonable accommodation for a disability; (See complaint and appeal rights under the Disability Support Services Policy 6.101)
- Alleged violations of University policy other than those related to satisfactory academic progress, academic standing or academic evaluations; (See appeal rights under Student Grievance Policy 6.109)
- Complaints of sexual harassment or violations of Title IX of the Education Amendments Act of 1973; (See appeal rights under Title IX and Sexual Harassment Policy 4.607)
- Alleged violations of student rights as provided for in the academic catalog or University policies; (See appeal rights under Student Grievance Policy 6.109)
- Discipline or sanctions imposed under the Student Conduct Policy; (See appeal rights under Student Conduct Policy 6.103)

- Other unfair, inconsistent, or inequitable treatment (See appeal rights under Student Grievance Policy 6.109)

#### **IV. Complaint and Investigation Process for Appeals of Student Learning Evaluations**

Each campus and University-wide program will identify three Core Faculty members who will be willing and available to serve on the Faculty Academic Appeals Committee. The Faculty Academic Appeals Committee will meet when convened by the Provost or Vice Chancellor of Academic Affairs (“VCAA”). The Committee will examine available written information and may choose to meet with the student, faculty member and other appropriate individuals. The faculty Committee will inform the instructor and Academic Unit Head of its recommendation within 10 business days of having been convened. The Provost or VCAA is not a member of the Committee and does not participate in the vote.

A. A student who believes that she or he has grounds for appealing an evaluation should first speak with the instructor, stating specific concerns. The faculty member is expected to discuss the matter with the student in a timely manner, provide a clarifying response to the student’s inquiry, and, if appropriate, adjust the disputed academic decision or evaluation, according to established campus practices. Faculty should strive to respond to the student’s inquiry within 10 business days after it is received.

B. If the student is not satisfied with the faculty member’s response, or if a timely response is not received, the student may present a written complaint to the Academic Unit Head, describing the rationale for the appeal on one or more of the grounds described above. The complaint should include all supporting and documentary evidence (e.g., syllabus, narrative evaluations, emails, etc.), specific examples of incidents, and a list of any individuals involved. This complaint must be filed within 30 calendar days of the action being appealed. Extensions of the 30 calendar day deadline may be granted by the Provost or VCAA for justifiable reasons, such as disability or unavailability. However, in no event may an appeal be filed more than 6 months after he contested action occurred.

C. The Academic Unit Head will investigate the appeal, including, at a minimum, a review of the documents submitted and other relevant documentation related to the complaint as well as a discussion with the faculty member.

a) If the Academic Unit Head believes that the complaint does not have merit, the Academic Unit Head will render a decision and inform the student and instructor in writing within 10 business days of receiving the complaint.

b) If the Academic Unit Head believes that the complaint may have merit, he or she will discuss these findings with the instructor. If the Academic Unit Head and the instructor agree upon a resolution to the complaint, the student will be notified and appropriate action will be taken. This resolution should be reached within 10 business days of the Academic Unit Head’s receipt of the student complaint.

(1) If, after discussion with the instructor, the Academic Unit head determines that the complaint may have merit and the instructor

does not agree with this assessment, the appeal will be forwarded to the Provost or VCAA. The Provost or VCAA will convene the Faculty Academic Appeals Committee.

(a) If the instructor and Academic Unit Head agree to the Committee's recommendation, the student will be notified, and appropriate action will be taken.

(b) In cases of an appeal of an evaluation of the student's work, if the instructor and Academic Unit Head do not agree with the Committee's recommendation, and if the Committee believes that it would be unjust to allow the original evaluation to stand, the Committee has the right to request that the Provost or VCAA change the evaluation. The Provost or VCAA would provide the instructor and Academic Unit Head with the recommended modification and ask the instructor to implement. If the instructor continues to decline, the Provost or VCAA shall change the evaluation, notifying the instructor and the student of this action. Only the Provost or VCAA, upon the written recommendation of the faculty Committee, has the authority to change an evaluation over the objection of the instructor who assigned the original grade or narrative evaluation and only where there has been a showing of abuse of discretion.

(2) A conflict of interest exists in cases where the Academic Unit Head, Provost, or VCAA is the faculty of record for the course evaluation being appealed. In the event that an actual or perceived conflict of interest exists at any level of review, the appeal will be made to the next level in the process. If a conflict of interest exists for the Provost or VCAA, the appeal will be remanded to the Faculty Academic Appeals Committee.

D. If the student is not satisfied with the decision of the Academic Unit Head, the student must submit a written appeal of the Academic Unit Head's decision to the Provost within 15 calendar days of the date on which the Academic Unit Head's decision was communicated to the student. For University-wide programs, students will make the appeal to the Vice Chancellor of Academic Affairs (VCAA).

E. The Provost or VCAA will investigate the appeal in accordance with the procedures outlined above and communicate to the student within 20 business days. The Provost or VCAA will convene the Academic Appeals Committee to investigate and render a recommendation. Only the Provost or VCAA, upon the written recommendation of the faculty committee, has the authority to change an evaluation over the objection of the instructor who assigned the original evaluation.

F. If the student disagrees with the decision of the Faculty Academic Appeals Committee, the student can appeal to the Provost or the VCAA in the case of University-wide programs. The Provost or VCAA will review the decision of the committee and at

their discretion, can convene an independent faculty committee to review the decision. The decision of the Provost or VCAA is final.

## **V. Complaint and Investigation Process for Other Academic Appeals**

Complaints related to academic warning, probation, and dismissals; assessment of satisfactory academic progress; or unfair, inconsistent, or inequitable treatment in a program may be appealed according to the procedures listed below.

A. A student who believes that she or he has grounds for appealing an academic action should first speak with the faculty or administrator responsible for the action that forms the basis of the appeal, stating specific concerns. This may be done through a scheduled meeting, phone conversation, or in writing. The faculty or administrator is expected to discuss the matter with the student in a timely manner, provide a clarifying response to the student's inquiry, and, if appropriate, adjust the disputed academic decision or evaluation. The faculty or administrator should acknowledge or fully respond to a student's inquiry no later than 10 business days after it is received.

B. If the student is not satisfied with the response, or if a timely response is not received, the student may present a written complaint to the individual's supervisor, describing the rationale for the appeal on one or more of the grounds described above. The complaint should include all supporting and documented evidence (e.g., syllabus, narrative evaluations, emails, etc.), specific examples of incidents, and a list of any individuals involved. This complaint must be filed within 15 calendar days of the action being appealed. If the student is on leave during this time, the complaint must be filed during the first 15 calendar days of the term in which the student resumes enrollment, but in all circumstances may not be filed more than two academic terms following the term in which the contested action occurred.

C. The supervisor will investigate the appeal, including, at a minimum, a review of the documents submitted and other relevant documentation related to the complaint as well as a discussion with the aforementioned faculty or administrator.

1. The supervisor will make a determination and inform the student and faculty or administrator in writing within 10 business days of the date on which the supervisor received the appeal.

D. If the student is not satisfied with the decision of the supervisor, the student must submit a written appeal of the Academic Unit Head's decision to the Provost within 30 calendar days of the date on which the supervisor's decision was communicated to the student. University-wide programs will make their appeal to the Vice Chancellor of Academic Affairs (VCAA).

E. The Provost or VCAA will investigate in accordance with the procedures outlined above and communicate to the student within 20 business days. The decision of the Provost or VCAA is final.

## Policy Cross Reference

Title IX and Sexual Harassment Policy	Policy # 4.607
Student Academic Integrity Policy	Policy # 6.105
Student Grievance Policy	Policy # 6.109
Disability Support Services Policy	Policy # 6.101
Student Conduct Policy	Policy # 6.103
Student Academic Rights and Freedom Policy	Policy # 6.102