

UPS 300.030

ACADEMIC APPEALS

A. APPEALS REGARDING ACADEMIC DISHONESTY

When a faculty member(s) has alleged that a student, individually or as part of a group, has performed an act of academic dishonesty and has penalized the student for the act, the student has a right to contest the allegations and/or the penalty. Because the university presumes that students act honestly, a charge of academic dishonesty will only be upheld if the faculty member provides a preponderance of the evidence to show that the student performed an act of academic dishonesty. Charges of academic dishonesty must be assessed on an individual basis.

Procedure:

1. The student shall make every effort to resolve the allegation by consulting the faculty member.
2. If the student believes the allegation has not been resolved by consultation, the student shall consult with the department chair, coordinator, or other appropriate administrator having immediate supervision of the faculty member. It is recommended that the department chair, coordinator, or other appropriate administrator maintain a written record of such consultation and/or its results. Failing here, the student shall consult with the dean of the college concerned.
3. If the student is not satisfied with the results of the consultation process, the student may appeal in writing to the Academic Appeals Board. The Coordinator of Academic Appeals receives all written appeals. The student's appeal shall state specifically the nature of the allegation and the remedy requested; describe the student's attempts to resolve the allegation informally; and contain any supporting documentation such as exams, papers, assignments and/or other corroborating documents.
4. The Coordinator shall within two calendar weeks provide the faculty member (or department chair, if necessary) with a copy of the appeal. The faculty member (or department chair, if necessary) shall within three calendar weeks during the regular

semester (fall or spring) following the grade assignment provide the Academic Appeals Board with a written response to the student's allegations.

5. The Board shall consider the request, and if the majority believes that the request contains allegations requiring further investigation, the Board shall notify the student and faculty member(s) involved in writing.
6. The Board notice shall request that both parties submit such documents, as the parties believe to be relevant and answer any questions that the Board may ask.
7. After consideration of the documents submitted by the parties, the Board shall decide either to hold a hearing or to dismiss or uphold the appeal.
8. If the board issues a notice of hearing, the notice shall state the time and place of the hearing.
 - (a) The hearing shall be closed to the public. Either party may be represented by a person from the university community. Neither the Academic Appeals Coordinator nor any member of the Academic Appeals Board may represent either party. According to Presidential Directive No. 9, the representative may not be a licensed or practicing attorney. If either party is being represented at the hearing, the party shall notify the Board in writing of the name and address of the representative at least ten calendar days prior to the hearing. Except for the party or parties, a representative of each party, the board members, and the Academic Appeals Coordinator, no one else shall be present at the hearing. Any exception to this restriction shall be at the discretion of the Academic Appeals Board. At its discretion the Board may hear each party separately unless either party requests a joint hearing. Three Board members must be present to conduct a hearing.
 - (b) At the hearing the Board shall receive all evidence and testimony of a type responsible parties are accustomed to relying upon in the normal course of university business.
9. During its deliberations (based on the written submissions, or after a hearing) the Board will determine whether a preponderance of the evidence establishes that the student performed an act of academic dishonesty. A majority (more than half) of those participating in the vote (those members casting a "yes" or "no" vote) is necessary to sustain an allegation of academic dishonesty. The decision of the Board is final. The Board shall notify both parties of its decision in writing, including the grounds for the Board action.
10. If the allegation of academic dishonesty is upheld, the penalty assessed by the faculty member shall become permanent. The Board shall notify the Associate Dean of Student Affairs, Judicial Affairs in writing.
11. If the Board does not find that academic dishonesty occurred,

- (a) All the Board's case files shall be purged at the end of the following semester. The Board shall notify the Associate Dean of Student Affairs, Judicial Affairs in writing.
 - (b) If the Board designates a specific grade change, the faculty member has ten working days to adopt the remedy as his/her own. If the faculty member refuses to do so, the Board Chair shall implement the change.
 - (c) If the Board recommends alternatives, the Department Chair shall appoint an ad hoc committee to select from the recommendations. The process shall be completed within 30 calendar days of the notification of the Board's decision.
 - (d) The ad hoc department committee shall have the authority to carry out those duties assigned to it by the Board. The ad hoc committee must provide the Board a written rationale explaining the basis for its decision. Such rationale shall become part of the record of the appeal.
12. If, in the opinion of the Board, cases are related, the Board may hear and decide cases consolidated by Board action. The Board shall notify all parties of the consolidation.

B. APPEALS REGARDING CAPRICIOUS OR ARBITRARY ASSIGNMENT OF A GRADE

Faculty members have the sole right and responsibility to provide careful evaluation and timely assignment of appropriate grades. In the absence of compelling reasons, such as instructor or clerical error, prejudice or capriciousness, the grade assigned by the instructor of record is to be considered final.

A student who alleges capricious, arbitrary or prejudicial (collectively "arbitrary") treatment in the assignment of a course grade ("grade") has a right to contest that grade. Because the university presumes that the individuals who assigned the grade ("faculty member") were fair and objective in the assignment of that grade, a grade will be upheld unless the student presents a preponderance of the evidence that the faculty members acted arbitrarily. A faculty member's normal exercise of professional judgment will not support a charge of arbitrary treatment.

Procedure:

1. The student shall consult with the faculty member.
2. If the student is not satisfied with the result of the appeal to the faculty member, the student shall consult with the department chair, coordinator, or other appropriate administrator having immediate supervision of the faculty member. It is recommended that the department chair, coordinator, or other appropriate administrator maintain a written record of such consultation and/or its results. Failing here, the student shall consult with the dean of the college concerned.

3. If the faculty member is unable or refuses to participate, the department chair shall assume responsibility for initiating grade changes deemed to be justified. The department chair shall consult with an ad hoc faculty committee composed of current campus faculty with academic training comparable to the instructor of record and established by the department in fulfilling this responsibility. In addition, the department chair shall provide the ad hoc committee with certification of a “good faith” effort to consult with the faculty member named in the appeal whenever such consultation is possible and appropriate.
4. If the student is not satisfied with the result of the consultation process, the student may appeal in writing to the Academic Appeals Board.
5. The Coordinator of Academic Appeals receives all written appeals. The student’s appeal shall state specifically the nature of the allegation(s) and the remedy requested; describe the student’s attempts to resolve the allegation informally; and contain any supporting documentation such as the class syllabus, exams, papers, assignments and/or other corroborating documents. The Coordinator shall within two calendar weeks provide the faculty member (or department chair if necessary) with a copy of the appeal. The faculty member (or department chair if necessary) shall within three calendar weeks during the regular semester (fall or spring) following the grade assignment provide the Academic Appeals Board with a written response to the student’s allegations.
6. The Coordinator shall within one month of receiving a faculty member’s response provide relevant written materials to all parties in the dispute and shall serve as an informal mediator. If the Coordinator cannot mediate the complaint to the satisfaction of the parties, the Board shall formally consider the complaint.
7. If the Board believes that sufficient evidence has been presented to merit further consideration, it shall so notify both parties. Both parties shall then submit any relevant documents and answer any questions the Board may ask. The Board shall then decide whether to dismiss or uphold the appeal or to proceed to a hearing. This decision shall be in writing to both parties and shall state the ground(s) for Board action.
8. If the Board issues a notice of hearing, the notice shall state the time and place of the hearing. The hearing shall be closed to the public. Either party may choose a representative from the university community. Neither the Academic Appeals Coordinator nor any member of the Academic Appeals Board may represent either party. According to Presidential Directive No. 9, the representative may not be a licensed or practicing attorney. If either party is being represented at the hearing, that party shall notify the Board in writing of the name and address of the representative at least ten calendar days prior to hearing. Except for the party or parties, a representative of each party, the board members, and the Academic Appeals Coordinator, no one else shall be present at the hearing. Any exception to this restriction shall be at the discretion of the Academic Appeals Board. At its discretion the Board may hear each party separately

unless either party requests a joint hearing. Three Board members must be present to conduct a hearing.

9. The Board shall receive all evidence and testimony at the hearing of a type responsible parties are accustomed to relying upon in the normal course of university business.
10. During its deliberations after the hearing, the Board will determine whether a preponderance of the evidence establishes that the grade was assigned in an arbitrary manner. A majority (more than half) of those participating in the vote (those members casting a “yes” or “no” vote) is necessary to sustain an allegation of arbitrary treatment.
11. If the Board decides that the grade was not assigned in an arbitrary or capricious manner, then it shall so notify both parties in writing of its findings and the rationale.
12. If the Board decides that the grade was assigned in an arbitrary or capricious manner, then it shall so notify both parties in writing of its findings and the rationale. This notice shall contain a recommended remedy. If the Board designates a specific grade change, then the faculty member has ten working days to implement the change. If the faculty member refuses to do so, then the Board Chair shall implement the change. If the Board recommends alternatives, then the Department Chair shall appoint an ad hoc committee to select from the recommendations. The process shall be completed within 30 calendar days of receipt of the Board recommendations.
13. The ad hoc department committee shall have the authority to carry out those duties assigned to it by the Board. The ad hoc committee must provide a written rationale explaining the bases for its decision. Such rationale shall become part of the record of the appeal.
14. If allegations are raised that the above appeal procedures were not followed, then the Associate Dean of Student Affairs, Judicial Affairs will review the appeal to determine if the above procedures were followed and if any procedural error was material. Within three weeks, if it is determined that procedures were followed and/or that any procedural error was immaterial, then the decision of the Board will stand. If it is determined that a failure to follow procedures represented a material error, then the matter will be referred back to the Board with a written explanation of the error.

C. TIMING OF APPEALS PROCESS

The student shall initiate either appeals process by contacting the faculty member within 30 calendar days of the first day of classes of the regular semester (fall or spring) following the grade assignment. The written appeal shall be submitted within 60 calendar days of the first day of classes of the regular semester (fall or spring) following the grade assignment. The university will attempt to conclude each appeal within 180 calendar days from the date on which the student submitted the written appeal to the Coordinator of Academic Appeals. Appeals will only be heard during either the fall or spring semesters.

D. COORDINATOR OF ACADEMIC APPEALS

The Coordinator of Academic Appeals shall be chosen by the Vice President for Student Affairs. The Vice President for Academic Affairs and the Executive Committee of the Academic Senate shall have a consultative role in the making of that appointment. The duties of the coordinator shall include:

1. Maintaining a record of all academic appeals and each September providing to the President and the Academic Senate a written report listing the number of appeal cases heard and the disposition of each case during the previous academic year;
2. Coordinating the Academic Appeals Board by convening the Board, providing them with the appropriate background information, scheduling all necessary meetings, hearings, and witnesses;
3. Interpreting university policy to students concerning grading procedures and students' rights and responsibilities;
4. Interviewing students and faculty involved in appeals complaints and discussing the problems with department chairs and college deans as necessary, informally mediating the appeals where possible;
5. Ensuring the confidentiality of all subject matter and that the rights of all parties are protected;
6. Exhibiting neutrality in this process and being a facilitator rather than an advocate for either side; and
7. Making recommendations to the Academic Appeals Board and to the appropriate Academic Senate committee when changes in university policy appear to be necessary.

EFFECTIVE DATE: June 24, 2005
Supersedes: UPS 300.030 dated 12-4-02
and ASD 04-179

Source: Academic Standards Committee