

# METROPOLITAN STATE UNIVERSITY REGULATIONS



## Academic Appeals Procedure

### **University Procedure #202**

#### **Section 1. Purpose**

The Academic Appeal procedure provides an administrative, orderly process of appeals for decisions related to grades, and program and graduation requirements. Prior to filing a formal appeal, students are encouraged to, first, work with faculty and other staff, as appropriate, to resolve their concerns.

#### **Section 2. Authority**

The Academic Appeal procedure is established in accordance with MnSCU Policy 3.8.

#### **Section 3. Effective Date**

The Academic Appeal procedure becomes effective upon the signature of president and shall remain in effect until specifically revoked.

#### **Section 4. Responsibility**

The responsibility for implementation of the Academic Appeal procedure is assigned to the provost and vice president, academic affairs, or his/her designee.

#### **Section 5. Ombudsperson**

The ombudsperson is a member of Student Affairs and will work with students, faculty, department chairs/curriculum coordinators and deans/executive directors to achieve resolution. At the request of the student or the Academic Appeals Committee, the ombudsperson assists students in formulating and filing appeals. The ombudsperson may be present during the hearing, but shall not participate in the deliberations of the Academic Appeals Committee.

#### **Section 6. Grade/Evaluation Appeals**

- A. An instructor's grade will not be changed during the appeals process unless there is clear and convincing proof that the evaluation had been arbitrary and/or capricious and was unfair to the student.
- B. Formal appeals must be initiated within 60 calendar days of the posting of grades or evaluations. During those 60 days, students have the right to, and are encouraged to, try to resolve the appeal informally.

1. Informal Resolution of Grade Disputes

The student should first attempt to resolve an appeal issue informally with the instructor. An instructor shall respond to a student's informal appeal within 14 calendar days of receipt of the appeal. In response, the instructor may simply explain the derivation of the grade or come to another mutually agreeable solution. This attempt to resolve the grade dispute with the instructor of record is the only step in the informal appeal process for the student. At this point, the instructor may wish to contact the department chair and/or curriculum unit coordinator regarding the status of the appeal. If the instructor has given no response to the student after 14 calendar days, the appeal is considered denied and the student may proceed to file a formal grade appeal.

2. Formal Appeal Process

To file a formal appeal, the student must begin the formal appeal process within 60 calendar days of the posting of the grade or evaluation. Once the formal process has started, the student must use the appropriate university forms and meet deadlines as stated on the appeal form and in this policy.

- a. To begin the formal appeal process, students must complete and submit an appeal form, available from the ombudsperson's office. The written appeal must include pertinent information, such as the requested resolution of the grievance and any evidence or reasons that the student believes support the requested resolution. The student should not include information that is not relevant to the course grade. Information that is included but is not relevant to the course grade will not be considered by the committee. The burden of proof rests with the student filing the appeal. If requested, the ombudsperson advises students in formulating and filing appeals.
- b. Upon receipt of the appeal form, the ombudsperson forwards copies to the instructor and appropriate department chair and appropriate dean/executive director.
- c. The formal appeal is first reviewed by the appropriate department chair. If the chair does not respond to the ombudsperson within 14 calendar days of receiving the appeal form, the appeal is considered denied. If denied, the appeal is then forwarded by the ombudsperson to the appropriate dean/executive director (and/or designee).
- d. The appropriate dean/executive director (and/or designee) must notify the student and the ombudsperson in writing of his/her decision within 14 calendar days of receiving the notification. If the appeal is denied, the response needs to provide a rationale for the decision.
- e. Within 14 calendar days of receipt of the dean's/executive director's decision, the student must notify the ombudsperson in order to bring the appeal before the Academic Appeals Committee. If the student does not communicate with the committee via the ombudsperson within 14 calendar days, the ombudsperson shall bring a summary of the case to the committee, which will vote on whether to consider the case without the student being present at an appeal hearing or to close the appeal.
- f. The Academic Appeals Committee hears the appeal at its next scheduled meeting. Faculty serving on the committee must remove themselves in cases directly involving their own classes. Following the hearing, the committee forwards its recommendation, in writing, to the provost and vice president, academic affairs, within 14 calendar days of the hearing.
- g. The provost and/or vice president, academic affairs (or designee) notifies, in writing, the student, ombudsperson, Academic Appeals Committee chair, appropriate dean/executive director, and instructor of his/her decision within 10 calendar days of receipt of the recommendation. This is the final step in the appeal process. **Decisions of the provost and vice president, academic affairs (or designee) are not appealable.**

- C. Appeals which are filed during the student's last term may result in graduation being delayed.
- D. The ombudsperson will keep a record of the nature and outcome of each appeal and report annually to the provost and vice president, academic affairs, and the vice president, student affairs, on the number, nature, and outcomes of these appeals.

### **Section 7. Academic Integrity Appeal**

- A. Academic Integrity Appeals for second-level and third-level violations are time sensitive. The Academic Appeal Committee may give such appeals priority over Grade/Evaluation Appeals when appropriate.
- B. While pursuing an Academic Integrity Appeal, the student may continue to attend classes in good standing, pursuant to the Academic Appeal Committee's decisions.
- C. An instructor's report of an academic integrity violation will not be overturned unless there is clear and convincing proof that the instructor's assessment was arbitrary and/or capricious and unfair to the student.
- D. Formal appeals must be initiated within 60 calendar days of the date upon the student's *Breach of Academic Integrity Letter*. This letter from the Provost/Vice President of Academic Affairs documents the student's academic integrity policy violation, history of violations (if applicable), and disciplinary action(s) taken. The letter informs the student of his or her right to appeal (University Procedure #202 Academic Appeal).

#### E. Formal Academic Appeal Process

1. To begin the formal Academic Integrity Appeal process, students must complete and submit an appeal form, available from the ombudsperson's office. The written appeal must include pertinent information, such as the requested resolution of the grievance and any evidence or reasons that the student believes support the requested resolution. The student should not include information that is not relevant to the course grade. Information that is included but is not relevant to the charge of Academic Integrity violation will not be considered by the committee. The burden of proof rests with the student filing the appeal.

The appeal form should be submitted to the ombudsperson. The student may request assistance from the ombudsperson in formulating and filing the appeal.

2. Upon receipt of the appeals form, the ombudsperson contacts the student to set up a hearing with Academic Appeals Committee.

If the student does not communicate with the ombudsperson within 14 calendar days of the ombudsperson's initial contact, the ombudsperson shall bring a summary of the case to the committee, which will vote on whether to consider the case without the student being present at an appeal hearing or to close the appeal.

3. The Academic Appeals Committee hears the appeal at its next scheduled meeting. Faculty serving on the committee must remove themselves in cases directly involving their own classes. Following the hearing, the committee forwards its recommendation, in writing, to the Provost/Vice-President Academic Affairs within 14 calendar days of the hearing.

4. The Provost/Vice-President Academic Affairs (or designee) notifies, in writing, the student, ombudsperson, Academic Appeals Committee chair, and instructor of his/her decision within 10 calendar days of receipt of the recommendation. This is the final step in the appeal process. Decisions of the Provost/Vice-President Academic Affairs are not appealable at the University level.

Students whose academic integrity appeals fail, and whose sanctions include permanent expulsion from the University, have an additional legislatively-required due process hearing set by the Board of Trustees.

- F. Appeals which are filed during the student's last term may result in graduation being delayed.
- G. The office of the Provost/Vice-President of Academic Affairs will maintain records of the outcome of each Academic Integrity Appeal and report annually to the Provost/Vice-President of Academic Affairs and to the faculty (via an informational memo to be published annually in the IFO packet) on the number, nature, and outcomes of these appeals.

### **Section 8. Appeals of Program and Graduation Requirements**

- A. Undergraduate students must meet graduation requirements consistent with University Policies 2010 and 2020. Graduate students must meet program and graduation requirements determined by their programs and specified in the Graduate Catalog. Degree and program requirements represent the best judgment of the faculty in defining appropriate minimum standards for completing a degree or program. Exceptions to these requirements are only made when it is in the best academic interests of the student, does not compromise the integrity of the degree, and does not create an inequity for other students.
- B. Students may file an appeal regarding their academic program requirements in the following circumstances:
  1. When the student believes that university or program requirements are being applied or interpreted inappropriately;
  2. When the student is requesting an exception to university or program requirement(s)
- C. Appeals which are filed during the student's last term may result in graduation being delayed.
- D. To begin the formal appeal process, students must complete and submit an appeal form (available from the ombudsperson office) to the ombudsperson within 60 calendar days of the decision which is being appealed. The written appeal must include pertinent information, such as the university or program requirement being appealed, the requested resolution and any evidence or reasons that the student believes warrant the requested resolution. The burden of proof rests with the student filing the appeal. If requested, the ombudsperson advises students in formulating and filing appeals.
- E. Upon receipt of the appeal form, the ombudsperson forwards copies to:
  1. The student's academic advisor and dean/executive director for information and recommendation;
  2. If the appeals involves the GELS requirements, the chair of the university GELS Committee;
  3. If the appeal involves the student's major, minor, or other program requirement, the department chair/curriculum coordinator.
- F. In cases involving the GELS requirements, the chair of the university GELS committee (after consultation with other GELS committee members) will approve or deny the appeal within 30

calendar days, and will send the response to the student, the ombudsperson, the academic advisor, and dean/executive director. The decision of the GELS committee is not appealable. If the student does not receive a response within 30 calendar days, the student may contact the ombudsperson to request a hearing with the Academic Appeals Committee.

- G. In cases involving the major/minor or program requirements, the chair/curriculum coordinator will notify the student, the ombudsperson, the advisor, and the dean/executive director of her/his decision within 30 calendar days. If the appeal is denied or the student does not receive a response within 30 calendar days, the student may appeal to the dean/executive director. The dean/executive director will notify the student, the ombudsperson, the advisor, and the chair/curriculum coordinator of her/his decision within 30 calendar days. The student may then appeal the decision by contacting the ombudsperson to request a hearing with the Academic Appeals Committee.
- H. The ombudsperson will keep a record of the nature and outcome of each appeal and report annually to the provost and vice president, academic affairs, and the vice president of student affairs, on the number, nature, and outcomes of these appeals.

## **Section 9. Academic Appeals Committee**

### **A. Recommended Membership**

1. Student(s) or alternate appointed by the Student Senate.
2. One professional advisor, appointed by the Advising Council.
3. One resident faculty representative from each college and the library.

### **B. Committee Procedures**

1. Committee shall be convened and chaired by a faculty member, elected by the committee.
2. Records from committee meetings, including names of persons appearing, documents that were examined, and actions and rationale, will be kept in a confidential file in the Office of the Provost and Vice President for Academic Affairs.
3. The committee will meet at least once a month during fall and spring semesters, if needed, to resolve appeals or conduct business. Additional meetings will be held, if needed, to conduct appeal hearings.
4. To hold an appeal hearing, a minimum number of two faculty, one student, and one advisor must be present.
5. During the appeal, witnesses may be asked by the committee to appear and answer relevant questions. These witnesses may include a professional advisor from the college/school in which the appealed grade/evaluation emerges.
6. Students are not required to attend the hearing. If they choose to attend, students may be accompanied by a person other than a witness. This person, however, cannot address the committee or act as the student's representative or spokesperson. If the person insists on addressing the committee, the person will be required to leave the proceedings.
7. Students should not raise new charges at the committee hearings that are not included in the written complaint documentation. If a student makes a new allegation at the hearing, the committee may disregard the charge. If the committee deems a new allegation is relevant and significant enough to potentially affect the hearing's outcome, the appeal hearing will be terminated, and the instructor and her/his department chair and dean/executive director (or interrupted and designee) will be given the opportunity to address the allegation in writing before proceeding with the remainder of the appeal hearing.
8. It is not mandatory for the appellant student or instructor of record and or his/her department chair to attend the hearing, although it is strongly recommended. The student and faculty involved will appear separately.

**Section 10. Non-Discrimination**

In compliance with MnSCU's Non-Discrimination in Employment and Education Policy, any student, faculty member or employee who knows of, receives information about or receives a complaint of discrimination/harassment is strongly encouraged to report the information or complaint to the designated officer of the Office of the Chancellor, college, or university. Members of the Academic Appeals committee shall refer allegations of conduct that they reasonably believe may constitute discrimination or harassment under Board Policy 1B.1 to the designated officer.

The Academic Appeals Committee may decide to continue or suspend the appeal hearing process while also referring such allegations, depending on the facts presented in the appeal.

**Section 11. Promulgation of this Procedure**

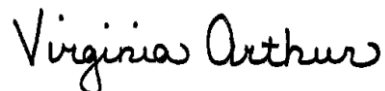
The office of the provost and vice president, academic affairs, shall have the responsibility to disseminate this procedure. This procedure will be promulgated, at a minimum, in new student orientation, the university catalog, the student handbook, in a once-per-term article in the Catalyst (or its equivalent), on the university's web site, and in registration resources publications.

**Section 12. Review**

This regulation will be subject to review every five years or as necessary.

**Section 13. Signatures**

Issued on 27th day of October, 2014.



Virginia Arthur, Provost and Vice President, Academic Affairs



Devinder Malhotra, Interim President