

INSTITUTIONAL POLICY: E-25

CATEGORY: Education

SUBJECT: Appeal of Grades, Academic Dismissal and Academic Sanctions, Composition of Appeals Committee

EFFECTIVE DATE: February 1, 1990

LAST REVISION DATE: September 16, 2006

Students shall have the right to appeal such faculty and administrative actions as grades, dismissal, or other academic sanctions. Note: Placement on academic probation is not considered to be an academic sanction, but is a status designated as a result of receiving a failing grade or grade point average.

Appeals shall follow the procedures shown below under the appropriate heading for a specific appeal.

I. Policy and Procedures for Final Grade Appeals

A. Cause for Final Grade Appeals

In order to appeal a final grade, a student must offer convincing evidence that good cause exists for mandating a change of grade. A request for a grade appeal is not automatically granted.

1. Each of the following reasons, if supported by sufficient evidence, shall constitute "good cause".
 - a. Assignment of a grade that is malicious and/or discriminatory: i.e., in determining the grade, the professor clearly did not apply the same standards he/she used for grading other members of the class whose work and behavior were similar to those of the appealing student.
 - b. Assignment of a grade that is arbitrary and/or capricious: i.e., the professor apparently had no discernible rationale for arriving at the grade given.
 - c. Assignment of a grade that has resulted from human error: i.e., the professor reported an incorrect grade as the consequence of a mistake in computation, in recording or in some other mechanical aspect of the grading process. In such instances, it is assumed that the error will be corrected as a result of Step 1 of the Appeals Procedure (faculty-student conference).

2. None of the following shall constitute "good cause" for the purposes of appealing a grade.
 - a. Disagreement with the course requirements established by the faculty member.
 - b. Disagreement with the grading standards established by the faculty member.
 - c. Disagreement with the judgment of the faculty member in applying his grading standards--so long as he/she has made a reasonable effort in good faith to be fair and consistent in exercising that judgment. Good faith on the faculty member's part shall be assumed unless the student can offer convincing evidence to the contrary.
 - d. The student's desire or "need" for a particular grade, while compelling to the individual on the personal level, shall not be considered "good cause" for purposes of appeal.

B. The Following Steps Constitute The Established Procedures For Appealing A Final Grade

All grades from whatever source shall be submitted to the Registrar. The registrar, usually within 5 working days from the receipt of the official grades, shall notify the Vice President for Academic Affairs and Dean of any students with a failing grade. The Vice President for Academic Affairs and Dean shall notify the student who has a failing grade of this policy and note that he/she is being placed on academic probation.

Step 1 - Student/Faculty Conference or Director of Medical Education/Preceptor /Student Conference. Wherein a student wishes to file a grade appeal, Step I must be initiated within ten (10) working days of being notified of a grade or grades posted by the school's registrar.

- a. This conference shall take place after the student files a written notification to the appropriate associate dean. If the faculty member/ preceptor is unavailable, the appropriate associate dean may grant an extension of up to thirty (30) days for this conference. Any variance shall be in writing with appropriate copy distribution. The faculty member/Director of Medical Education or Preceptor shall receive a copy of this policy. The student or the faculty member/Director of Medical Education or Preceptor may invite a third party to this meeting. In this case, "third party" is defined as "another faculty member, faculty advisor or preceptor". The third party(ies) may attend but may not participate.
- b. The student shall explain his reasons for questioning the grade, and the faculty member/Director of Medical Education or Preceptor shall explain his/her reasons for assigning the grade.
- c. While serving an off campus clinical rotation, the conference between the student, Director of Medical Education or Preceptor may be conducted by telephone or by conference call and involve a third party (Refer to Step 1a above).

- d. The faculty member/Director of Medical Education or Preceptor shall notify the student and the appropriate associate dean, in writing of the decision within a reasonable time after the conference has occurred (usually 5 working days) stating the rationale for the decision.
2. Step 2. Appeal to an Academic Appeals Committee.

If the student wishes to continue the grade appeal process he/she may file as follows.

- a. The appeal must be made within 5 working days after the student receives the denial of the first appeal.
- b. This appeal must be in writing, addressed to the Vice President for Academic Affairs and Dean, and shall contain the student's reasons and supporting documentation for appealing the grade. (See Section I.A, Cause for Final Grade Appeal).

If an appeal is allowed to continue the Vice President for Academic Affairs and Dean shall initiate the process for establishing an Academic Appeals Committee. (See Section 4)

- c. If the Vice President for Academic Affairs and Dean determines that the appeal should not proceed under the criteria of Section I.A (Cause for Final Grade Appeal), written notification shall be furnished (usually within five (5) working days) to the parties involved.
- d. The student may appeal a denial of the appeal process by the Vice President for Academic Affairs and Dean to the President, Step 3, below.
- e. If the appeal is allowed to proceed under Step 1 of the Procedures for Final Grade Appeal, the Vice President for Academic Affairs and Dean shall ask, usually within five (5) working days, the Associate Dean for Student Affairs to form an Appeals Committee (as described under Composition of the Academic Appeals Committee, Section I.D, below) and, usually within five (5) working days, furnish a list of the first nine (9) eligible members on the Academic Appeals Committee list to the faculty member, Director of Medical Education or Preceptor who issued the grade.
- f. The faculty member, Director of Medical Education/Preceptor who issued the grade shall strike two names from the list, sign and date the list, and return it to the Associate Dean for Student Affairs within five (5) working days.

The Associate Dean for Student Affairs shall remove the two stricken names from the list of proposed members of the Academic Appeals Committee and transmit the list to the appealing student with instructions to strike two (2) names, sign and date the list, and return it to the Associate Dean for Student Affairs within five (5) working days.

- g. In the event that either of the two parties fails to strike two names on the list within the time limit, the Associate Dean for Student Affairs shall strike a sufficient number of names from the bottom of the list to reduce it to a committee of five (5) members.
- h. The Associate Dean for Student Affairs shall certify that the Committee is duly constituted and call the first meeting of the Committee for election of its chairperson usually within five (5) working days after receiving the final list from the student. The Associate Dean for Student Affairs shall act as administrative advisor to this committee throughout the process.
- i. Within a reasonable period of time, usually five (5) working days, the Chairperson of the Appeals Committee shall notify the student and faculty member, the Director of Medical Education or Preceptor in writing that a hearing will be held listing date, time and place of hearing.
- j. The student, faculty member, Director of Medical Education or Preceptor shall have the opportunity to submit evidence relevant to the issues which led to the decision of the failing grade.
- k. The student shall have the right to an advisor from within the institution whose role is to advise the student. However, the advisor may not directly address the Committee nor participate in the proceedings unless given specific permission to do so by the Committee Chairperson. If the student employs an attorney to assist in the appeal, the attorney may not enter the hearing room and, as with the institutional advisor, may not address the Committee directly.
- l. In the event the student/faculty member, Director of Medical Education or Preceptor fails to be present at the hearing it shall take place as scheduled if sufficient information and documentation are available to make a decision, or shall be rescheduled if additional academic documentation is needed by the Appeals Committee.
- m. The Academic Appeals Committee may consider all materials in the appeal file, including, but not limited to, the student's written appeal, the faculty member's written justification, the student's written work for the course, and any additional academic records. During and until completion of an appeal, the appeal file shall be maintained by the Chair of the Appeal Committee. Following completion of an appeal the file shall be remanded to the Associate Dean for Student Affairs.
- n. The Academic Appeals Committee shall make findings of fact and conclusions as to the issues raised in the appeal within a reasonable period of time, usually fifteen (15) working days, after the receipt of the appeal and the Chairman shall report their findings and conclusions in writing to the Vice President for Academic Affairs and Dean.
- o. The student and the faculty member shall be given written notice of the decision of the Vice President for Academic Affairs and Dean and shall be informed of

their right to appeal the decision to the President of the school (usually within five (5) working days - see Section 2.3).

3. Step 3. Appeal to the President

- a. The decision of the Vice President for Academic Affairs and Dean may be appealed in writing to the President by the student/faculty member, Director of Medical Education or Preceptor within 15 working days.

The President shall review the decision for compliance with institutional processes as well as for correctness of the conclusion reached by the Appeals Committee and the Vice President for Academic Affairs and Dean.

- b. The decision of the President is final and will usually be issued within fifteen (15) working days. He shall notify the student and the Vice President for Academic Affairs and Dean of his decision in writing.
- c. The Vice President for Academic Affairs and Dean shall notify the Registrar, faculty member, Director of Medical Education or Preceptor within a reasonable period of time (usually 5 working days) in writing of the President's decision.

C. Policy And Procedures For Appeal Of A Decision For Dismissal Or Other Academic Sanction

1. The following steps constitute the established procedure for appealing a decision for dismissal or other academic sanction to an Academic Appeals Committee.
 - a. Following the recommendation of the Student Promotions Committee and the written decision of the Vice President for Academic Affairs and Dean to dismiss or impose other academic sanctions on a student, the student may appeal the decision through an Academic Appeals Committee. The appeal must be submitted in writing to the Vice President for Academic Affairs and Dean setting out the reasons an appeal should be granted.
 - b. The student may appeal a denial of the appeal process by the Vice President for Academic Affairs and Dean to the President.
 - c. If the appeal is allowed to proceed, the Vice President for Academic Affairs and Dean shall, usually within five (5) working days, request that the Associate Dean for Student Affairs form an Academic Appeals Committee (as described under Composition of the Academic Appeals Committee. The Associate Dean for Student Affairs shall, usually within five (5) working days, furnish to the Vice President for Academic Affairs and Dean a list of the first 9 eligible members on the Academic Appeals Committee list.
 - d. The Vice President for Academic Affairs and Dean shall strike two names from the list, sign and date it, and return it to the Associate Dean for Student Affairs usually within five (5) working days. The Associate Dean for Student Affairs

shall remove the two stricken names from the list of proposed members of the Academic Appeals Committee and transmit the list to the appealing student with instructions to strike 2 names, sign and date the list, and return it to the Associate Dean for Student Affairs, usually within five (5) working days. In the event that either of the two parties fails to strike two names on the list, the Associate Dean for Student Affairs shall strike a sufficient number of names from the bottom of the list to reduce it to a committee of 5 members.

- e. The Associate Dean for Student Affairs shall certify that the Committee is duly constituted and call the first meeting of the Committee for election of its chairperson usually within five (5) working days after receiving the student strikes. Within a reasonable time (usually no longer than ten (10) working days), the Academic Appeals Committee shall begin the hearing of the appeal. The Associate Dean for Student Affairs shall act as administrative advisor to this committee throughout the process.
- f. The Academic Appeals Committee will hear such proof of facts as may be deemed proper and reasonable and make such investigation and enter such recommendations as the facts justify and the circumstances may require. The investigations and hearings should include, but are not limited to, examination of the previous deliberations which resulted in the decision of dismissal (or imposition of sanction) for areas in which they might have been in error, might have contained violations of due process, or might have been made without knowledge of pertinent fact. Moreover, a recommendation to reverse all or part of the decision being appealed must specifically identify and address the areas in the decision being appealed which are flawed and, thus, provide grounds for reversal.
- g. At any early point in the hearings, the Committee may call the Chairperson of the Student Promotions Committee and/or the Vice President for Academic Affairs and Dean for information regarding prior findings, actions, and discussions which led to the imposition of the sanctions under appeal.
 - (1) The proceedings are not adversarial in nature and the formal rules of evidence do not apply.
 - (2) Witnesses may be called by any of the parties involved. The student shall have the opportunity to submit evidence relevant to the issues which lead to the decision of dismissal or to the imposition of the sanction under appeal.
 - (3) The student shall have the right to an advisor from within the institution whose role is to advise the student. However, the advisor may not directly address the Committee nor participate in the proceedings unless given specific permission to do so by the Committee Chairperson. If the student employs an attorney to assist in the appeal, the attorney may not enter the hearing room and, as with the institutional advisor, may not address the Committee directly.

- (4) In the event the student fails to be present at the hearing it shall take place as scheduled if sufficient information and documentation are available to make a decision or rescheduled if additional academic documentation is needed as determined by the Committee.
- (5) A record of the appeal shall be prepared in the form of summary minutes and relevant attachments and will be provided to the student upon request.
- (6) If recordings are made, audio tapes of the testimony (but not the deliberations of the committee), together with copies of the exhibits, shall be furnished to the student, at no charge, upon his or her request.
- (7) As soon as practicable (usually with five (5) working days) after completion of the hearings, the Academic Appeals Committee will submit its recommendations, in writing, and summary minutes of its deliberations to the President whose decision (usually issued within fifteen (15) working days) will be final.
- (8) The President shall notify the student and the Vice President for Academic Affairs and Dean of his decision. The Vice President for Academic Affairs and Dean shall notify the Registrar and the Academic Appeals Committee of the President's decision.

D. Composition of Academic Appeals Committee

- (1) A randomly ordered list of the full time faculty excluding the members of the Student Promotions Committee and those faculty holding administrative titles incorporating the word Dean shall constitute the pool from which an Academic Appeals Committee will be drawn.
- (2) Upon request from the Vice President for Academic Affairs and Dean for an Academic Appeals Committee to be formed, the Associate Dean for Student Affairs will prepare a roster of an Academic Appeals Committee consisting of the first nine (9) eligible members on the Academic Appeals Committee list from which a final five (5) member committee will be formed by the "strike" procedure described under the appropriate appeals procedure.
- (3) In determining those eligible members for a specific appeal, the Associate Dean for Student Affairs will pass over and omit any member who might be perceived as having a potential conflict of interest including, in particular, those faculty who have a close relationship with the student (e.g., functioning as an academic advisor to the student), and those individuals who cannot be available for service as a result of illness, scheduled travel, or extraordinary circumstance. For an appeal of a final grade, the faculty member who is the object of the appeal as well as those other individuals involved in the awarding of the grade would also be ineligible for service on this specific committee.

- (4) Faculty who are passed over and omitted (or stricken as provided above) during the formation of the committee shall remain at the top of the list to be used for forming the next committee. The names of those faculty who ultimately constitute the actual Appeals Committee will be placed at the bottom of the list. On an annual basis, the list of faculty will be examined to see if faculty should be added or deleted. If changes to the list are needed, they shall be made and the list randomized again.