

# Colorado School of Public Health

## **Academic Grievance Policy and Procedures**

**Approved by CSPH Faculty Council, April 13, 2010**

**Effective May 1, 2010**

The Colorado School of Public Health (CSPH) recognizes that a student may have grievances about different aspects of his or her academic program. The CSPH is committed to addressing these grievances promptly and professionally through a formal and unbiased process in order to reach a fair resolution.

The policies stated herein apply to any student enrolled at the CSPH as related to faculty at University of Colorado Denver (UCD), including administrators serving in their faculty role. This includes students from the partner institutions (Colorado State University (CSU) and University of Northern Colorado (UNC)) who have a grievance related to a UCD faculty member. Academic grievances related to faculty at the partner institutions, even if brought by a UCD student, will follow the policies and procedures of the partner institution.

Grievances relating to administrative non-academic decisions are not included in these policies and procedures. Such grievances should be presented to the administrator for resolution or the administrator's direct supervisor if not resolved with the administrator.

### **Definition of Terms**

#### **Student Rights**

All CSPH Students have the right to:

1. competent instruction;
2. access to instructors outside of class during a specified set of office hours or by appointment.
3. clearly understand the grading system by which he or she will be judged, and expect that the grading system as determined by the instructor will be adhered to for the duration of the course;
4. be treated with respect and equality;
5. be treated fairly according to standards stated within the student bulletin and the course syllabus.

#### **Student Ethics and Conduct Code**

Teachers and learners have expectations of performance and a responsibility to act in a manner conducive to promoting a positive learning environment. Therefore, all members of the school will conduct themselves according to the CSPH Honor Code (this can be found at: [http://ucdenver.edu/academics/colleges/PublicHealth/Academics/academics/Documents/PoliciesHandbooks/CSPH\\_Honor\\_Code.pdf](http://ucdenver.edu/academics/colleges/PublicHealth/Academics/academics/Documents/PoliciesHandbooks/CSPH_Honor_Code.pdf))

The Colorado School of Public Health is committed to ensuring a professional and collegial environment for training public health professionals throughout the State of Colorado. Each member of the faculty and staff, each postgraduate trainee, and each student must foster professional and personal behaviors based on mutual trust, respect, and responsibility. All are expected to respect the dignity and diverse backgrounds, personalities, and the learning needs of individuals in all aspects of their professional training. Excellence is intrinsic to a learning environment when everyone works in harmony.

## **Academic Grievance**

An academic grievance, herein referred to as AG, is a dispute that arises between a student(s) and a member(s) of the UCD faculty, or between a student and a UCD dissertation or thesis committee member(s), or between a student and UCD members of a comprehensive exam committee where the student feels a decision was unfair, unjust, unethical or in violation of his or her rights.

An AG is most likely to relate to: disputes over grades; classroom treatment; course requirements (such as changes in course requirements during the delivery of the course); graduation and/or degree program requirements; ethics and conduct; comprehensive exam, thesis or dissertation committee composition; and advisor decisions. If a student believes there are other types of issues that might fall into the category of an AG, he/she is encouraged to discuss this with the Associate Dean for Academic and Student Affairs.

## **Grievance Hearing Committee**

At the beginning of each academic year, each UCD department and each partner institution will be asked to identify a faculty member to serve on the Grievance Committee, seven (7) in all, and the Student Council will be asked to identify four (4) students (two from UCD and one each from CSU and UNC) who would be willing to serve as members on the Grievance Hearing Committee if needed.

In this document, the Associate Dean refers to the Associate Dean for Academic and Student Affairs. Should the grievance be against the Associate Dean for Academic and Student Affairs or should the Associate Dean for Academic and Student Affairs be a party in the AG, the Associate Dean for Faculty will assume the role of Associate Dean in the processes detailed below.

When the need for a hearing is imminent, the Associate Dean will select three (3) faculty members and two (2) students for the Hearing Committee from the faculty and students who are willing to serve on the Hearing Committee. Selected members will be given the opportunity to recuse themselves if there is any perceived conflict of interest such as being involved in the alleged incident or having any relationship with the student that could be perceived as a conflict. The Associate Dean will make the determination of the validity of a conflict of interest. If there is a perceived or real conflict of interest, the Associate Dean will select a replacement(s).

The chairperson of the Hearing Committee shall be one of the three (3) faculty members, selected by the Committee, and will only vote in situations where there is a tie. A majority of the committee constitutes a quorum; a minimum of two (2) faculty members and one (1) student must be present for the hearing and for discussions of recommendations.

Recommendations of the Committee shall be reached based on a simple majority vote. The primary focus of this Committee is to examine grievance and appeals claims, to hear testimony, and to make recommendations to the Associate Dean, as appropriate. Guidelines for the use of the Committee as well as any training needs related to procedures, actions, and consequences will be provided by the Associate Dean.

### **Potential Outcomes of a Grievance Procedure**

The Committee shall make a recommendation based on all available evidence and testimony presented at a formal hearing. Recommendations may come in many forms and may include, but not be limited to, changing a grade, recommending the student re-take a class in whole or in part, recommending that a grade stand, or recommending that a thesis or dissertation committee member be removed. These are recommendations to be made by the Hearing Committee, not final decisions related to the disposition of the grievance.

### **Formal Grievance Process**

The following formal process has been outlined so any student with a grievance will know what steps to take, and in what order.

Step 1 Because the filing of an AG is considered a serious matter, the student is strongly encouraged to seek informal resolution first by discussing the matter with the faculty member or administrator involved. The student and faculty/administrator should document the date, time, and outcome of the meeting for future reference.

If the student feels he or she needs assistance in discussing or resolving the issue, a University of Colorado Denver Ombudsperson is available to help students facilitate a resolution related to any type of grievance. That office can be reached at 303.724.2950. Additional information about the Ombuds Office can be found on their website: [www.uchsc.edu/ombuds](http://www.uchsc.edu/ombuds).

Step 2 The student should contact the Chair of the Department to which the faculty member belongs. The Chair and the student will work together to resolve the grievance informally. At their election, the Associate Dean may be asked to facilitate these conversations. The student might seek guidance from the Associate Dean in this step. The Associate Dean will act as a mediator between the student and faculty member to help resolve any miscommunications between the parties.

Step 3 If an informal resolution cannot be reached, the Associate Dean will meet with the student to determine if the AG is one that can be legitimately pursued through the official grievance process.

- Step 4 If the Associate Dean and the student agree to move forward, the Hearing Committee must be constituted within 30 days of indication from the student or the chair that the AD cannot be resolved at the department level.
- Step 5 A report will be prepared by the Associate Dean to include a personal statement from the individual filing the grievance or appeal outlining the grievance or appeal, the date(s) of the alleged incident, and all supporting documentation and evidence. This letter will be sent to the faculty member with whom the AG has occurred.
- Step 6 Hearing Committee members shall be contacted to schedule a hearing. All Committee members shall commit to being present on the agreed date and time.
- Step 7 One week in advance of the hearing, all hearing committee members will be informed in writing of the Hearing Committee composition, the AD's written report, any other evidence and testimony to be presented, and the resolutions each party believes to be acceptable.
- Step 8 On the date of the hearing, each party will be privately and separately interviewed by the Hearing Committee. At that time, any additional information, documentation and testimony regarding the grievance can be introduced. All testimony will be audio recorded for accuracy. The recording will be destroyed at resolution of the grievance.
- The Associate Dean, or his/her designee, shall be present at the hearing. The Associate Dean will not have voting power, but will oversee the hearing to ensure procedures are followed, proceedings are conducted with respect for all parties, and that all parties are satisfied that their testimony was presented.
- Step 9 All testimony and documentation will be strictly confidential. This confidentiality will be waived only if the grievance hearing results in legal action to the extent that grievance testimony and documentation need to be available to the court.
- All parties shall be advised that no hearing participant should use any information from the hearing in any way to affect future interactions among the parties.
- Step 10 The Committee will send a formal written recommendation to the Associate Dean of the CSPH within five (5) working days. The Associate Dean will make a formal recommendation to the Dean based on all of the evidence and testimony within five (5) working days of receipt of the Committee's recommendation.
- Step 11 The Dean's decision will be considered final and binding by all parties.
- Step 12 Upon acceptance of the formal decision by the Dean of the CSPH, the Associate Dean will be notified and will inform all relevant parties of the decision.

It is the intent of the CSPH that all individuals associated with the CSPH have the right to bring grievances to the appropriate School officials and that they be granted full opportunity to be

heard, treated with respect, and due process as they seek redress of their grievances.

## **Information for resolving grievances other than grievances related to academic issues discussed above:**

Grievances related to Colorado School of Public Health Honor Code Violations can be directed to the Associate Dean for Academic and Student Affairs.

**The following apply only to issues that occur at the UCD campus. For grievances related to any of these issues at the partner institutions, the policies and procedures of the partner institution should be consulted.**

If a student has a grievance about an issue related to **any** of the following, please find the UCD's official statements and policies states below:

- Diversity
- Disability Resources and Services (ADA)
- Sexual Harassment
- Abusive or Unacceptable Behavior

### Diversity Grievances

Grievances related to diversity issues such as race, color, national origin, sex, age, disability, creed, religion, sexual orientation or veteran status can be directed to the Office of Diversity Services AMC at [http://www.cudenver.edu/Administration/Office of the Provost/DiversityandInclusion/AMC](http://www.cudenver.edu/Administration/Office_of_the_Provost/DiversityandInclusion/AMC)

### Disability Resources and Services Grievances

The University of Colorado Denver (UCD) is an educational institution that welcomes and supports a diverse student body. The Disability Resources and Services Office is the designated office that maintains disability-related records, determines eligibility for academic accommodations, determines reasonable accommodations and develops plans for the provision of such accommodations for students attending the university.

The staff encourages academically qualified students with disabilities to utilize all the appropriate accommodations. It is the policy of UCD not to discriminate against persons with disabilities in admissions policies and procedures or educational programs, services and activities. Information related to this office is found at:  
<http://hschealth.uchsc.edu/disabilityresources/>

Grievances related to disability or the Americans with Disabilities Act (ADA) are handled through the Grievance Procedure for Student Accommodations found at:  
[http://hschealth.uchsc.edu/disabilityresources/Grievance/Grievance\\_Procedures.htm](http://hschealth.uchsc.edu/disabilityresources/Grievance/Grievance_Procedures.htm)

### Sexual Harassment Grievances

The University of Colorado (UC) Sexual Harassment Policy governs grievances related to sexual harassment at all campuses of UC. UC is committed to preventing sexual harassment and taking appropriate disciplinary action against those who violate the UC policy. A copy of the entire UC sexual harassment policy can be found online at:  
[https://www.cusys.edu/policies/policies/HR\\_SexualHarrassment.html](https://www.cusys.edu/policies/policies/HR_SexualHarrassment.html)

### Abusive or Unacceptable Behavior Grievances

Unacceptable behavior can be unintended, yet perceived as abusive. Awareness of examples of inappropriate and unacceptable behavior should serve to help avoid such misperceptions. Examples of inappropriate and unacceptable behavior would include but are not limited to belittling or humiliation, insults or verbal attacks, threats of physical harm or physical attacks, threatening to assign a lower grade or to write a poor evaluation as a means of intimidation, disregard for the safety of others, etc. The list of behaviors above sets out a few of many examples of inappropriate and unacceptable behaviors. Types of behaviors covered and procedures for addressing this type of grievance can be found on the University website at:  
<http://administration.ucdenver.edu/admin/policies/hr/Anti-Violence.pdf>.

### Ombuds Office

The Ombuds Office is a resource available to all members of the University community to provide informal conflict resolution. The Ombuds Office provides a forum for prompt, impartial and confidential discussion for individuals to review options for informal resolutions of differences.

The primary goal of the Ombudsperson is to ensure that employees and students receive fair and equitable treatment. The Ombuds Office provides confidential and independent services to the University community. The Ombuds Office is an independent resource, which will provide informal, confidential and neutral services to members of the university community in resolving conflicts, complaints, and disputes. Some examples of the type of concerns which may be brought to the Ombuds Office include but are not limited to the following: interpersonal conflicts, disagreement over grades, working conditions, disciplinary actions, sexual harassment, conflict resolution training, discrimination issues, clarification of policies or procedures, and concerns regarding reorganization.

The office operates outside of the usual review or appeal procedures and is independent of the UCD administration. The ombudsperson is impartial and will not take sides but will help to clarify concerns and to direct students to the appropriate resources. Conversations with the ombudsperson are confidential, except as dictated by law, and the identity of any individual seeking the help of the ombudsperson will not be revealed. The ombudsperson will listen, help analyze situations, identify and explain relevant University policies or procedures and explore options with the student. The Ombuds webpage is located at <http://www.uchsc.edu/ombuds>

## **Student Grievance Policies and Procedures at Colorado State University**

CSU General Catalog

Excerpts related to Academic Grievance Policies and Procedures

<http://www.catalog.colostate.edu/front/policies.aspx>

### **Right to File a Grade Appeal**

Instructors are responsible for stating clearly the instructional objectives of the course at the beginning of each term and for evaluating student achievement in a manner consistent with these objectives. Students are responsible for maintaining standards of academic performance established for each course in which they are enrolled. Instructors are responsible for determining and assigning final course grades. Graded examinations, papers, and other materials used as a basis for evaluating a student's achievement will be available to the student for inspection and discussion.

Students may appeal instructors' grading decisions. The burden of proof, however, rests with the student. See complete detail of the grade appeal process in the About Grades section of the Advising and Registration chapter.

<http://www.catalog.colostate.edu/front/advising-and-registration.aspx>

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Students may appeal instructors' grading decisions. The burden of proof, however, rests with the student to demonstrate that the grading decision was made on the basis of any of the following conditions:

1. A grading decision was made on some basis other than performance and other than as a penalty for academic dishonesty.
2. A grading decision was based on standards unreasonably different from those which were applied to other students.
3. A grading decision was based on a substantial, unreasonable, or unannounced departure from previously articulated standards.

Before making an appeal, the student should discuss the situation with the instructor(s) involved in the decision.



To appeal a grading decision, the student shall submit a written request to the department chairperson. The request must set forth the basis for the appeal, identifying one of the three categories set forth above. The request must be submitted or postmarked, if mailed, no later than 30 calendar days after the first day of classes of the next regular semester following the date the grade was recorded. If no appeal is filed within this time period, the grade shall be considered final.

Within 30 days of receipt of the request for an appeal, the student's appeal shall be provided to the instructor(s) who assigned the grade and an appeals committee formed in accordance with the departmental policies. If the request is received prior to or during the summer session when instructor(s) who assigned the grade or other faculty may not be available, then the appeals committee will be formed no later than 30 days from the beginning of the following fall semester. This committee shall be composed of two faculty members and two students from within the department and one outside faculty member who shall serve as a voting chair.

The appeals committee will review the written appeal and response of the instructor(s). They may elect to separately interview both the student and the instructor(s) before rendering a decision. The decision of the appeals committee will be based upon whether one of the conditions for an appeal set forth above has been met. At the conclusion of the deliberations, the committee shall render one of the following decisions: 1) the original grading decision is upheld, or 2) the department chair or his/her designee(s) will reevaluate the student's achievement of the instructional objectives of the course and assign a grade accordingly.

Written notice of the committee's decision and the reasons for the decision normally will be sent to the student and the instructor(s) within 30 calendar days of the appointment of the committee. The appeal committee's decision is the final decision of the University. Written summaries of the hearing and decision, together with a rationale for that decision, shall be provided to the student and the instructor who assigned the grade and shall be retained in the department office for a period of one year.

## **Student Grievance Policies and Procedures at University of Northern Colorado**

UNC Academic Grievance Policies and Procedures  
Excerpts from the UNC Student Handbook, found at:

[http://www.unco.edu/dos/handbook/resolving\\_student-faculty\\_conflict.html](http://www.unco.edu/dos/handbook/resolving_student-faculty_conflict.html)

### **Procedure for Resolving Student Faculty Conflict**

The purpose of this procedure is to provide the student with a means for resolving conflict with a faculty member. Examples of a conflict which might be a reasonable cause for using this procedure are included under the Student Rights and Student Responsibilities listed above.

- **Step 1.** The student who has a specific conflict shall first discuss his/her concern with the faculty member in question. In the event that the student has justifiable reasons for not communicating directly with the faculty member, the student may proceed directly to Step 2. However, the student should be prepared to defend his/her decision not to talk directly with the faculty member.
- **Step 2.** If the student does not believe that the initial conference with the instructor has resolved the conflict, a request may be made for a conference with the faculty member's School Director. The School Director may confer with both the student and the instructor. If the student has not yet communicated directly with the faculty member and has justifiable reasons for not doing so, anonymity may be requested at this step. If the instructor is the School Director, the student may proceed directly to Step 3. At the student's request, the School Director will inform the student in writing, of any outcome of this process within 20 calendar days of the conference.
- **Step 3.** If the student does not believe that the conference at Step 2 has resolved the conflict, a request may be made for a conference with the School Director's academic dean. At this point, the student will be expected to present his/her concerns in writing, and this, along with the student's identity, will be provided to the faculty member in question. However, the dean may decide that anonymity at this stage is appropriate if the faculty member is the School Director. The dean will issue a written reply to the student within 20 calendar days of the conference. The decision of the dean will be final.

[http://www.unco.edu/dos/handbook/academic\\_expectations.html](http://www.unco.edu/dos/handbook/academic_expectations.html)

### **ACADEMIC APPEAL PROCEDURE**

#### ***Purpose***

The purpose of the procedures outlined below is to provide an easily implemented means for appealing and resolving disputes concerning an academic decision which a student considers arbitrary, capricious, or contrary to University policy.

- **Arbitrary, capricious:** No discernible relationship between the act or decision complained of and the legitimate interests or considerations affecting or motivating

such act or decision; i.e., disparate treatment of persons in essentially identical circumstances.

- Violations of policy: Encompasses misinterpretations, misapplication or violations of authorized University policies.

Before initiating these procedures, or between any of the appeals steps outlined below, students may, and are encouraged to seek advice from their academic advisor or, in the case of graduate, the Dean of the Graduate School. It is the responsibility of the student to initiate the appeals procedure at each level: faculty member, school director or director's designee, dean of the college, Undergraduate or Graduate Appeals Officer, and the Academic Appeals Board. If the student fails to pursue the matter in the manner provided in this policy, after the conference with the appropriate individual identified above, the original academic decision will be final. The student should also bring to the various conferences and to the Academic Appeals Board hearing all evidence on which he or she intends to rely. Extension of the initiation deadline for each required conference can be allowed by the responsible academic officer receiving the appeal if requested by the student with good cause shown. The length of such extension shall be appropriate to accommodate the cause of the delay. The following procedures outline the steps of the academic appeals process. It is expected that all of the parties involved at each step of the appeals process will make a good faith effort to resolve the issues.

### *Steps for Appeal*

#### **Conference with the Faculty Member**

The student who has a specific problem or grievance shall first arrange a conference to discuss such problem or grievance with the faculty member who assigned the grade or whose action is addressed in the student's appeal by the end of the third week of the following semester, including summer, in which the student is enrolled. The faculty member must inform the student of his or her decision regarding the appeal within 21 calendar days of this required conference. The faculty member must be prepared to defend the decision or action(s) on the basis of University policy or sound academic policy. In matters concerning program area or school policy or procedures, the student should take the problem to the school director.

In the event that the faculty member is not available, due to absence from campus, illness or non-employed status during the first three weeks of the following semester, the student will direct the appeal to the school director or director's designee if the director is not from the same discipline as the faculty member whose action is being appealed. To the extent possible, the school director or designee will obtain information from and discuss the appeal with the faculty member who assigned the grade or whose action is addressed in the student's appeal before making a final decision on the appeal.

In the case of an appeal of a program area termination decision, the student will begin the appeal process as in three (3) below by requesting a conference with the dean of the college (or designee).

#### ***Conference with the School Director***

If the student does not believe that the initial conference with the faculty member has resolved the problem, a request may be made for a conference with the faculty member's school director if the director is not in the same discipline as the faculty member whose action is being appealed, the director will designate a faculty member in the same discipline to hear the student's appeal at this level. The student is responsible for initiating this required conference within twenty-one (21) calendar days of the faculty member's response if he or she wishes to pursue the appeal further. The school director shall confer with both student and faculty member. School director's will inform their dean and the student of their decision regarding the student appeal within twenty-one (21) calendar days of this required conference. If the faculty member is the school director, the student should move to three (3) below and schedule a conference with the faculty member's dean.

### ***Conference with the Dean***

If the student does not believe that the conference with the school director has resolved the problem, the student may request a conference with the dean of the college within twenty-one (21) calendar days after notification of the school director's or director's designee's decision in two (2) above. The dean will issue a written reply to the student within twenty-one (21) calendar days of the conference. For a graduate student appeal, a copy of the dean's response will be sent to the Dean of the Graduate School as an information item and is to be retained in the student's file.

An appeal by a student of a recommendation for termination of the student's academic program will be addressed directly to the dean by submitting a letter of intent to appeal by the end of the third week of the semester following the decision. Within twenty-one (21) calendar days after notification to the student of the decision and scheduled at least one week following submission of the letter of intent to appeal, the student shall also arrange a conference with the dean. The letter of intent to appeal will include:

- the identification of the faculty member or program area or school involved; and
- a description of the action or actions the student considers arbitrary, capricious, or contrary to University policy.
  - When a student initiates an appeal of a program area termination decision with the dean, the student will be placed on suspension from his or her program and a hold will be placed on his or her registration which will not allow the student to register for additional courses until a final decision on the appeal has been reached. Any pre-registrations for future semesters will be withdrawn by the CAO for an undergraduate student and the Dean of the Graduate School for a graduate student. The student will complete any courses for which he or she is currently enrolled except when:
    - the student voluntarily withdraws from the course or all courses; or
    - for professional or ethical reasons and based on a program area or school recommendation to the Chief Academic Officer (CAO) or the Dean of the Graduate School, that the student not be allowed to continue participation in a course for which he or she is currently registered.The dean will promptly inform all involved faculty members, the school director and the CAO or the Dean of the Graduate School

that the appeal has been filed. The dean will investigate the appeal by reviewing the evidence submitted by the student and consulting with affected parties. The dean will render a decision to support or not support the program area or school recommendation within twenty-one (21) calendar days of the required conference.

If the appeal is upheld, the dean will submit a recommendation, addressed to the CAO or to the Dean of the Graduate School, with a copy to the student, to reinstate the student's program. If the dean's recommendation is endorsed by the CAO or the Dean of the Graduate School, the student will continue to pursue the degree program and any interrupted courses per stipulated conditions and agreements with the program area or school described in the dean's letter of recommendation. If the CAO or the Dean of the Graduate School do not endorse the dean's recommendation and do not reinstate the student to his or her program, the student may appeal that decision directly to the Academic Appeals Board and omit four (4) below of these procedures.

#### ***Conference with the Undergraduate or Graduate Appeals Officer***

If the student is not satisfied with the results of the conference with the dean, an undergraduate student may file a written request with the CAO for a conference with the Undergraduate Appeals Officer in Academic Affairs; a graduate student may file a written request to the Dean of the Graduate School for a conference with the Graduate Appeals Officer in the Graduate School. The written request for a conference with the Undergraduate or Graduate Appeals Officer must be filed within thirty (30) calendar days of the dean's decision or the end of the semester after receipt of the dean's decision, whichever is greater. The written request for a conference must contain:

- the identification of the faculty member and academic department involved;
- a rationale explaining why the student considers the decision or action(s) to be arbitrary, capricious, or contrary to University policy; and
- a copy of the written response from the dean.

The Undergraduate or Graduate Appeals Officer will resolve the complaint. Upon completion of the investigation and no later than twenty-one (21) calendar days after the required conference with the student, the Undergraduate or Graduate Appeals Officer shall inform the student of a decision.

If the appeal is dismissed, the student shall be informed in writing of the reasons for dismissal. If the appeal is upheld, the CAO or Dean of the Graduate School will so advise the student and resolve the matter with the school director and dean. The Undergraduate or Graduate Appeals Officer's letter of response will be delivered either in person to the student by a University official or by certified mail to the student's local address.

#### ***Request for Academic Appeals Board Hearing***

If the student is not satisfied with the results of the required conferences, the student may file a request to the chair of the Academic Appeals Board (Board) for a formal hearing. The request for a hearing before the Board must be submitted within thirty (30) days of hand delivery or posting by certified mail of the letter from the Undergraduate or Graduate Appeals Officer. An affirmative vote by three (3) members of the Board will be required to hear the appeal. If an appeal is accepted for hearing, the chair of the Board shall set a date for the hearing within ninety (90) calendar days of the decision accepting the appeal for hearing.

It is the duty of the Hearing Panel to ensure that, in the case under consideration, the action or decisions of the faculty member or program area or school were not arbitrary, capricious, or contrary to University policy. All evidence considered in the case should be submitted to the Hearing Panel for review. After an impartial evaluation of that evidence, the Hearing Panel shall:

- uphold the action or decision of the faculty member or program area or school and dismiss the complaint; or
- uphold the contention of the student by deciding that the actions or decision of the faculty member or program area or school were arbitrary, capricious, or contrary to University policy. If a two-thirds vote of the Hearing Panel supports the student's contention, the Hearing Panel shall have the authority to reverse the decision of the program area or school or faculty member, i.e., the Hearing Panel can direct the Registrar to change the student's grade or can direct other appropriate action to ensure that justice is done to the student. The decision of the Hearing Panel shall be final and will be communicated, in writing, to the CAO or Dean of the Graduate School (depending on whether the appeal originated from an undergraduate or graduate student), the dean and school director. The Hearing Panel shall not disclose individual voting positions nor publish dissenting opinion.

### ***The Hearing***

Hearings shall be informal. The Chair of the Board shall preside over the hearing. The hearing is not regarded as a court of law and full adversary-type procedures will not be followed. To protect the student and the faculty member or program area or school, the hearing shall be both confidential and closed. A taped transcript of the proceedings shall be made and kept with the records of the hearing. All parties involved in the appeal have the right to attend the entire hearing, to be represented by academic counsel during the hearing, and to challenge testimony and evidence.

- **Academic Counsel.** A faculty member, fellow student or employee of UNC may agree to serve as the student's academic counsel (advisor through the appeals process). In this role, the academic counsel will:
  - meet with the student and help guide him or her properly through university procedures;
  - discuss with the student the rationale for claiming the decision being appealed was arbitrary, capricious or contrary to university policy; and

- be allowed to be present at any or all required conferences and the hearing before the Hearing Panel but will not be allowed to speak for the student unless approved by the University Official(s) involved in the conference or the Hearing Panel.
- **Academic Appeals Board.**
  - **Membership.** The membership of the Academic Appeals Board (Board) shall be composed of four (4) faculty members from different colleges and schools and four (4) alternate faculty appointed by the Faculty Senate, and students to be appointed as follows: four (4) undergraduate students and four (4) undergraduate student alternates appointed by the Student Representative Council (SRC) and four (4) graduate students and four (4) graduate student alternates appointed by the Graduate Student Association (GSA) such that each college with a graduate program is represented in the pool of eight (8). Four (4) undergraduate students will participate on the Board when an undergraduate appeal is to be heard. Four (4) graduate students will participate on the Board when a graduate student appeal is to be heard. The term of office for the Board members shall be for one (1) year beginning with Fall term. Appointments must be made by November 1st of each year. If the colleges or SRC fail to act, the CAO will make temporary faculty and/or undergraduate student appointments and the Dean of the Graduate School will temporarily appoint graduate students to the Board if the GSA does not provide appointments.
  - **Chair.** The Chair of the Board shall be appointed by the CAO and approved by majority votes of the Faculty Senate and SRC. The Chair shall be a voting member and his or her term of responsibility shall be for two (2) years beginning with fall term. An alternate Chair may be appointed by the Board from its membership.
  - **Quorum.** A quorum shall consist of the Chair, three (3) faculty members, and three (3) undergraduate or graduate students depending upon whether the Board is deliberating an undergraduate or a graduate student appeal.
- **Chair Responsibilities.** The Chair of the Academic Appeals Board shall:
  - schedule all meetings of the hearing panel and notify all concerned parties of the time and place of the hearing;
  - preside over the hearing and all deliberations of the Hearing Panel;
  - conduct the hearing in a manner which protects academic due process;
  - file a written report of the Hearing Panel's decision with the CAO and distribute copies of the report to the student, faculty member, the school director, the appropriate dean or the Dean of the Graduate School in the case of an appeal by a graduate student, and the Undergraduate or Graduate Appeals Officer in the case of an appeal by a graduate student
  - maintain records of each hearing. Except when required by a legally valid subpoena or when the parties have given written consent, access to records will be confined to authorized University personnel who require access in connection with the performance of their duties; and
  - forward all records of the hearing as well as the final report to the University Counsel.

<http://www.catalog.colostate.edu/front/policies.aspx>

## **Right to File a Grade Appeal**

Instructors are responsible for stating clearly the instructional objectives of the course at the beginning of each term and for evaluating student achievement in a manner consistent with these objectives. Students are responsible for maintaining standards of academic performance established for each course in which they are enrolled. Instructors are responsible for determining and assigning final course grades. Graded examinations, papers, and other materials used as a basis for evaluating a student's achievement will be available to the student for inspection and discussion.

Students may appeal instructors' grading decisions. The burden of proof, however, rests with the student. See complete detail of the grade appeal process in the About Grades section of the Advising and Registration chapter.

<http://www.catalog.colostate.edu/front/advising-and-registration.aspx>

## **Grade Appeals**

Instructors are responsible for stating clearly the instructional objectives of the course at the beginning of each term and for evaluating student achievement in a manner consistent with these objectives. Students are responsible for maintaining standards of academic performance established for each course in which they are enrolled. Instructors are responsible for determining and assigning final course grades. Graded examinations, papers, and other materials used as a basis for evaluating a student's achievement will be available to the student for inspection and discussion.

Students may appeal instructors' grading decisions. The burden of proof, however, rests with the student to demonstrate that the grading decision was made on the basis of any of the following conditions:

1. A grading decision was made on some basis other than performance and other than as a penalty for academic dishonesty.
2. A grading decision was based on standards unreasonably different from those which were applied to other students.
3. A grading decision was based on a substantial, unreasonable, or unannounced departure from previously articulated standards.

Before making an appeal, the student should discuss the situation with the instructor(s) involved in the decision.

To appeal a grading decision, the student shall submit a written request to the department chairperson. The request must set forth the basis for the appeal, identifying one of the three categories set forth above. The request must be submitted or postmarked, if mailed, no later than 30 calendar days after the first day of classes of the next regular semester following the date the grade was recorded. If no appeal is filed within this time period, the grade shall be considered final.

Within 30 days of receipt of the request for an appeal, the student's appeal shall be provided to the instructor(s) who assigned the grade and an appeals committee formed in accordance with the departmental policies. If the request is received prior to or during the summer session when instructor(s) who assigned the grade or other faculty may not be available, then the appeals committee will be formed no later than 30



days from the beginning of the following fall semester. This committee shall be composed of two faculty members and two students from within the department and one outside faculty member who shall serve as a voting chair.

The appeals committee will review the written appeal and response of the instructor(s). They may elect to separately interview both the student and the instructor(s) before rendering a decision. The decision of the appeals committee will be based upon whether one of the conditions for an appeal set forth above has been met. At the conclusion of the deliberations, the committee shall render one of the following decisions: 1) the original grading decision is upheld, or 2) the department chair or his/her designee(s) will reevaluate the student's achievement of the instructional objectives of the course and assign a grade accordingly.

Written notice of the committee's decision and the reasons for the decision normally will be sent to the student and the instructor(s) within 30 calendar days of the appointment of the committee. The appeal committee's decision is the final decision of the University. Written summaries of the hearing and decision, together with a rationale for that decision, shall be provided to the student and the instructor who assigned the grade and shall be retained in the department office for a period of one year.

UNC Academic Grievance Policies and Procedures  
Excerpts from the UNC Student Handbook, found at:

[http://www.unco.edu/dos/handbook/resolving\\_student-faculty\\_conflict.html](http://www.unco.edu/dos/handbook/resolving_student-faculty_conflict.html)

### **Procedure for Resolving Student Faculty Conflict**

The purpose of this procedure is to provide the student with a means for resolving conflict with a faculty member. Examples of a conflict which might be a reasonable cause for using this procedure are included under the Student Rights and Student Responsibilities listed above.

- **Step 1.** The student who has a specific conflict shall first discuss his/her concern with the faculty member in question. In the event that the student has justifiable reasons for not communicating directly with the faculty member, the student may proceed directly to Step 2. However, the student should be prepared to defend his/her decision not to talk directly with the faculty member.
- **Step 2.** If the student does not believe that the initial conference with the instructor has resolved the conflict, a request may be made for a conference with the faculty member's School Director. The School Director may confer with both the student and the instructor. If the student has not yet communicated directly with the faculty member and has justifiable reasons for not doing so, anonymity may be requested at this step. If the instructor is the School Director, the student may proceed directly to Step 3. At the student's request, the School Director will inform the student in writing, of any outcome of this process within 20 calendar days of the conference.
- **Step 3.** If the student does not believe that the conference at Step 2 has resolved the conflict, a request may be made for a conference with the School Director's academic dean. At this point, the student will be expected to present his/her concerns in writing, and this, along with the student's identity, will be provided to the faculty member in question. However, the dean may decide that anonymity at this stage is appropriate if the faculty member is the School Director. The dean will issue a written reply to the student within 20 calendar days of the conference. The decision of the dean will be final.

[http://www.unco.edu/dos/handbook/academic\\_expectations.html](http://www.unco.edu/dos/handbook/academic_expectations.html)

## **ACADEMIC APPEAL PROCEDURE**

### ***Purpose***

The purpose of the procedures outlined below is to provide an easily implemented means for appealing and resolving disputes concerning an academic decision which a student considers arbitrary, capricious, or contrary to University policy.

- **Arbitrary, capricious:** No discernible relationship between the act or decision complained of and the legitimate interests or considerations affecting or motivating such act or decision; i.e., disparate treatment of persons in essentially identical circumstances.
- **Violations of policy:** Encompasses misinterpretations, misapplication or violations of authorized University policies.

Before initiating these procedures, or between any of the appeals steps outlined below, students may, and are encouraged to seek advice from their academic advisor or, in the case of graduate, the Dean of the Graduate School.

It is the responsibility of the student to initiate the appeals procedure at each level: faculty member, school director or director's designee, dean of the college, Undergraduate or Graduate Appeals Officer, and the Academic Appeals Board. If the student fails to pursue the matter in the manner provided in this policy, after the conference with the appropriate individual identified above, the original academic decision will be final. The student should also bring to the various conferences and to the Academic Appeals Board hearing all evidence on which he or she intends to rely. Extension of the initiation deadline for each required conference can be allowed by the responsible academic officer receiving the appeal if requested by the student with good cause shown. The length of such extension shall be appropriate to accommodate the cause of the delay. The following procedures outline the steps of the academic appeals process. It is expected that all of the parties involved at each step of the appeals process will make a good faith effort to resolve the issues.

### ***Steps for Appeal***

**Conference with the Faculty Member.** The student who has a specific problem or grievance shall first arrange a conference to discuss such problem or grievance with the faculty member who assigned the grade or whose action is addressed in the student's appeal by the end of the third week of the following semester, including summer, in which the student is enrolled. The faculty member must inform the student of his or her decision regarding the appeal within 21 calendar days of this required conference. The faculty member must be prepared to defend the decision or action(s) on the basis of University policy or sound academic policy. In matters concerning program area or school policy or procedures, the student should take the problem to the school director.

In the event that the faculty member is not available, due to absence from campus, illness or non-employed status during the first three weeks of the following semester, the student will direct the appeal to the school director or director's designee if the director is not from the same discipline as the faculty member whose action is being appealed. To the extent possible, the school director or designee will obtain information from and discuss the appeal with the faculty member who assigned the grade or whose action is addressed in the student's appeal before making a final decision on the appeal.

In the case of an appeal of a program area termination decision, the student will begin the appeal process as in three (3) below by requesting a conference with the dean of the college (or designee).

**Conference with the School Director.** If the student does not believe that the initial conference with the faculty member has resolved the problem, a request may be made for a conference with the faculty member's school director if the director is not in the same discipline as the faculty member whose action is being appealed, the director will designate a faculty member in the same discipline to hear the student's appeal at this level. The student is responsible for initiating this required conference within twenty-one (21) calendar days of the faculty member's response if he or she wishes to pursue the appeal further. The school director shall confer with both student and faculty member. School director's will inform their dean and the student of their decision regarding the student appeal within twenty-one (21) calendar days of this

required conference. If the faculty member is the school director, the student should move to three (3) below and schedule a conference with the faculty member's dean.

### ***Conference with the Dean***

If the student does not believe that the conference with the school director has resolved the problem, the student may request a conference with the dean of the college within twenty-one (21) calendar days after notification of the school director's or director's designee's decision in two (2) above. The dean will issue a written reply to the student within twenty-one (21) calendar days of the conference. For a graduate student appeal, a copy of the dean's response will be sent to the Dean of the Graduate School as an information item and is to be retained in the student's file.

An appeal by a student of a recommendation for termination of the student's academic program will be addressed directly to the dean by submitting a letter of intent to appeal by the end of the third week of the semester following the decision. Within twenty-one (21) calendar days after notification to the student of the decision and scheduled at least one week following submission of the letter of intent to appeal, the student shall also arrange a conference with the dean. The letter of intent to appeal will include:

- the identification of the faculty member or program area or school involved; and
- a description of the action or actions the student considers arbitrary, capricious, or contrary to University policy.
  - When a student initiates an appeal of a program area termination decision with the dean, the student will be placed on suspension from his or her program and a hold will be placed on his or her registration which will not allow the student to register for additional courses until a final decision on the appeal has been reached. Any pre-registrations for future semesters will be withdrawn by the CAO for an undergraduate student and the Dean of the Graduate School for a graduate student. The student will complete any courses for which he or she is currently enrolled except when:
    - the student voluntarily withdraws from the course or all courses; or
    - for professional or ethical reasons and based on a program area or school recommendation to the Chief Academic Officer (CAO) or the Dean of the Graduate School, that the student not be allowed to continue participation in a course for which he or she is currently registered. The dean will promptly inform all involved faculty members, the school director and the CAO or the Dean of the Graduate School that the appeal has been filed. The dean will investigate the appeal by reviewing the evidence submitted by the student and consulting with affected parties. The dean will render a decision to support or not support the program area or school recommendation within twenty-one (21) calendar days of the required conference. If the appeal is upheld, the dean will submit a recommendation, addressed to the CAO or to the Dean of the Graduate School, with a copy to the student, to reinstate the student's program. If the dean's recommendation is endorsed by the CAO or the Dean of the Graduate School, the student will continue to pursue the degree program and any interrupted courses per stipulated conditions and agreements with the program area or school described in the dean's letter of recommendation. If the CAO or the Dean of the Graduate School do not endorse the dean's recommendation and do not reinstate the student to his or her program, the student may appeal that decision directly to the Academic Appeals Board and omit four (4) below of these procedures.

### ***Conference with the Undergraduate or Graduate Appeals Officer***

If the student is not satisfied with the results of the conference with the dean, an undergraduate student may file a written request with the CAO for a conference with the Undergraduate Appeals Officer in Academic Affairs; a graduate student may file a written request to the Dean of the Graduate School for a conference with the Graduate Appeals Officer in the Graduate School. The written request for a conference with the Undergraduate or Graduate Appeals Officer must be filed within thirty (30) calendar days of the dean's decision or the end of the semester after receipt of the dean's decision, whichever is greater. The written request for a conference must contain:

- the identification of the faculty member and academic department involved;
- a rationale explaining why the student considers the decision or action(s) to be arbitrary, capricious, or contrary to University policy; and
- a copy of the written response from the dean.

The Undergraduate or Graduate Appeals Officer will resolve the complaint. Upon completion of the investigation and no later than twenty-one (21) calendar days after the required conference with the student, the Undergraduate or Graduate Appeals Officer shall inform the student of a decision.

If the appeal is dismissed, the student shall be informed in writing of the reasons for dismissal. If the appeal is upheld, the CAO or Dean of the Graduate School will so advise the student and resolve the matter with the school director and dean. The Undergraduate or Graduate Appeals Officer's letter of response will be delivered either in person to the student by a University official or by certified mail to the student's local address.

### ***Request for Academic Appeals Board Hearing***

If the student is not satisfied with the results of the required conferences, the student may file a request to the chair of the Academic Appeals Board (Board) for a formal hearing. The request for a hearing before the Board must be submitted within thirty (30) days of hand delivery or posting by certified mail of the letter from the Undergraduate or Graduate Appeals Officer. An affirmative vote by three (3) members of the Board will be required to hear the appeal. If an appeal is accepted for hearing, the chair of the Board shall set a date for the hearing within ninety (90) calendar days of the decision accepting the appeal for hearing.

It is the duty of the Hearing Panel to ensure that, in the case under consideration, the action or decisions of the faculty member or program area or school were not arbitrary, capricious, or contrary to University policy. All evidence considered in the case should be submitted to the Hearing Panel for review. After an impartial evaluation of that evidence, the Hearing Panel shall:

- uphold the action or decision of the faculty member or program area or school and dismiss the complaint; or
- uphold the contention of the student by deciding that the actions or decision of the faculty member or program area or school were arbitrary, capricious, or contrary to University policy. If a two-thirds vote of the Hearing Panel supports the student's contention, the Hearing Panel shall have the authority to reverse the decision of the program area or school or faculty member, i.e., the Hearing Panel can direct the Registrar to change the student's grade or can direct other appropriate action to ensure that justice is done to the student. The decision of the Hearing Panel shall be final and will

be communicated, in writing, to the CAO or Dean of the Graduate School (depending on whether the appeal originated from an undergraduate or graduate student), the dean and school director. The Hearing Panel shall not disclose individual voting positions nor publish dissenting opinion.

## ***The Hearing***

Hearings shall be informal. The Chair of the Board shall preside over the hearing. The hearing is not regarded as a court of law and full adversary-type procedures will not be followed. To protect the student and the faculty member or program area or school, the hearing shall be both confidential and closed. A taped transcript of the proceedings shall be made and kept with the records of the hearing. All parties involved in the appeal have the right to attend the entire hearing, to be represented by academic counsel during the hearing, and to challenge testimony and evidence.

- **Academic Counsel.** A faculty member, fellow student or employee of UNC may agree to serve as the student's academic counsel (advisor through the appeals process). In this role, the academic counsel will:
  - meet with the student and help guide him or her properly through university procedures;
  - discuss with the student the rationale for claiming the decision being appealed was arbitrary, capricious or contrary to university policy; and
  - be allowed to be present at any or all required conferences and the hearing before the Hearing Panel but will not be allowed to speak for the student unless approved by the University Official(s) involved in the conference or the Hearing Panel.
- **Academic Appeals Board.**
  - **Membership.** The membership of the Academic Appeals Board (Board) shall be composed of four (4) faculty members from different colleges and schools and four (4) alternate faculty appointed by the Faculty Senate, and students to be appointed as follows: four (4) undergraduate students and four (4) undergraduate student alternates appointed by the Student Representative Council (SRC) and four (4) graduate students and four (4) graduate student alternates appointed by the Graduate Student Association (GSA) such that each college with a graduate program is represented in the pool of eight (8). Four (4) undergraduate students will participate on the Board when an undergraduate appeal is to be heard. Four (4) graduate students will participate on the Board when a graduate student appeal is to be heard. The term of office for the Board members shall be for one (1) year beginning with Fall term. Appointments must be made by November 1st of each year. If the colleges or SRC fail to act, the CAO will make temporary faculty and/or undergraduate student appointments and the Dean of the Graduate School will temporarily appoint graduate students to the Board if the GSA does not provide appointments.
  - **Chair.** The Chair of the Board shall be appointed by the CAO and approved by majority votes of the Faculty Senate and SRC. The Chair shall be a voting member and his or her term of responsibility shall be for two (2) years beginning with fall term. An alternate Chair may be appointed by the Board from its membership.
  - **Quorum.** A quorum shall consist of the Chair, three (3) faculty members, and three (3) undergraduate or graduate students depending upon whether the Board is deliberating an undergraduate or a graduate student appeal.
- **Chair Responsibilities.** The Chair of the Academic Appeals Board shall:
  - schedule all meetings of the hearing panel and notify all concerned parties of the time and place of the hearing;
  - preside over the hearing and all deliberations of the Hearing Panel;
  - conduct the hearing in a manner which protects academic due process;
  - file a written report of the Hearing Panel's decision with the CAO and distribute copies of the report to the student, faculty member, the school director, the appropriate dean or the Dean of the Graduate School in the case of an appeal by a graduate student, and the Undergraduate or Graduate Appeals Officer in the case of an appeal by a graduate student

- maintain records of each hearing. Except when required by a legally valid subpoena or when the parties have given written consent, access to records will be confined to authorized University personnel who require access in connection with the performance of their duties; and
- forward all records of the hearing as well as the final report to the University Counsel.