PROCEDURES FOR HANDLING STUDENT APPEALS OF ACADEMIC EVALUATIONS

UNIVERSITY OF NEBRASKA MEDICAL CENTER
COLLEGE OF NURSING

Procedures for Handling Student Appeals of Academic Evaluations	Subsection: **Appendix N**
Section 5.0 - Appendices	Originating Date: May 1991
Responsible Reviewing Agency: Academic Review Committee	Revised: December 2003 Revised: September 2008 Revised: May 2015

Policy:

Paragraph 5.3 of the Bylaws of the Board of Regents provides in part as follows: Each college or school shall provide for a faculty-student appeals committee for students who believe that evaluation of their academic progress has been prejudiced or capricious. Such procedure shall provide for changing of student's evaluation upon the committee's finding that an academic evaluation by a member of a faculty has been improper. See also UNMC College of Nursing Policies: 4.1.6 Academic Review Committee and 5.2.19 Undergraduate Student Grade Appeal.

In accordance with the foregoing the faculty of each college or school constituting a part of the University of Nebraska Medical Center shall adopt a method for creating a faculty-student appeals committee. Such committee shall consist of at least four members, including the chair, selected from the academic review committee, and shall include at least one student representative. The chair of the committee shall be selected in such manner as the faculty of the college or school determines and shall in all cases vote as a member of the committee. The committee may adopt such rules as it deems necessary or advisable provided they are not inconsistent with these guidelines.

The committee may be given such name as the college or school selects (e.g., grade appeals committee, etc.), but as used in these guidelines the term committee shall mean the faculty-student appeals committees referred to in paragraph 5.3 of the Bylaws of the Board of Regents. The committee shall have no other function than to investigate and/or hear appeals involving grades and other academic evaluations, except that in the case of the Graduate College, the faculty-student appeals committee may include the voting membership of the Campus Graduate Council.

The committee of the college or school in which a particular course is offered shall have jurisdiction of all appeals by students whose appeal concerns a grade or academic evaluation involving that course. In matters involving a dual listed course, the committee of the college or school granting admission to the course shall handle any appeal.

In any matter involving an appeal by a student, neither the Dean of the college or school nor the instructor whose grade or evaluation is being questioned nor the assistant dean of the division involved shall serve on the committee. The Dean shall designate temporary replacement on the committee if necessary. Questions of procedure by either the student or faculty may be referred to the Undergraduate program director.

Appeal of Academic Evaluation

Students desiring to appeal a grade or an evaluation of their academic progress, not involving academic dismissal or suspension, shall proceed as follows:

1. A student who believes that his/her grade or evaluation is the result of prejudice or caprice or is otherwise improper shall first discuss the matter directly with the instructor involved. If the student and instructor do not reach a satisfactory agreement, the student may appeal either orally or in writing to the Division Assistant Dean in which the course is offered. If the student and Division Assistant Dean do not reach a satisfactory agreement, the student may submit within two weeks following reporting or posting of the grade or evaluation in question, an appeal in writing to the chair of the Academic Review Committee. If the student finds it impossible to complete discussions with the course instructor and Division Assistant Dean within the two-week period, he/she should notify the chair of the Academic Review Committee of the need for additional time, and the chair shall extend the appeal period by an appropriate number of days.
2. At the time of the meeting with the Division Assistant Dean, the Division Assistant Dean should provide the student with a printed copy of the Academic and Professional Performance Policies section of the current UNMC Student Handbook. The Division Assistant Dean should have the student sign and date a copy of these pages to be forwarded to the Chair of the Academic Review committee to be included in the archive of all files pertaining to the grade appeal at the conclusion of the process.
3. The written appeal submitted to the chair of the committee should provide an account of the facts pertinent to the awarding of the grade and the reasons why the student believes the grade or evaluation to be the result of prejudice or caprice or otherwise improper. The student should be as specific as possible. If the student wishes to appear personally before the committee, he or she should include a statement to the effect. The committee may, but shall not be required to, grant such a request.
4. Upon receiving the students written statement, the chair of the committee shall select from committee members to serve on a grade appeal committee. The called committee will consist of the chairperson, three faculty, and one student. The student representative will be from the Division from which the appeal originates, and will have successfully completed the course under appeal. If a student is appealing more than one grade in separate courses or if a student is appealing both an academic appeal and a disciplinary appeal, the chairperson will select two separate committees to hear the appeals.
5. Upon receiving the students written statement, the chair of the committee shall forward copies to the committee members and to any faculty member involved. The chair of the committee will request from such faculty member the materials used to determine the grade or evaluation being challenged. The committee may also request clarification in writing or by interview from either the student or the faculty member. Any document produced during interview will be provided to the other party. The committee may investigate the matter without interviewing either party, or may interview both parties in the case separately. Anything provided to the committee in written form must be provided to the other party.
6. If the committee decides to grant the request of the student to appear before it, the student will be given reasonable notice of the time and place of the hearing. The hearing need not be conducted according to the rules of the law relating to the examination of witnesses or

presentation of evidence. Any evidence may be admitted by the chair, if in his/her discretion it is deemed to be relevant to the appeal.

7. In any appearance before the committee, the student may be assisted by an advisor of choice at her/his own expense if he/she has informed the chair of the name of the advisor at least 24 hours before the hearing. The role of the advisor shall be limited to assisting the student and, unless the chair of the committee specifically permits, the advisor may not directly question witnesses or otherwise participate in the proceedings. The committee may have the assistance of counsel for the University to advise the committee on procedural and other matters. The committee chair shall direct the questioning of witnesses and determine the order of presentation of any testimony or other evidence. The chair shall insure that the student, the faculty member involved, and all other witnesses are treated fairly and that no witness is intimidated or harassed. The chair shall have authority to recess the proceedings from time to time in the interest of convenience and justice.
8. In all cases the student shall be advised that the burden is upon him/her to show by the weight of the evidence that the grade or academic evaluation of which he/she complains was the result of prejudice or caprice or was otherwise improper.
9. At any time during the appeal process the student shall be entitled to examine his/her entire school file and shall also be entitled to a copy of the materials relating to the student which were used by the faculty member or members in determining the students grade or evaluation. All documents provided to the student will be listed and hand delivered at the College by the chairperson of the committee or a person whom the chairperson designates to deliver the documents. Each document will be signed for as having been received by the student.
10. The committee shall appoint some person, who may or may not be a member of the committee, to act as secretary of the committee. The secretary shall keep minutes of committee proceedings. All hearings will be recorded. A verbatim transcript of testimony will be required in hearings involving academic suspension or dismissal. The student may record at personal expense any hearing or proceeding of the committee at which he/she is present.

Appeal of Academic Evaluation Involving Academic Dismissal or Suspension

Students desiring to appeal a grade or an evaluation of their academic progress which involves academic dismissal or suspension shall be subject to the rules prescribed above with the following exceptions and additions:

1. A student who is dismissed or suspended for academic reasons shall be given notice in writing of the dismissal or suspension by the Dean of the college or school involved. The notice shall state the reasons for the action taken and the effective date of the dismissal or suspension.
2. If the student desires to appeal a course grade or an evaluation of academic progress which led to the dismissal or suspension, the student shall, within two weeks from receiving the notice from the Dean, file an appeal in writing with the chair of the Academic Review Committee. The appeal should state all facts pertinent to the appeal and should be as specific as possible concerning the students position. If the student wishes to appear personally before the committee, he/she should include a statement to that effect and the committee shall grant such request. In such case, the student shall be given reasonable advance notice of the time and place of hearing. The student may be represented by an advisor of choice who may assist the student but who may not question witnesses or otherwise participate in the proceedings unless the chair of the committee specifically permits. The name of the students advisor shall be supplied to the committee chair at least 24 hours before the hearing. Any expense incurred in securing an advisor will be assumed by the student. The committee shall not be required to grant a hearing at which both the student and faculty member(s) involved are present at the same time.
3. At the hearing conducted by the committee (if one has been requested by the student), the student shall first present his/her reasons for believing that the grade or academic evaluation which led to dismissal or suspension was the result of prejudice or caprice or was otherwise improper. The student may use any relevant evidence deemed proper, including affidavits, exhibits and oral testimony. The committee has no subpoena powers and cannot compel the attendance of witnesses before it. Therefore, the responsibility of procuring any desired witnesses on his/her behalf rests solely with the student.
4. Any recommendations of the committee will be based solely on the results of its investigation and, if a hearing has been held, the evidence presented at the hearing.
5. The student, if he/she wishes, will be allowed to record at personal expense any hearing at which he/she is present, and the student shall also have access to the official recording of the proceedings under such conditions as the committee may prescribe.

At the conclusion of its investigation (or, if a hearing has been held at the request of the student, within a reasonable time after the hearing) the committee shall determine whether the student has sustained the burden of proving by the weight of the evidence that the grade or academic evaluation complained of was the result of prejudice or caprice or was otherwise improper. If the committee finds by a majority vote of the entire committee, taken by secret ballot, that the student has sustained such burden, the committee shall submit its report and conclusions to the Dean and to the student involved. Thereupon the students grade or evaluation shall be changed by order of the Dean in accordance with the committees report and the matter shall be concluded. If the student has been dismissed or suspended, and the change in the grade or evaluation removes the cause for academic dismissal or suspension, the student shall be reinstated and shall be given reasonable opportunity to make up any academic work missed. If conditions of subsequent performance accompany the reinstatement, those shall be communicated to the student.

If the committee finds that the grade or academic evaluation complained of was not the result of prejudice or caprice or otherwise improper, the committee shall likewise submit its report and conclusions to the Dean and to the student involved. In such case the student may, within ten days, submit an appeal in writing to the Dean setting forth any reasons he/she may have for believing he/she was not accorded a fair hearing by, or given a reasonable opportunity to present his/her case to the committee. The Dean shall make such a review of the record and of the facts of the case as he/she deems appropriate and, at his/her discretion, may interview the student and such other persons as the dean desires. The Deans review, however, shall be limited to matters of procedure and fairness and shall not involve the merits of the case. If the Dean desires, he/she may be assisted by counsel for the University. The Dean shall then either affirm the findings of the committee or, if he/she concludes that the student was denied proper procedural safeguards, shall direct the committee to conduct a rehearing either in whole or in part. The

decision of the Dean shall in all cases be final and no appeal may be taken therefrom.

In the event that the committee decides that the grade or other academic evaluation should be changed, the faculty member who issues the grade or evaluation may appeal to the Dean if he or she feels that the procedures used by the committee were improper or that the committee did not properly consider all of the evidence. The Dean shall then review the record and the facts of the case as he/she would for a student appeal, as provided in the preceding paragraph, and may return the matter to the committee for reconsideration. The decision of the dean shall in all cases be final.

6. Any materials pertaining to the Grade Appeal (e.g., documents, transcripts, tapes, etc.) will be kept for one year following the conclusion of the grade appeals or graduation, whichever occurs later, in the Undergraduate program director's office.

[1] *(Adapted from Procedural Guidelines for Handling Student Appeals of Academic Evaluation, Feb. 1979, May 1991)*
Brought to General Faculty Organization 12/15/03; 9/15/08