

# PROCEDURES FOR HANDLING UNDERGRADUATE STUDENT APPEALS OF ACADEMIC EVALUATIONS

## UNIVERSITY OF NEBRASKA MEDICAL CENTER COLLEGE OF NURSING

### Procedures For Handling Undergraduate Student Appeals Of Academic Evaluations

Subsection: **Appendix N**

Section 5.0 - Appendices

Originating Date: May 1991

Responsible Reviewing Agency:  
Undergraduate Academic Review  
Committee

Revised: December 2003

Revised: September 2008

Revised: May 2015

Faculty Coordinating Council  
General Faculty Organization

Revised: May 2022

Related documents:

5.2.19 Undergraduate Student  
Grade Appeal

4.1.6 Undergraduate Academic  
Review Committee Rules of the  
Faculty Organization

Appeals of Academic Evaluations  
University Student Code of Conduct

#### 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 prejudiced or capricious.

See also UNMC College of Nursing Policies: 4.1.6 Academic Review Committee and 5.2.19 Undergraduate Student Grade Appeal. Please note: A student looking at this procedure should also look at the full University Student Code of Conduct and Appeals of Academic Evaluations.

#### Procedure Definitions:

- **University Day:** Various deadlines are stated in days. The term "University Day" means a weekday during which the campus offices are open. Check the academic calendar on the campus website to determine the days during which the campus offices are closed.
- **E-mail Address of Record:** The "e-mail address of record." means the student's University assigned e-mail address. Because important notices may be sent to students by e-mail, it is extremely important that students make sure they check that email regularly. Delivery Receipt with University email is confirmation of the email being received and will be considered as the official date of delivery.
- **Undergraduate Academic Review Committee (UG-ARC):** a committee of 10 undergraduate faculty chosen by the general faculty to conduct all committee functions related to academic appeals.

- **Undergraduate Academic Review Committee (UG-ARC) Hearing Board:** is made up of 4 faculty drawn from a pool of 10 elected faculty from the UG-ARC. The UG-ARC Hearing Board also includes 1 student to create a 5-member committee.
- **Undergraduate Academic Review (UG-ARC) Chair:** A UG-ARC Chair will be chosen from the 10-undergraduate faculty of the committee at the fall biannual meeting. The UARC Chair will conduct all hearing board meetings but will not be a voting member of the UARC Hearing Board.

#### Procedure Steps:

1. Course Faculty/ Coordinator receives notice from the student immediately after receiving the grade alleged to be capricious or prejudiced, that the student wants to informally discuss the grade.
2. Faculty and student meet to discuss the grading with the student presenting the information regarding why the grading is believed to be capricious and or prejudiced.
  - a. If a satisfactory agreement cannot be made, the student may appeal in writing to the Undergraduate Academic Review Committee (UG-ARC) chair.
3. The student may request to meet informally to discuss the appeal with the program director in which the course is offered after meeting with the faculty member involved/course coordinator.
4. The student sends a written request to the UG-ARC Chair requesting an appeal. With this request,
  - a. The student is required to submit the written evidence to the UG-ARC Chair, no later than 10 University days after the challenged grade was posted or received
  - b. The student will be required to:
    - i. Formally request an academic appeal by the UG-ARC
    - ii. Provide written evidence with example utilizing one or both terms (prejudiced, capricious) to determine if there is just cause for the academic review/appeal.
      - a. This documentation must include basic demographics and a specific description of the faculty's behavior with specific example(s) of capricious and/or prejudiced behaviors
      - b. State a list of witnesses which are UNMC students or faculty.
      - c. The name of a faculty advisor the student has chosen (if a faculty advisor is chosen)
      - d. A request for additional time if needed.
      - e. A request to appear before the committee, if needed.
        - i. The student is also required in this written information to include a request to appear personally before the committee if the student wishes to do so and if a hearing is granted.
        - ii. Include any request for additional time if appropriate which must address consideration related to the start of the next semester.
- c. Upon receiving the student's request for appeal, the UG-ARC Chair will provide the student with an electronic link to the Academic and Professional Performance Policies section of the current UNMC Student Handbook via the student's UNMC email.
  - i. Delivery Receipt with University email will serve as confirmation that the student has received this information.
- d. The UG-ARC Chair receives the appeal request and chooses 4 subcommittee faculty members and 1 student member for the

UG-ARC Appeal Hearing Board. This UG-ARC Hearing Board is assigned to the specific student appeal.

- i. The UG-ARC Hearing Board will decide if the hearing will be held, or not, and have the choice to review information in closed session.
    - a. Faculty may appear if desired or called to testify, may present prior submitted evidence, and answer questions from the UG-ARC Hearing Board.
  - ii. When the UG-ARC Hearing Board determines a hearing is warranted:
    - a. The student will appear, if requested by the UG-ARC Hearing Board and if requested by the student.
    - b. The student faculty advisor may be present at the hearing but may not actually participate in the proceedings unless the UG-ARC chair specifically permits.
    - c. Faculty may appear if desired or called to testify, may present prior submitted evidence, and answer questions from the UG-ARC Hearing Board.
      1. Faculty may also refuse any listed items in 4 (d) b (iii).
    - d. The UG-ARC Hearing Board members may question witnesses.
      1. Witness must be UNMC students or faculty and a list must be provided to the UG-ARC Chair by the date set for submission of materials.
  - iii. The UG-ARC Hearing Board will determine a hearing will be held in the case of academic dismissal or suspension.
    - a. The Dean will be consulted in the case of academic dismissal or suspension
    - b. The student and faculty will appear in the case of academic dismissal or suspension
    - c. The student faculty advisor may be present at the hearing but may not actually participate in the proceedings unless the UG-ARC chair specifically permits.
      - i. Faculty called to testify, may present prior submitted evidence, and answer questions from the UG-ARC Hearing Board.
      - ii. The UG-ARC Hearing Board members may question witnesses.
        1. Witness must be UNMC students or faculty and a list must be provided to the UG-ARC Chair by the date set for submission of materials.
  - e. UG-ARC Hearing Board proceedings will be conducted as confidential proceedings.
    - i. At any time during the appeal process, the student will be entitled to examine the student's school file and any materials which were used in determining the challenged grade.
  - f. A majority vote of the UG-ARC Hearing Board will determine the appeal outcome.
  - g. The student requesting the academic appeal will receive a decision on the appeal and, if a hearing is held, the student will receive a digital copy of the hearing, which will be considered the official copy.
    - i. When there is a hearing, the student may record, at their own expense, any hearing or proceeding at which the student is present, but this will not be recognized as an official recording.
  - h. The UG-ARC Hearing Board Chair shall submit the report and conclusions of the appeal in writing to the Undergraduate Program Director within 5 days after determining the final decision.
    - i. The UG-ARC Chair will notify the student and the faculty. The Undergraduate Program Director will notify the Division Assistant Dean, the Associate Dean of Academic Programs, and the Dean.
5. UG-ARC Hearing Board may decide:
    - a. Deny the appeal due to not meeting criteria and can conclude the student's appeal is denied.
      - i. Determine there is no basis for the appeal and that the weight of the evidence that the grade/evaluation was capricious or prejudiced was not met. This outcome upholds the faculty issued grade/evaluation.
      - ii. If the UG-ARC Hearing Board determines if a hearing is not warranted, the UG-ARC Chair will follow notification process listed in 4 (h)
    - b. Agree to have the hearing without the student present and no witnesses allowed
      - i. The UG-ARC Hearing Board can meet in closed session to review all submitted confidential materials.
      - ii. The UG-ARC Hearing Board can conclude the student's appeal is not warranted and the grade issued stands.
      - iii. The UG-ARC Hearing Board can conclude that the student's appeal will be supported and request the grade/evaluation be supported and direct faculty to reinstate the grade.
      - iv. The UG-ARC Chair will follow the notification process listed in 4 (h).
    - c. Agree to have the hearing and have the student and witnesses present
      - i. The UG-ARC Appeals Hearing Board can conclude the student's appeal will be denied and the grade issued stands.
      - ii. The UG-ARC Hearing Board can conclude the student's appeal will be supported and request the grade/evaluation be supported and direct faculty to reinstate the grade.
      - iii. The UG-ARC Chair will follow the notification process listed in 4 (h).
  6. The student can appeal to the Dean of the College of Nursing if the academic appeal is denied.
  7. The faculty can appeal to the Dean of the College of nursing if the academic appeal is denied.
- Additional Procedural Details for the Hearing:**
1. The UG-ARC and UG-ARC Hearing Board must conduct the hearing in a manner that facilitates the presentation of relevant evidence and in accordance with the policies related to UNMC College of Nursing.
    - a. The UG-ARC committee is only required to vote to grant or dismiss the appeal.
  2. The UG-ARC Hearing Board has the discretion to allow the use of a question-and-answer format or allow a witness to make an oral statement about what the witness knows about the matter.
  3. The UG-ARC Hearing Board may then ask questions to clarify what the witness said or to elicit more detailed information.
  4. The UG-ARC Hearing Board has the discretion to question the witnesses directly or to require the parties to submit answers to questions asked by the UG-ARC Hearing Board.
  5. In exercising this discretion, the UG-ARC Hearing Board should consider all the relevant circumstances, including whether there is animosity between the Respondent and the witness, and whether direct questioning would be more efficient or would better enable the presentation of information.

- a. UG-ARC will consider and support faculty's academic freedom in relation to the course being taught.
- 6. The UG-ARC Hearing Board has the discretion to:
  - a. allow the identified parties to make opening statements, closing statements, or both, with reasonable time limits
  - b. The student has the right to be accompanied by a faculty advisor when the student meets with the UG-ARC Hearing Board; and
    - i. that the student may choose anyone as the advisor, including an attorney, but that the student is responsible for any fees that the advisor may charge.
    - ii. The student's advisor may provide guidance to the student but may not otherwise directly participate during the proceedings. The student's advisor may not speak on behalf of the student during the hearing and may not directly participate in any aspect of the hearing.
      - 1. Non-compliance with directions from the UG-ARC Hearing Board will result in the student's advisor being asked to leave the hearing.
  - c. allow witnesses to testify by videoconferencing technology
  - d. require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify
  - e. remind the student that there is one designated date that materials can be submitted to support that student's defense.
    - i. If such information was not reasonably previously known to the student prior to the deadline, that information may be forwarded to the UG-ARC Hearing Board, who shall decide the relevance and admissibility of that information.
    - ii. Prior to the decision the UG-ARC Hearing Board may consult the University regarding the relevance and admissibility of that information.
- 7. Within 5 University days of the conclusion of the hearing, the UG-ARC Hearing Board will determine whether the appeal has been sustained by the evidence.
- 8. The UG-ARC Hearing Chair will send a report and conclusions via university email with the final decision to:
  - a. The student.
  - b. The faculty member/course coordinator
  - c. The Undergraduate Program Director
  - d. The Division Assistant Dean
  - e. The Associate Dean of Academic Programs who will notify the Dean.
- 9. A verbatim recording of the hearing must be maintained and included in the report.
  - a. UG-ARC reports and information will be housed in Associate Dean's Office for a minimum of one year following the conclusion of the grade appeal or graduation, whichever occurs later.
  - b. Each report will be placed in the CON Student's File and on the student's transcript when required by policy.
- 10. The student will have 10 University days to respond to the UG-ARC Hearing Board's final decision via university email to the UG-ARC Chair.
  - a. If no written response from the student is received during this timeframe, the Appeals Hearing Board decision will be considered final.
  - b. If the student's written response is debating the decision of the UG-ARC Hearing Board, the student will be directed to the procedures to follow in the appeal to the Dean of the College of Nursing.
    - i. The Dean will review the record of the investigation and the facts to determine if the appeal procedure has been fair and thorough. The Dean may then either affirm the findings of the committee or direct the committee to conduct a reinvestigation or rehearing either in whole or in part.
    - ii. The decision of the Dean is final, and no further appeal may be made.
- c. If the Faculty involved in the appeal do not agree with the Appeals Hearing Board, then the faculty will be directed to the procedures to follow in an appeal to the Dean of the College of Nursing.
  - i. The Dean will review the record of the investigation and the facts to determine if the appeal procedure has been fair and thorough. The Dean may then either affirm the findings of the committee or direct the committee to conduct a reinvestigation or rehearing either in whole or in part.
  - ii. The decision of the Dean is final, and no further appeal may be made.