

# PROFESSIONAL GRADUATE NURSING PROGRAM ACADEMIC APPEALS PROCEDURE

## UNIVERSITY OF NEBRASKA MEDICAL CENTER COLLEGE OF NURSING

### Professional Graduate Nursing Program Academic Appeals Procedure

Section 5.0 - Appendices	Originating Date: May 2013
Responsible Reviewing Agency: Professional Graduate Nursing Affairs Committee	Revised: October 2014 Revised: May 2015 Revised: May 2016 Revised: March 2018 Revised: March 2023 Revised: June 2024
Related documents: Chapter 5 of the Bylaws of the Board of Regents 5.3.12 Professional Graduate Nursing Student Academic Appeals	

## Purpose

Under the provision in Bylaws of the Board of Regents, UNMC and College of Nursing (CON), students may appeal academic evaluations they believe are prejudiced or capricious. This appendix provides the procedure for these appeals.

## Scope

This applies to professional graduate students. The guidelines for appeals of academic evaluations shown below do not pertain to CON PhD students. The appropriate procedures are contained in the Graduate Studies Academic and Grade Appeals Policies and Procedures at the University of Nebraska Medical Center.

## Definitions

**University Day:** The term "University Day" means a weekday on which the campus offices are open. Check the academic calendar on the campus website to determine the days on which the campus offices are closed.

**Email Address of Record:** The term "Email Address of Record" means the student's University assigned email address. Because important notices may be sent to students by email, it is extremely important that students make sure they check that email regularly.

## Appeals of Academic Evaluations

### Informal Appeal

1. Immediately after receiving a grade or evaluation which a student believes is unfair, the student should discuss the matter directly with the faculty member involved. Faculty and students reserve the right to record any meeting that discusses these topics or have a third-party present to take notes regarding the meeting, with both parties having given consent and are aware of the recording. Factors such as misinterpretation of scoring, mathematical calculation, or other factors should be objectively discussed so that both faculty and

student conclude the discussion with an understanding of the nature of the issue at hand.

2. After meeting with a student regarding a grade or evaluation challenge, faculty maintain the right to retain or change an evaluation.
3. After the meeting, if the student believes that an evaluation has been rendered in a prejudiced or capricious manner, the student may discuss the concern with their faculty advisor, specialty coordinator or program director. The role of faculty advisor, specialty coordinator, or program director is one of neutral objective information sharing and consultation.
4. If no resolution is reached, the student will be referred to the Associate Dean for Academic Programs (ADAP).
5. If no resolution is reached in the meeting with the ADAP, the student will be counseled on the formal appeal procedure. The student may then seek a formal appeal of the evaluation.

### Formal Appeal

1. If the student chooses to seek a formal appeal, the student must submit an official written appeal to the chair of Professional Graduate Nursing Affairs (PGNA) and to the ADAP within 10 university days of receiving the evaluation.
  - The written appeal should provide an account of the facts pertinent to the awarding of the grade/evaluation and the reasons why the student believes the grade/evaluation is prejudiced or capricious.
  - The written appeal should be as specific as possible and should include a request to appear personally before the committee should the student wish to do so.
  - It is the student's responsibility to show by the weight of the evidence that the grade/evaluation was prejudiced or capricious.
2. Upon submission of the formal written appeal by the student, a faculty member from the CON will be assigned to the faculty member involved for the duration of the appeal process as a support person.
3. The ADAP, in consultation with the PGNA chair, will appoint an ad-hoc appeals committee. The ad-hoc appeals committee will comprise no fewer than 5 individuals: 1 appointed faculty chair, 2 faculty members and 2 student representatives. Two student representatives will be from a specialty area different from the student who is appealing. All members of the ad-hoc appeals committee will be equal voting members and will not have a conflict or competing interest in the outcome.
4. The hearing must be held within 10 university days after receiving the formal written appeal. The names of the hearing committee members must be provided to the student and faculty member at least 5 university days before the hearing so they can decide whether to challenge any of the members on grounds of lack of fairness or impartiality.
5. The ad-hoc appeal committee chair will request submission of materials pertaining to the appeal from both student and faculty member. Materials or witnesses that either the student or the faculty member intends to use in the formal hearing needs to be submitted to the ad-hoc committee within 5 university days of the request. This will be the only time materials and witness names can be submitted. The committee may also request additional clarification. These materials may include course grades, exam scores, clinical evaluations, etc. Both involved parties will have the opportunity to review the materials prior to the hearing.
6. The student may use any evidence deemed proper including affidavits, exhibits and oral testimony. If the student wishes to have

witnesses testify on their behalf, it is the student's responsibility to procure them. At any time during the appeal process, the student will be entitled to examine any materials which were used in determining the challenged grade or evaluation.

7. The student may be assisted by an advisor of their choice. The student must inform the committee chair of the advisor's name at least 24 hours before the hearing. The student advisor may assist the student in formulating the case, and they may be present at the hearing, but they may not actually participate in the proceedings unless the ad-hoc chair specifically permits.
8. The ad-hoc appeals committee chair will convene and record the hearing. Minutes will be kept of the proceedings.
9. It is the chair's responsibility to ensure that the hearing is conducted fairly. The chair will invite the involved parties to offer their testimony separately. The chair will determine the order of presentation and the relevancy of any evidence submitted and will direct the questioning of any witnesses.
10. The ad-hoc appeals committee members will determine if there was the existence of prejudiced and capricious behavior. The ad-hoc appeals committee chair will immediately notify the PGNA chair and ADAP of the appeal outcome, and within 2 university days submit a confidential report which describes the decision-making process and steps taken in the deliberation, including the outcome.
11. The ad-hoc appeals committee chair will communicate the appeal outcome to the involved student, faculty member, specialty coordinator and PGNA within 3 university days after the hearing.
12. If the evaluation is judged prejudiced or capricious by the ad-hoc appeals committee, the student's evaluation will be changed. If the student was dismissed or suspended only as a result of the challenged evaluation, the student will be reinstated and given reasonable opportunity to make up academic work missed.

### **Appeal of the Outcome**

1. If the evaluation has been judged to be fair and proper, the student may within 10 university days of receiving the ad-hoc committee's decision, submit a written appeal to the dean setting forth any reasons for challenging the decision of the committee.
2. If the faculty member disagrees with the ad-hoc appeals committee decision, the faculty member may within 10 university days of receiving the ad-hoc committee's decision, submit a written appeal to the dean setting forth any reasons for challenging the decision of the committee.
3. The dean will review the record of the investigation to determine if the appeal procedure has been fair and thorough. The dean may then either affirm the committee decision in whole, in part or not at all. The decision of the dean is final and no further appeal may be made.