

Academic Appeals Procedure

University Procedure #209

Section 1. Purpose

This Academic Appeals procedure provides an administrative, orderly process for appeals of decisions related to program and graduation requirements, grades, and academic integrity findings and sanctions. Prior to filing a formal appeal, students are encouraged to, first, work with faculty and other staff, as appropriate, to resolve their concerns.

The procedure does not include transfer appeals or registration appeals. Students seeking information about or assistance with such appeals should contact the ombudsperson

Section 2. Definitions

- **Academic Integrity Appeal:** appeals of sanctions applied through the processes outlined in University Policy 2190 and Procedure 219. See **Section 5** in the following procedure.
- **Arbitrary and Capricious:** A decision is arbitrary if it comes about seemingly at random or by chance or as a capricious and unreasonable act of will. It is capricious if it is the product of a sudden, impulsive and seemingly unmotivated notion or action.
- **Degree/Graduation Requirement Appeal:** appeals related to the requirements under University Policy 2020, including minimum credit requirements and the Racial Issues Graduation Requirement. See **Section 6** in the following procedure.
- **Grade/Evaluation Appeal:** include disputes about both the grading/evaluation of assignments and the final grade/evaluation for a course or non-classroom-based learning opportunity, such as an internship or independent study. See **Section 4** in the following procedure.
- **Informal Appeal / Informal Step:** when a student seeks a remedy from an instructor, sometimes with the facilitation of a department chair, dean, or similarly situated colleague.
- **Major/Program Requirement Appeal:** appeals related to general education (University Policy 2010) or requirements for a major, minor, or certificate based on the student's catalog year. Program requirements

are understood to include program admissions requirements, if any exist.
See **Section 6** of the following procedure.

- **Ombudsperson / Office:** a designated employee who works with students, faculty, and staff to achieve resolution or complaints or appeals.

Section 3: Appeals Committee and General Procedures

The university shall establish and maintain an Academic Appeals Committee to carry out parts of this procedure by weighing evidence and making a recommendation to the provost. Members shall recuse themselves from hearing appeals in which they have a conflict of interest.

A. Committee Membership and Appointments

Appointments to the committee shall be made or rescinded by the provost following recommendations or consultations by the constituencies indicated below.

Resident faculty and processional advisor appointments to the committee shall normally be for three (3) academic years. Three-year terms shall be staggered to the best extent possible in order to create continuity in the committee.

1. One student and alternates named by the Student Senate or its successors. Multiple students may serve as alternates with one vote on the committee.
2. One professional advisor, named by the academic advising department or its successors.
3. One resident faculty representative from each college/school and the library, named by the faculty association.
4. One liaison named by the office responsible for inquiries into allegations of bias, who shall serve as a non-voting consultant.

B. Committee Procedures

1. The committee shall be convened and chaired by a faculty member who is elected by the committee.
2. Records from committee meetings, including names of persons appearing, evidence that were examined, and actions and rationale, shall be kept in a confidential file in the Office of the Provost or its successors.

3. The committee shall meet regularly to resolve appeals or conduct other business. Meetings shall be held at least once a month during fall and spring semesters, and once during summer semesters, if needed. Terms and conditions for summer meetings shall comply with bargaining unit contracts. Additional meetings may be held, if needed, to conduct appeal hearings.
 4. The committee will make all reasonable accommodations to allow for student participation, including when determining schedule and modality.
 5. To hold an appeal hearing, a minimum number of three faculty who are appointed members of the committee must be present.
 6. The committee may call but not summon witnesses.
 7. It is not mandatory for the appellant student, the instructor of record, nor the appropriate department chair to attend the appeal hearing, although it is strongly recommended they do so. If they do attend the hearing, the appellant student and the faculty witness or representative shall appear separately.
 8. If a student chooses to attend their hearing, they may be accompanied by a person other than a witness. The person accompanying the student may provide support to the student, but is not considered a witness and, so, shall not provide testimony to the committee.
 9. Students are asked to not raise new charges at the committee hearings that are not included the written complaint. If a student makes a new allegation during the hearing, the committee will ensure that the instructor can respond to the new allegation before making its recommendation. The committee may refer specific allegations outside of its jurisdiction to other, appropriate university processes for resolving student complaints and grievances.
- **Decision Making.** Each type of appeal shall be resolved at the lowest possible level. Appeals shall be formally escalated only after the prior appeal level has been exhausted.

- 100 • **Further Appeals.** Appeal decisions are final and there is no formal appeal
101 process available beyond the final decision maker. Nothing in this
102 procedure shall be construed as forbidding a student from exercising
103 their basic rights to petition for a redress of their concerns outside of a
104 formal process.
- 105 • **Record Keeping and Assessment.** The ombudsperson shall keep a
106 record of the nature and outcome of formal appeals and report annually
107 to the provost on the number, nature, and outcomes of these appeals.
108 Such reporting shall include an analysis by student demographics and
109 protected populations. Reports shall be made available upon request to
110 the provost.
- 111 • **Pending Appeals.** A pending appeal may negatively affect a student's
112 graduation, academic standing, or financial aid. In such cases, members
113 of the university shall take all reasonable steps to expedite the appeals
114 process. Such impacts are not in themselves grounds for an appeal being
115 denied or approved.
- 116 • **Complex Appeals and Complaints of Bias.** An appeal may allege
117 multiple factors that may require referrals to other university processes in
118 addition to the review conducted by the Academic Appeals Committee.
119 One factor among others may be alleged bias against the student on the
120 basis of protected class. In such "complex" appeals, the allegations of bias
121 are referred to the university's regular processes for handling such
122 complaints. If the appeal can be decided in the student's favor based on
123 factors other than bias, the appeal shall be resolved independently of the
124 bias complaints process. If the appeal cannot be resolved until the
125 allegation of bias is resolved, then the appeal shall be placed in a pending
126 status until the bias complaint process concludes with a result reported
127 to the ombudsperson. The appeals committee determines whether to
128 resolve an appeal or place it in a pending status. An appeal in which the
129 only factor is an allegation of bias will necessarily enter a pending status
130 while the bias complaint is investigated.
- 131 • **Retaliation Prohibited.** Students, faculty, and other parties are expressly
132 prohibited from retaliation. Retaliation is prohibited against students who
133 file an appeal and parties who provide evidence in the student's favor or
134 otherwise support the student. Retaliation is prohibited against the
135 members of the appeals committee. Retaliation is prohibited against
136 decision makers. Students are prohibited from filing retaliatory appeals.

Retaliatory appeals may be referred to a student conduct process for review.

Section 4. Grade/Evaluation Appeals

- A. **Decision Making.** Informal grade/evaluation appeals are decided by the instructor of record. Instructors may consult with their department chair, dean, or other colleagues pursuant to resolving an informal appeal without initiating a formal appeal. Formal appeals are initiated by a student and shall be heard in the following order.
1. Department chair or designee, such as a Graduate Program Director or coordinator. Departments shall notify the appropriate dean's office of such designations, if any, on an annual basis.
 2. Dean or functional equivalent, such as an executive director
 3. Academic Appeals Committee or its successors
 4. Provost or equivalent senior academic officer.
- B. **Informal Appeals.** Students are encouraged to first attempt to resolve an appeal issue informally with the instructor. An instructor shall respond to a student's informal appeal within 14 calendar days of receipt of the appeal. The instructor may contact or be contacted by the department chair/designee, academic advisor, ombudsperson, or other colleagues in pursuit of a resolution. If the instructor has given no response to the student after 14 calendar days, the appeal is considered denied and the student may proceed to file a formal grade appeal. Students are not required to seek an informal resolution nor wait until 14 days have passed before filing a formal appeal.
- C. **Burden of proof for granting an appeal.** An instructor's grade shall not be changed during the appeals process unless there is clear and convincing proof that the evaluation had been arbitrary and/or capricious and was unfair to the student.
- D. **Fact Finding.** Each decision maker shall make a reasonable effort to hear from both sides of a dispute before rendering a decision. The appeals committee aids the provost in meeting this obligation.
- E. **Remedies.** A grade/evaluation appeal, if granted, may result in a change of grade and/or change of grading method. The result may be different than the student's requested remedy. Students may

continue the appeals process if they deem a partial or differential remedy insufficient.

- F. **Limitations and Restrictions.** Formal appeals must be initiated within 60 calendar days of the posting of grades or evaluations. During those 60 days, students have the right to, and are encouraged to, try to resolve the appeal informally. Students must abide by the rules for an appeal, including the use of required forms and adherence to posted deadlines. The university shall take proactive steps to ensure that students are apprised of their rights and obligations and that students receive support and guidance in exercising their rights.

G. **Written Notifications and Decisions**

At each step of a formal appeal, the decision maker shall provide a written decision, including rationale, to the appellant and instructor. Copies of written decisions shall be provided to the ombudsperson, for recordkeeping, and shall become part of the ongoing record of the appeal for the remainder of the appeals process.

H. **Formal Appeal Process**

- **Initiating a Formal Appeal.** To begin the formal appeal process, students must complete and submit an appeal form, available from the ombudsperson's office. The written appeal shall include both a description of the dispute, a requested resolution or remedy, and any evidence or reasons that the student believes support the appeal. The burden of proof rests with the student filing the appeal. If requested, the ombudsperson advises students in formulating and filing appeals.
- **Routing of Appeals and Need to Know.** Upon receipt of the appeal form, the ombudsperson forwards copies to the instructor, appropriate department chair, appropriate dean/executive director. The ombudsperson, decision makers, committee members, and all others involved in an appeals process shall take all reasonable steps to limit knowledge of the appeal on a need-to-know basis.
- **Department Chair/Designee.** The formal appeal is first reviewed by the appropriate department chair/designee, such as a Graduate Program Director or coordinator. If the chair does not respond to the ombudsperson within 14 calendar days of receiving the appeal form, the appeal is considered denied. If denied in this way, the

207 appeal is then forwarded by the ombudsperson to the appropriate
208 dean/executive director (and/or designee). If the chair/designee
209 hears the appeal and provides the student a written denial, the
210 student shall determine whether to continue the appeal process.

- 211 • **Dean/Designee.** The appropriate dean/executive director (and/or
212 designee) must notify the student and the ombudsperson in
213 writing of their decision within 14 calendar days of receiving the
214 notification. If the appeal is denied, the response shall provide a
215 rationale for the decision.
- 216 • **Committee.** Within 14 calendar days of receipt of the
217 dean's/executive director's decision, the student must notify the
218 ombudsperson in order to bring the appeal before the Academic
219 Appeals Committee. If the student does not communicate with the
220 committee via the ombudsperson within 14 calendar days, the
221 ombudsperson shall bring a summary of the case to the committee
222 for a decision whether to consider the case, without the student
223 being present, or to close the appeal.

224 The Academic Appeals Committee shall hear appeals in a timely
225 manner. Following the hearing, the committee forwards its
226 recommendation, in writing, to the provost within five (5) business
227 days of the hearing.

- 228 • **Provost.** Within fourteen (14) calendar days of receipt of the
229 committee's recommendation, the provost (or designee) notifies
230 the following individuals of their decision, in writing: the student,
231 ombudsperson, Academic Appeals Committee chair, appropriate
232 dean/executive director, and instructor of record. The provost may
233 provide any remedy allowed in this procedure. This is the final step
234 in the grade/evaluation appeal process.

235 **Section 5. Academic Integrity Appeal**

236 Refer to Metro State University Policy 2190 for a description of academic
237 integrity violations and sanctions. The follow section outlines the process by
238 which students may appeal an academic integrity finding or sanction after it
239 has been duly applied.

- 240 A. **Decision Making.** Formal appeals shall be heard in the following
241 order.

1. Academic Appeals Committee or its successors

2. Provost or equivalent senior academic officer

B. **Informal Appeals.** Because academic integrity processes are initiated with a formal report by the instructor, it is assumed that an informal appeal has already been made and denied. Refer to University Procedure 219 for guidance on informal steps (if any) in the academic integrity process.

C. **Grounds for granting an appeal.** Academic integrity findings and/or sanctions shall not be changed during the appeals process unless there is clear and convincing proof that the finding was insufficiently substantiated and/or the sanction had been arbitrary and/or capricious applied.

D. **Remedies.** If an academic integrity appeal is approved, remedies include the expungement of any sanctions and restoration of the student to a previous level of academic standing.

E. **Limitations and Restrictions.** The time limits and other parameters for academic integrity appeals are identical to the limits for grade/evaluation appeals in Section 4 of this procedure.

F. **Priority.** Academic Integrity Appeals for second-level and third-level violations are time sensitive. In scheduling its hearings, the Academic Appeal Committee may give such appeals priority over Grade/Evaluation Appeals when appropriate.

G. **Continued Participation.** While pursuing an Academic Integrity Appeal, the student may continue to attend classes in good standing, pending the resolution of the appeal process.

H. **Formal Appeal Process**

1. **Initiating a Formal Appeal.** To begin the formal appeal process, students must complete and submit an appeal form, available from the ombudsperson's office. The written appeal shall include both a description of the dispute, a requested resolution or remedy, and any evidence or reasons that the student believes support the appeal. The burden of proof rests with the student filing the appeal. If requested, the ombudsperson advises students in formulating and filing appeals.

2. **Routing of Appeals.** Upon receipt of the appeal form, the ombudsperson forwards copies to the instructor and appropriate department chair and appropriate dean/executive director. Persons involved in the appeals procedure shall take steps to ensure knowledge of the appeals and its documentation is limited on a need-to-know basis.
3. **Committee.** The Academic Appeals Committee shall hear appeals in a timely manner. Following the hearing, the committee forwards its recommendation, in writing, to the provost within five (5) calendar days of the hearing.
4. **Provost.** Within fourteen (14) calendar days of receipt of the committee's recommendation, the provost (or designee) notifies the following individuals of their decision, in writing: the student, ombudsperson, Academic Appeals Committee chair, appropriate dean/executive director, and instructor of record. The provost may provide any remedy allowed in this procedure. This is the final step in the formal Academic Integrity Appeals process.

Section 6. Appeals of Program and Graduation Requirements

- I. **Decision Making.** Program and graduation requirement appeals shall be heard in the following order. The Academic Appeal Committee does not participate in these kinds of appeals.
 1. Department chair or designee, such as a Graduate Program Director or coordinator. Department chairs/designees may decide program appeals and may make recommendations on graduation requirement appeals.
 2. Dean or functional equivalent, such as an executive director. Deans may decide appeals of both program and graduation requirements.
 3. Provost or equivalent senior academic officer. The provost serves as a second level of review when a dean/designee denies a graduation requirement appeal.
- J. **Formal and Informal Appeals.** Appeals may be sought using informal or formal processes as established by the relevant department and college/school. Outcomes of appeals shall be implemented using

formal communications, such as an Exception Form provided by the Records Office.

K. **Grounds for granting an appeal.** Program and graduate requirements should only be waived or modified when it is in the best academic interests of the student, does not compromise the integrity of the degree, and does not create an inequity for other students by creating an arbitrary or capricious environment.

L. **Remedies.** A program or graduation requirement appeal, if granted, may result in a waiver, exception, substitution or other modification of the underlying requirement. Such remedies are made on a case-by-case basis and do not become standard practices for all students. The results of an appeal may be different than the student's requested remedy. Students may continue the appeals process if they deem a partial or differential remedy insufficient.

M. **Limitations and Restrictions.** [reserved].

N. **Department and College Processes**

- **Access and Transparency.** Colleges/schools and their constituent departments shall take all reasonable steps to ensure that students know their rights and means to appeal program and graduation requirements.
- **Record Keeping and Assessment.** Colleges shall maintain a record of exceptions made to program and graduation requirements. Such records shall remain confidential and include student information sufficient to support an assessment for differential impacts by demographics or protected populations.

Section 7. Non-Discrimination

In compliance with MnSCU's Non-Discrimination in Employment and Education Policy, any student, faculty member or employee who knows of, receives information about or receives a complaint of discrimination or harassment is strongly encouraged to report the information or complaint to the designated officer of the Office of the Chancellor, college, or university. Members of the Academic Appeals committee shall refer allegations of conduct that they reasonably believe may constitute discrimination or harassment under Board Policy 1B.1 to the designated officer.

The Academic Appeals Committee may decide to continue or suspend the appeal hearing process while also referring such allegations, depending on the facts presented in the appeal.

Section 8. Promulgation of this Procedure

The office of the provost shall have the responsibility to disseminate this procedure. This procedure will be promulgated, at a minimum, in new student orientation, the university catalog, the student handbook, in a once-per-term article in the Catalyst (or its equivalent), on the university's web site, and in registration resources publications.

Section 9. Authority

The Academic Appeal procedure is established in accordance with Minnesota State Board Policy 3.8, System Procedure 3.8.1, Student Complaints and Grievances.

Section 10. Effective Date

The Academic Appeal Procedure becomes effective upon the signature of president and shall remain in effect until specifically revoked.

Section 11. Responsibility

The responsibility for implementation of the Academic Appeal procedure is assigned to the provost and vice president, academic affairs, or their designee.

Section 12. Review

This regulation will be subject to review every five years or as necessary.

Section 13. Signatures

Issued on 08/15/2024.

Virginia Arthur, President

Revised: n/a

Date and Subject of Amendments: n/a

Additional History and/or Revision Dates: Procedure 202, Academic Appeals, was originally created without a corresponding appeals policy. Procedure 202 was last updated in 2014 and has been replaced by Procedure 209.