

# ACADEMIC APPEALS

## Appeal of Grades in Graduate-Level Courses

An appeal of grades in graduate-level courses shall be made through the graduate student grade appeal procedures for the campus through which the grade was awarded. Students who believe their evaluation in a course has been prejudiced or capricious must first attempt to resolve the matter with the course instructor and then the department through which the course was offered.

The initiation of the appeal in writing by the student must be filed within six weeks following receipt of the grade from the Office of the University Registrar.

In cases where a grade lower than a "C" will result in dismissal from the graduate student's program, the dean for Graduate Studies will notify the graduate program committee chair and student that the student will be automatically dismissed from their graduate program. The student will have a two-week grace period from the date of the dismissal notification to the date of the request to the Registrar for dis-enrollment in all graduate coursework. This two-week period allows the student an opportunity to present his/her case informally to the course instructor and, if necessary, to the chair of the graduate program committee before being terminated from the program and disenrolled from courses. A student who has been dismissed from a graduate program and disenrolled from coursework is prohibited from taking graduate courses.

If the matter is not resolved, the student may file an appeal in writing to the campus dean for Graduate Studies, who shall inform the student of the grade appeal procedures approved by the graduate faculty or by their duly elected representative graduate council for that campus, and shall forward the appeal to the student-faculty committee or council that has been designated to hear graduate-level course grade appeals on that campus. Since awarding grades in courses occurs at the individual campus level, the decision of the campus committee or council designated to hear the case on behalf of the campus graduate faculty shall be final and is not subject to further appeal (Graduate College Policy Handbook 2011-2012).

## Grade Appeal Policy for UNO Graduate College Courses

### I. Overview

1. **Purpose.** A grade appeal policy seeks to articulate and protect both the rights of students to fair and impartial evaluation of their academic performance and the responsibilities of faculty members as those who determine student grades. A course grade assigned in a manner consistent with university policy can be changed only by the instructor. University administrators can direct a grade to be changed only when it is determined through the procedure established by this policy that the faculty member assigned the course grade in an arbitrary or capricious manner. An "arbitrary and capricious action" is an action taken without regard for the facts or circumstances of the appeal, without some basis which would lead a reasonable, informed, and honest person to the same conclusion.

Allegations that sexual harassment was the reason a final course grade was arbitrarily or capriciously assigned by the instructor must be addressed according to procedures set forth in the UNO Prohibited Discrimination policy (<https://www.unomaha.edu/office-of-equity-access-and-diversity/policies-plans-forms/ead-statement.php>) rather than from the following procedures.

2. **Faculty Responsibility.** It is a fundamental principle of higher education that faculty members are expected to:

- Exercise their professional judgment in evaluating student performance.
  - Specify in each of their courses at the beginning of the academic term:
    - Course requirements and expectations for academic performance; and
    - Procedures for evaluating performance (method(s) of evaluation and grading scales).
  - Communicate clearly to all students in the course any subsequent additions to or changes in these requirements, standards, and procedures.
  - Apply the specified grading criteria equitably to the academic performance of all students in the course regardless of their age, color, creed, disability, gender, national origin, race, religion, sexual orientation, or other personal characteristics.
  - Departing faculty must document their last semester's grades and leave a copy with their Graduate Program Chair. Documentation should include course syllabi and any other information distributed to their students concerning grading policies.
3. **Student Responsibility.** Students have the responsibility to know and adhere to the University policies and standards pertaining to them. As students willingly accept the benefits of membership in the University of Nebraska at Omaha (UNO) academic community, they are obligated to uphold and observe the principles and standards articulated in the UNO student code of conduct.

### II. Course Grades that Are Eligible for Appeal

1. **A grade appeal policy applies to final course grades.** Course grades which result from alleged violations of the Code of Student Academic Integrity may also be appealed under this policy.
2. A course grade is deemed to have been assigned in an arbitrary or capricious manner if, by a preponderance of the evidence, a student establishes that:
3. The course grade was based upon the student's age, color, creed, disability, gender, national origin, race, religion, sexual orientation, other personal characteristic, or for some other arbitrary or personal reason unrelated to the instructor's exercise of his or her professional academic judgment in the evaluation of the academic performance of the student; or
4. The course grade was assigned in a manner not consistent with the standards and procedures for evaluation established by the instructor, usually at the beginning of the course in the course outline, commonly called the course syllabus (a course outline is primarily the information provided by the instructor at the beginning of the course, and not necessarily the master syllabus generated by the department which may be applied to multiple offerings of a course in time or place), but supplemented on occasion during the semester in other written or oral communications directed to the class as a whole; or
5. The course grade assigned by the instructor was the result of a clear and material mistake in calculating or recording grades. Individual **elements** (e.g., assignments, tests, activities, projects) which contribute to a course grade are generally NOT subject to appeal or subsequent review during a grade appeals procedure. However, individual elements may be appealed under these procedures providing the following conditions are met:
  - The student presents compelling evidence that one or more individual **elements** were graded on arbitrary or capricious grounds (defined above);
  - Grounds can be established for determining a professionally sound grade for the appealed element(s); and
  - The ensuing grade for each appealed element would have resulted in a different course grade than that assigned by the faculty member.

### III. Grade Appeal Procedures

Each department or program will establish its own grade appeal procedures. These procedures must:

1. Articulate and protect both the rights of students for fair and impartial evaluation of their academic performance and the responsibilities of faculty members as those who determine student grades.
2. Include timelines.
3. Be made readily available to all students.
4. Be documented in the Office of Graduate Studies.

## Appeal of General Academic Matters Related to Student Programs

1. Graduate students holding admission with unclassified status in the Graduate College, admission with a master's objective or admission with a doctoral objective (but prior to the appointment of a doctoral dissertation committee) should appeal as follows:
  - a. The student should first submit the appeal to the student's faculty advisor.
  - b. If denied, the student may submit the appeal to the department/area graduate program committee that is administratively responsible for the student's graduate program.
  - c. If denied, student may submit the appeal to the graduate council for the campus administratively responsible for the student's graduate program. Normally, this is the final appeals body (for exceptions, see the last part of this section).
2. Graduate students holding admission with a doctoral objective in the Graduate College and for whom a doctoral dissertation committee has been appointed should appeal as follows:
  - a. The student should first submit the to the student's faculty advisor.
  - b. If denied, the student may submit the appeal to the student's supervisory committee.
  - c. If denied, the student may submit the appeal to the department/school graduate program committee that is administratively responsible for the student's graduate program.
  - d. If denied, the student may submit an appeal to the graduate council for the campus administratively responsible for the student's graduate program. Normally, this is the final appeals body (for exceptions, see the last part of this section).
3. When a student's graduate program consists of registrations essentially or entirely on one campus, the graduate council of the campus administratively responsible for the program will constitute the appeal board. When a student's graduate program includes substantial registrations on a campus other than the one administratively responsible for the program, three members of the graduate council for the other campus will be designated by the dean for Graduate Studies on that campus to augment the graduate council on the campus administratively responsible for the program. In this case, the augmented council will constitute the appeal board. The decision concerning augmentation of a campus graduate council for a specific appeal involving registrations on a campus other than the one administratively responsible for the student's program will be made by the deans for Graduate Studies on the campuses involved.
4. In all cases, appeals should be made in writing to the appropriate advisor, committee or council. In those cases where the appeal concerns graduate-level qualifying exams, comprehensive exams or final oral exams, the following deadlines must be observed.
  - a. It is the responsibility of the student to make reasonable efforts to ascertain the results of the examination within 30 days after its completion.
  - b. The student must file the initial appeal, in writing, within 30 days following the student's receipt of the evaluation results.

- c. In those cases involving an appeal of termination of program, the student must file an initiation of the appeal, in writing, within 30 days following the student's receipt of the official written notification by the Office of Graduate Studies.

## Graduate Student Academic Appeal Policy

### Introduction

This document outlines the UNO graduate council policies and procedures for student academic appeals in situations such as comprehensive exams, plagiarism, and reinstatements. For grade appeals, see the Grade Appeal Policy at the Graduate College Level for Graduate-Level Courses.

This document is divided into three sections:

1. Documentation from Student and Faculty Representative (or Department);
2. A description of the initial review of the appeal case by the graduate student academic appeals committee; and
3. Details of the operating guidelines for the UNO graduate council to follow in conducting a full appeal.

### 1.0 Documentation from Student and from Faculty Representative

#### 1.1 Student Documentation

The student shall provide documentation that proves the student's appeal.

In addition to the documentation deemed relevant by the student to prove the student's appeal and provided by the student, the student shall complete a single-page cover sheet for the appeal. That cover sheet shall be designed by the dean for Graduate Studies and provided to the student. On that cover sheet, in less than 2,000 characters (e.g., including spaces), the student shall specifically identify in three separate paragraphs:

1. the procedural error(s) being appealed;
2. the substantive error(s) being appealed; and
3. the remedy requested.

The student's appeal is not submitted until the dean for Graduate Studies determines that the student's cover sheet has been completed as required.

#### 1.2 Faculty Representative Documentation

The dean for Graduate Studies shall deliver the student's section 1.1 cover sheet, along with other notice of the student's appeal, to the decision maker whose decision is being appealed. The decision maker shall promptly notify the dean for Graduate Studies of the decision maker's appointment of a faculty representative.

Ordinarily the student's appeal is necessarily limited to an appeal of the decision of a single decision maker (e.g., graduate program committee). However, if the student is appealing decisions of more than one decision maker, then there might be more than one faculty representative. The faculty representative of a committee may be, but is not necessarily, a member of that committee. If no such notice of appointment is delivered to the dean for Graduate Studies, then the faculty representative of an individual decision maker shall be that individual, and for a committee the current chair of that committee.

The faculty representative shall provide documentation relevant to the student's appeal as defined in the student's section 1.1 cover sheet in a timely manner. After the student has submitted an appeal, and after the faculty representative has replied by providing relevant documentation, the dean for Graduate Studies shall review that documentation for completeness. Prior to the dean for Graduate Studies delivering that documentation to the graduate student academic appeals committee, the dean for Graduate Studies, in the interest of completeness, may request the faculty representative(s) to provide specific additional documentation that

the dean for Graduate Studies reasonably believes is readily available to the decision maker whose decision is being appealed.

## 2.0 Graduate Student Academic Appeals Committee

### 2.1 Function of the Committee

The dean for Graduate Studies shall appoint a committee which will review student academic appeals that are filed in Graduate Studies. The task of the graduate student academic appeals committee will be to determine whether the appeal merits a hearing by the graduate council.

### 2.2 Composition of the Committee

The dean for Graduate Studies shall appoint two faculty members from each of the two standing committees of the graduate council, and one of the student representatives on the graduate council, to serve on the committee. The duration of appointment to the committee shall be for one year. (In cases where a student from the home department of one of the members of the committee has initiated an appeal, the dean shall appoint a replacement for that committee member from the graduate council to hear that specific appeal. All other cases of potential conflict of interest shall be treated in a similar fashion).

### 2.3 Procedures for the Committee

The committee is charged with the responsibility of determining the merits of the student academic appeal, based on the letter of appeal and any other documentation requested and received by either the dean for Graduate Studies or the graduate student academic appeals committee. The committee shall vote on whether the appeal merits a hearing by the graduate council. Affirmative vote of the majority of the members is required to bring the appeal before the graduate council for a full hearing. The decision of the committee will be communicated to the Office of Graduate Studies for appropriate action.

## 3.0 UNO Graduate Council and Graduate Student Academic Appeals

### 3.1 Purpose and Limitation of Scope

The graduate council will hear only those appeals forwarded by the graduate student academic appeals committee. The purpose of the hearing shall be to decide the merit of a student's request for redress of the academic issue being appealed. The appealing student bears the burden of proof to prove: (1) by clear and convincing evidence that the faculty member's decision being appealed was prejudicial or capricious; and 2) by the preponderance of the evidence that the graduate program committee's decision being appealed was prejudicial or capricious.

### 3.2 Composition of the Council for Hearing Student Appeals

The full membership of the graduate council (quorum required) shall hear academic appeals of graduate students.

### 3.3 Possible Conflicts of Interest by Graduate Council Members

Graduate council members who feel a conflict of interest might result from their participation in an academic appeal hearing shall exercise the necessary professional steps to avoid influencing the vote of the council.

### 3.4 Timeliness of Council Decision

The graduate council shall hear appeals forwarded by the graduate student academic appeals committee at its next scheduled meeting unless a delay is approved.

### 3.5 Student and Faculty Freedom to Present Arguments

The student and the faculty representative shall have freedom to present their viewpoints, limited only to the requirement that facts and opinions presented shall pertain to the academic issue being appealed.

### 3.6 Guidelines for Hearing Procedures

The following shall be made known to persons present at the hearing:

The time: \_\_\_\_\_ The date: \_\_\_\_\_ The place: \_\_\_\_\_.

This hearing will be conducted in compliance with the UNO graduate student academic appeal policy. The student, \_\_\_\_\_, has filed an appeal in conformity with the policies of the graduate council pertaining to the findings of a graduate program committee. The graduate program committee or other designated committee consisted of Professor \_\_\_\_\_, Chair; and Professors \_\_\_\_\_ and \_\_\_\_\_ as members. That committee heard the appeal on \_\_\_\_\_ and denied the appeal. The student disagreed with the decision of the departmental appeals committee and continued the appeal process by submitting a letter detailing supporting reasons to the dean for later consideration by the graduate student academic appeals committee. That committee reviewed the student's request on \_\_\_\_\_ and, under conformity with its guidelines, has forwarded the student's appeal to the graduate council for action. The graduate council members present at this hearing have had an opportunity to review the documents provided by the person(s) involved. The agenda for the UNO graduate student academic appeal is:

Student's presentation: 10 minutes

Faculty Representative's presentation: 10 minutes

Council members' questions to Student and Faculty Representative: up to 20 minutes

Student's concluding remarks: 5 minutes

Faculty member's concluding remarks: 5 minutes

The participants of this appeal shall leave following the above hearing and the council will deliberate the issue(s) involved. The council's decision will be determined by secret ballot of those members who were present and voted. As soon as the votes are counted by the dean for Graduate Studies, the ballots shall be destroyed and the final decision announced to the council by the dean. In no case shall the number of votes cast on either side of the issue be disclosed.

### 3.7 Administration of the Council's Decision:

The dean for Graduate Studies shall provide the parties of an appeal a written statement of the graduate council's decision within three working days.

## Guidelines for the Appeals to the Executive Graduate Council

- There is no absolute right of appeal to the executive graduate council. The executive graduate council will accept appeals only in those cases where, in the exercise of its sole discretion, it shall first find that one or more of the following grounds for accepting the appeal exist:
  - The campus graduate council has violated some element of fair procedure (example: has failed to allow the parties concerned to present their cases fully to their campus graduate council).
  - That the campus graduate council has failed to examine or give adequate weight to important evidence relevant to one party's position.
  - The campus graduate council has given undue weight to evidence not pertinent to the case.
  - That some gross miscarriage of justice would be perpetrated if the decision of the campus graduate council is allowed to stand. A decision by the executive graduate council not to accept jurisdiction of an appeal shall be final and is not subject to further appeal.
- A student appeals to the executive graduate council must be made in writing and must specifically outline the grounds for appeal. Appeals must be made within 20 working days of the day on which the decision of the campus council is received (working days shall not include those days the university is not in session).

3. The executive graduate council must make a decision to hear the appeal or not to hear the appeal within 30 working days after receipt of the appeal. Acceptance or denial of jurisdiction over the appeal will be made in writing.
4. The decision of the executive graduate council on the merits of the case will be made and transmitted to the concerned parties within 40 working days after the decision to hear the appeal.
5. No person who was a member of the department or campus graduate council involved in the case will be eligible to participate in the decisions of the executive graduate council, either to decide whether the case should be heard or to decide the merits of the case. The dean for Graduate Studies may replace members of the executive graduate council not eligible for participation in the decision to hear the appeal or in the appeal itself.