

# STUDENT ACADEMIC APPEALS POLICY AND PROCEDURES

**Sponsor:** Office of Academic Affairs

**Contact:** Executive Director of University Student Services

**Category:** Academic

**Number:** 100.020 (<https://www.sunyempire.edu/policies/?search=cid%3D37972>)

**Effective Date:** April 1, 2002

**Implementation History:** April 2002

**Keywords:** Student, services, academic, appeals, outcomes, grievance, honesty

## Purpose

The purpose of the Student Academic Appeals Policy and Procedure is to provide equitable and orderly processes by which to request reconsideration of an academic decision.

## Definitions

**Appeal** – Petition to change a decision rendered about an academic matter. The basis for a student’s appeal of an academic decision may be either that the academic judgment was unfair in the view of the student or that the university’s academic policies were applied incorrectly in the view of the student.

**Academic Appeals and Honesty Committee (AAHC)** – A faculty committee convened to hear appeals. This committee shall consist of no fewer than three faculty members and no more than five. Each school establishes procedures for constituting an AAHC and for establishing a chair. If a member of the AAHC is a party to the appeal, a substitute is designated, if necessary, to bring the membership to a minimum.

**Business Days** – Monday through Friday excluding university holidays.

**Dean** – Refers to the dean of the student’s school/program or an academic administrator designated by the provost for the School of Undergraduate Studies. Collectively referred to as dean in this document.

**Faculty** – Mentors, instructors, evaluators and others who make academic decisions. Collectively referred to as faculty in this document.

**Unfairness** – A decision or behavior that is arbitrary or capricious.

## Statements

Students are responsible for reviewing and abiding by the university’s academic policies and procedures. Students are responsible for their academic choices and for meeting the standards of academic performance established for each study or course in which they enroll.

Faculty are responsible for establishing methods and criteria for evaluation and evaluating a student’s performance in learning contracts, courses, final projects, exams, prior learning assessments, etc. Evaluations of students, awards of academic credit and other academic judgments are based upon academic performance and the application of relevant academic policies.

Academic judgments made by faculty and other academic professionals are recorded in university documents, such as:

- Course outcomes, and grades;
- Evaluations of prior learning; and
- Written academic decisions made by assessment committees, Academic Review Committees, or other academic staff.

Students may appeal an academic decision if they believe that an academic judgement was unfair or that the university’s academic policies were not followed or were applied incorrectly. Both student and instructor or decision-maker involved in the appeal have a right to a meaningful opportunity to be heard and to respond to information and documentation presented.

Grades on individual assignments may not be appealed.

## Procedures for Appeals of Academic Decisions

The dean or designee for the program where an academic decision was made is responsible for administering the appeals process.

If the relevant administrator made the original academic decision while serving in the role of mentor, instructor, or evaluator, an appropriate administrator will be assigned to the administrative role in the appeals process.

The locus of appeal is with the program or academic unit where the original academic decision was made. For example, if a student enrolls in a Nursing course and appeals the course outcome, the appeal is reviewed by the School of Nursing and Allied Health. Questions about the appropriate locus of an appeal are resolved by the provost or designee.

The university appeals process includes an informal resolution procedure as well as a procedure for formal appeal of an academic decision. The university expects the student to attempt an informal resolution before making a formal appeal.

### 1. Procedure for Informal Resolution

The informal resolution process includes two possible steps:

- a. The student should discuss the matter directly with the party who made or represented the academic decision (instructor, mentor, assessment committee representative, assessment professional, etc.) and make a reasonable effort to resolve the issue. The student must begin such an informal resolution process within 20 business days of receiving the academic decision.
- b. If no resolution is reached through the first step, or if the student is uncomfortable trying to resolve the issue directly with the appropriate party, the student should request informal resolution by the relevant dean or associate dean. This step must occur within 30 business days of the student’s receipt of the original academic decision. The dean or associate dean does not play a decision-making role; rather, he or she facilitates a resolution when possible.

### 2. Procedure for Formal Appeal

- a. A student may initiate a formal appeal of an academic decision within 40 business days of receipt of the decision. The student submits a written appeal to the school’s dean or designee or program administrator and includes in it:
  - i. A full description of the academic decision and the basis for the student’s appeal for reconsideration,

- ii. A statement of the remedy the student is seeking,
  - iii. Any supporting documents, such as:
    - Learning contract/syllabus, and course outcomes and evaluations;
    - Evaluations of prior learning; and
    - Written academic decisions made by assessment committees, academic review committees, center or program administrators, or other academic staff.
  - iv. Information on when and with whom the student may have attempted any informal resolution.
- b. Initial Review
- i. Based on its initial review, the school's dean or designee may return an appeal to the student for further information or clarification. If the appeal is returned for further information or clarification, the student must submit the requested information or revision within 10 business days for the appeal to be heard.
  - ii. Upon review of the initial or resubmitted appeal, the dean or designee may determine that there is no claim of unfairness or incorrect application of college policies is made or information to support such a claim is not included and rejects the appeal and/or refers the student to more appropriate policies, copying the primary mentor/academic advisor.
  - iii. The dean or designee should convey a decision not to hear an appeal within five business days of receiving the initial or resubmitted appeal.
  - iv. If the appeal is accepted, the dean or designee transmits the appeal to the school's AAHC and provides a copy to any other relevant parties. The dean or designee should take these steps within five business days of receiving a complete appeal. He or she ensures that the AAHC review takes place in a timely manner.
- c. AAHC Hearing
- i. Each school will ensure a fair and timely hearing of the information and produce an accurate record of the hearing. AAHC consideration of the appeal focuses only on the student's claim of unfairness or incorrect application of university policies.
  - ii. The AAHC may obtain additional relevant information before or after a hearing.
  - iii. The AAHC should schedule a hearing within 20 business days of the acceptance of an appeal to consider information relevant to the appeal. A hearing may take the form of a meeting, conference call or videoconference, at the discretion of the AAHC.
  - iv. The chair of the AAHC ensures a fair and timely consideration of the information and provides an accurate record of the hearing to the dean or designee.
  - v. The student may participate in the hearing and present his or her case directly to the AAHC. Likewise, the faculty or staff member responsible for the original decision may also participate in the meeting and present relevant information. The student and the faculty/staff member meet separately with the committee.
  - vi. A student may have an advisor at the meeting; however, the advisor may not participate in the hearing.
- d. Following a hearing, the AAHC deliberates in closed session. Decisions are made by majority vote unless otherwise noted. The AAHC may:
- i. Uphold the original decision,
  - ii. Refer the decision back to the individual or committee making the original academic decision for reconsideration based upon AAHC findings regarding fairness and/or application of university policy, or
  - iii. Revise or overturn the original decision, which requires a unanimous vote by the AAHC.
  - iv. Refer to an appropriate content expert for evaluation, which require a unanimous vote by the AAHC. The AAHC should provide a written report to the dean within five business days of the hearing. The dean notifies the student of the decision, copying the primary mentor/academic advisor, and includes a brief explanation.
- e. Reconsideration by original decision-maker. If this is the outcome of the hearing, the dean refers the decision back for reconsideration, the individual or committee making the original decision reviews the situation and may either affirm the original decision or issue a new decision. The individual or committee should convey the result in writing to the student and other relevant parties within 20 business days of the referral.
- f. Appeal of an Academic Appeals and Honesty Committee decision. Decisions made by the AAHC may be appealed to the provost or designee.
- i. The student must submit any further appeal in writing to the provost within 20 business days of transmittal of an AAHC decision or a reconsideration decision, and must include an explanation or justification for the appeal.
  - ii. The provost or designee should notify the other relevant parties within seven days of receiving an appeal. Those parties normally provide any written response within 10 business days.
  - iii. The provost or designee should provide a written decision and rationale within seven days of receiving responses to the appeal. The written decision is conveyed to the student with copies to the other relevant parties.
  - iv. The provost's decision is final.
- g. A student's status does not change while an appeal is under consideration. If a student was dismissed, he or she remains dismissed. If he or she is in academic warning, the warning stands.

## Applicable Legislation and Regulations

- Federal Regulations: 4 CFR 602.16(a)(1)(ix) and 34 CFR 668.43(b)
- Middle States Compliance (<https://www.msche.org/resources/>)
- State Complaint Procedures (<http://www.highered.nysed.gov/ocue/spr/COMPLAINTFORMINFO.html>).

## Related References, Policies, Procedures, Forms and Appendices

Student Grievance Policy and Procedures (<http://catalog.esc.edu/undergraduate/academic-policies-procedures/student-grievance-policy-procedures/>)

Academic Honesty Policy and Procedures (<http://catalog.esc.edu/undergraduate/academic-policies-procedures/academic-honesty-policy-procedures/>)