

Colorado School of Public Health

Academic Grievance Policy and Procedures Approved by ColoradoSPH Faculty Council, April 13, 2010 Effective May 1, 2010

The Colorado School of Public Health (ColoradoSPH) recognizes that a student may have grievances about different aspects of his or her academic program. The ColoradoSPH is committed to addressing these grievances promptly and professionally through a formal and unbiased process in order to reach a fair resolution.

The policies stated herein apply to any student enrolled at the ColoradoSPH as related to faculty at the University of Colorado Anschutz Medical Campus, including administrators serving in their faculty role. This includes students from the partner institutions (Colorado State University (CSU) and University of Northern Colorado (UNC) who have a grievance related to a CU Anschutz faculty member. Academic grievances related to faculty at the partner institutions, even if brought by a CU Anschutz student, will follow the policies and procedures of the partner institution.

For student grievances experienced at the CSU or UNC campus, please contact the ColoradoSPH Associate Dean for Academic and Student Affairs for further assistance: Dr. Madiha Abdel-Maksoud Madiha.Abdel-Maksoud@cuanschutz.edu.

Grievances relating to administrative non-academic decisions are not included in these policies and procedures. Such grievances should be presented to the administrator for resolution or the administrator's direct supervisor if not resolved with the administrator.

Definition of Terms

Student Rights

All ColoradoSPH Students have the right to:

1. competent instruction;
2. access to instructors outside of class during a specified set of office hours or by appointment.
3. clearly understand the grading system by which he or she will be judged, and expect that the grading system as determined by the instructor will be adhered to for the duration of the course;
4. be treated with respect and equality;
5. be treated fairly according to standards stated within the student bulletin and the course syllabus.

Student Ethics and Conduct Code

Teachers and learners have expectations of performance and a responsibility to act in a manner conducive to promoting a positive learning environment. Therefore, all members of the school will conduct themselves according to the ColoradoSPH Academic Honor and Conduct Code.

The Colorado School of Public Health is committed to ensuring a professional and collegial

environment for training public health professionals throughout the State of Colorado. Each member of the faculty and staff, each postgraduate trainee, and each student must foster professional and personal behaviors based on mutual trust, respect, and responsibility. All are expected to respect the dignity and diverse backgrounds, personalities, and the learning needs of individuals in all aspects of their professional training. Excellence is intrinsic to a learning environment when everyone works in harmony.

Academic Grievance

An academic grievance, herein referred to as AG, is a dispute that arises between a student(s) and a member(s) of the UCD faculty, or between a student and a UCD dissertation or thesis committee member(s), or between a student and UCD members of a comprehensive exam committee where the student feels a decision was unfair, unjust, unethical or in violation of his or her rights.

An AG is most likely to relate to: disputes over grades; classroom treatment; course requirements (such as changes in course requirements during the delivery of the course); graduation and/or degree program requirements; ethics and conduct; comprehensive exam, thesis or dissertation committee composition; and advisor decisions. If a student believes there are other types of issues that might fall into the category of an AG, he/she is encouraged to discuss this with the Associate Dean for Academic and Student Affairs.

Grievance Hearing Committee

At the beginning of each academic year, each UCD department and each partner institution will be asked to identify a faculty member to serve on the Grievance Committee, seven (7) in all, and the Student Council will be asked to identify four (4) students (two from UCD and one each from CSU and UNC) who would be willing to serve as members on the Grievance Hearing Committee if needed.

In this document, the Associate Dean refers to the Associate Dean for Academic and Student Affairs. Should the grievance be against the Associate Dean for Academic and Student Affairs or should the Associate Dean for Academic and Student Affairs be a party in the AG, the Associate Dean for Faculty will assume the role of Associate Dean in the processes detailed below.

When the need for a hearing is imminent, the Associate Dean will select three (3) faculty members and two (2) students for the Hearing Committee from the faculty and students who are willing to serve on the Hearing Committee. Selected members will be given the opportunity to recuse themselves if there is any perceived conflict of interest such as being involved in the alleged incident or having any relationship with the student that could be perceived as a conflict. The Associate Dean will make the determination of the validity of a conflict of interest. If there is a perceived or real conflict of interest, the Associate Dean will select a replacement(s).

The chairperson of the Hearing Committee shall be one of the three (3) faculty members, selected by the Committee, and will only vote in situations where there is a tie. A majority of the committee constitutes a quorum; a minimum of two (2) faculty members and one (1) student must be present for the hearing and for discussions of recommendations.

Recommendations of the Committee shall be reached based on a simple majority vote. The primary focus of this Committee is to examine grievance and appeals claims, to hear testimony, and to

make recommendations to the Associate Dean, as appropriate. Guidelines for the use of the Committee as well as any training needs related to procedures, actions, and consequences will be provided by the Associate Dean.

Potential Outcomes of a Grievance Procedure

The Committee shall make a recommendation based on all available evidence and testimony presented at a formal hearing. Recommendations may come in many forms and may include, but not be limited to, changing a grade, recommending the student re-take a class in whole or in part, recommending that a grade stand, or recommending that a thesis or dissertation committee member be removed. These are recommendations to be made by the Hearing Committee, not final decisions related to the disposition of the grievance.

Formal Grievance Process

The following formal process has been outlined so any student with a grievance will know what steps to take, and in what order.

Step 1 Because the filing of an AG is considered a serious matter, the student is strongly encouraged to seek informal resolution first by discussing the matter with the faculty member or administrator involved. The student and faculty/administrator should document the date, time, and outcome of the meeting for future reference.

If the student feels he or she needs assistance in discussing or resolving the issue, a University of Colorado Denver Ombudsperson is available to help students facilitate a resolution related to any type of grievance. That office can be reached at 303.724.2950. Additional information about the Ombuds Office can be found on their website: www.uchsc.edu/ombuds.

Step 2 The student should contact the Chair of the Department to which the faculty member belongs. The Chair and the student will work together to resolve the grievance informally. At their election, the Associate Dean may be asked to facilitate these conversations. The student might seek guidance from the Associate Dean in this step. The Associate Dean will act as a mediator between the student and faculty member to help resolve any miscommunications between the parties.

Step 3 If an informal resolution cannot be reached, the Associate Dean will meet with the student to determine if the AG is one that can be legitimately pursued through the official grievance process.

Step 4 If the Associate Dean and the student agree to move forward, the Hearing Committee must be constituted within 30 days of indication from the student or the chair that the AD cannot be resolved at the department level.

Step 5 A report will be prepared by the Associate Dean to include a personal statement from the individual filing the grievance or appeal outlining the grievance or appeal, the date(s) of the alleged incident, and all supporting documentation and evidence. This letter will be sent to the faculty member with whom the AG has occurred.

Step 6 Hearing Committee members shall be contacted to schedule a hearing. All Committee members shall commit to being present on the agreed date and time.

Step 7 One week in advance of the hearing, all hearing committee members will be informed in writing of the Hearing Committee composition, the AD's written report, any other evidence and testimony to be presented, and the resolutions each party believes to be acceptable.

Step 8 On the date of the hearing, each party will be privately and separately interviewed by the Hearing Committee. At that time, any additional information, documentation and testimony regarding the grievance can be introduced. All testimony will be audio recorded for accuracy. The recording will be destroyed at resolution of the grievance.

The Associate Dean, or his/her designee, shall be present at the hearing. The Associate Dean will not have voting power, but will oversee the hearing to ensure procedures are followed, proceedings are conducted with respect for all parties, and that all parties are satisfied that their testimony was presented.

Step 9 All testimony and documentation will be strictly confidential. This confidentiality will be waived only if the grievance hearing results in legal action to the extent that grievance testimony and documentation need to be available to the court.

All parties shall be advised that no hearing participant should use any information from the hearing in any way to affect future interactions among the parties.

Step 10 The Committee will send a formal written recommendation to the Associate Dean of the ColoradoSPH within five (5) working days. The Associate Dean will make a formal recommendation to the Dean based on all of the evidence and testimony within five (5) working days of receipt of the Committee's recommendation.

Step 11 The Dean's decision will be considered final and binding by all parties.

Step 12 Upon acceptance of the formal decision by the Dean of the ColoradoSPH, the Associate Dean will be notified and will inform all relevant parties of the decision.

It is the intent of the ColoradoSPH that all individuals associated with the ColoradoSPH have the right to bring grievances to the appropriate School officials and that they be granted full opportunity to be heard, treated with respect, and due process as they seek redress of their grievances.

Additional Grievance-Related Topics, Policies and Resources

Grievances related to Colorado School of Public Health Honor Code Violations can be directed the Associate Dean for Academic and Student Affairs.

If a student has a grievance about an issue related to **any** of the following, please see the policies and contact information below for more assistance:

Title IX: Discrimination and Sexual Misconduct, Intimate Partner Violence, and Stalking Grievances

Non-Discrimination

The ColoradoSPH and [University of Colorado Non-Discrimination Policy](#) prohibits discrimination on the basis of race, color, national origin, sex, age, disability, pregnancy, creed, religion, sexual orientation, veteran status, gender identity, gender expression, political philosophy or political affiliation in admission and access to, and treatment and employment in, its educational programs and activities.

Sexual Misconduct, Intimate Partner Violence, and Stalking

The ColoradoSPH and University of Colorado [Sexual Misconduct, Intimate Partner Violence, and Stalking Policy](#) prohibits conduct including sexual assault, dating violence, domestic violence, Title IX stalking, sexual exploitation, Title IX harassment, hostile environment, Title IX quid pro quo sexual harassment, and quid pro quo sexual harassment. Please visit the [Office of Equity](#) for more information on sexual misconduct, intimate partner violence and stalking.

ColoradoSPH Partner Campus Title IX Offices and Contact Information:

Incidents of discrimination, sexual misconduct, intimate partner violence, and stalking should be reported to the **Title IX office of the university where the incident occurred**. Incidents involving microaggressions or incidents that may not otherwise rise to the level of a policy violation, may also be reported to the appropriate university Title IX office listed below. Please refer to the CU Anschutz campus Office of Equity website for a self-learning guide about [microaggressions](#).

If you have any questions on clarity related to the reporting of incidents, please contact the **ColoradoSPH Title IX Liaison**, Dr. Danielle (Dani) Brittain, PhD. You can reach Dr. Brittain at Danielle.Brittain@cuanschutz.edu.

CU Anschutz Campus: On the CU Anschutz campus, please contact the [Office of Equity](#). The Office of Equity staff, including the University's Title IX Coordinator, may be reached at (303) 315-2567 or equity@ucdenver.edu.

Colorado State University Campus: On the Colorado State University campus, please contact the [Office of Title IX Programs and Gender Equity](#). The Office of Title IX Programs and Gender Equity staff may be reached at (970) 491-1715 or through email by reaching out to one of the listed [Title IX coordinators](#).

University of Northern Colorado Campus: On the University of Northern Colorado campus, please contact the [Office Institutional Equity and Compliance](#). The Office Institutional Equity and Compliance staff may be reached at (970) 351-4899 or titleix@unco.edu.

Disability Resources and Services Grievances

Accommodations for Disabilities: Virtual and In-Class

The University of Colorado Anschutz Medical Campus is committed to providing equitable access to our programs for students with disabilities (e.g., psychological, attentional, learning, chronic health, sensory, and physical).

To engage in a confidential conversation about the process for requesting reasonable accommodations in the classroom and clinical settings please contact The Office of Disability, Access, and Inclusion at: disabilityaccess@cuanschutz.edu or begin the process via the [website](#). Accommodations are not provided retroactively, therefore, students are encouraged to begin this process early.

Accommodation Appeal Process

The Director of ODAI (or their designee) automatically reconsiders all accommodation request denials. These decisions are documented in the student's file and made available to the student. However, students are entitled to appeal ODAI's decisions regarding their disability eligibility and any denial of accommodation beyond the Director's review in accordance with the below process.

If you believe that ODAI has denied you a reasonable accommodation, you may appeal ODAI's decision to the [Office of Equity](#) as possible disability discrimination. There are multiple ways to report your appeal to the Office of Equity. You may use their [online reporting form](#). You may also call the Office of Equity at (303) 315-2567. You may send an email to equity@ucdenver.edu. Once you file your appeal with the Office of Equity, they will follow their office [procedures](#) in determining how to handle your report.

ODAI Grievance Procedure

Throughout the ODAI process, students can expect to be treated with respect, receive timely responses, and have their concerns addressed privately to the greatest degree possible. In the event that you feel you have been mistreated by ODAI staff, you may [file a grievance](#) with the Associate Vice Chancellor for Student Affairs (AVC).

Ombuds Office

The [Ombuds Office](#) is a **safe**, confidential, and **nonbiased** resource that members of the University of Colorado Denver | Anschutz can approach to discuss, voice, and clarify any university-related concerns. This office is a neutral third-party resource that is available to hear individual complaints and help sort out and **identify options** for resolving those concerns.

The Ombuds Office is well-trained in listening, facilitating, recommending, mediating, and coaching. Each individual on the Ombuds team is a member of the International Ombudsman Association and are **Certified Organizational Ombudsman Practitioners**.

The Ombuds Office offers trainings and seminars for groups and departments to help learn communication skills, conflict management, and effective team building.

I.5 Academic Integrity Policy and Academic Misconduct *(new section added June 21, 2011)*

I.5.1 Instructor Responsibilities Regarding the Academic Integrity Policy

Course instructors¹ and departments shall work to enhance a culture of academic integrity at the University (see the *Colorado State University General Catalog* for the Academic Integrity Policy).

- a. Each course instructor shall state clearly in their course syllabus that the course will adhere to the [Academic Integrity Policy of the Colorado State University General Catalog](#) and the [Student Conduct Code](#). The TILT Academic Integrity website provides examples of possible wordings for the course syllabus.
- b. By the end of the second week of the course and/or in the course syllabus, the course instructor shall address academic integrity as it applies to their course components, such as homework, written assignments, lab work, group projects, quizzes, and exams. Examples of items to address include, but are not limited to, the use of class notes, study sheets, and solution manuals; appropriate uses of sources, Internet or otherwise; receiving assistance from others; and the use of prior work. More examples are available in the General Catalog section on Academic Integrity and on the TILT Academic Integrity website.
- c. The course instructor shall decide which course components will use an honor pledge. For those course components, the course instructor shall provide the opportunity for students to sign an affirmative honor pledge. The honor pledge shall include one of the following statements and may be expanded according to instructor, department, or college practices and policies:
 - HONOR PLEDGE: I have not given, received, or used any unauthorized assistance.
 - HONOR PLEDGE: I will not give, receive, or use any unauthorized assistance.
 - Examples of other wordings, including the Honor Pledge endorsed by the Associated Students of Colorado State University, may be found on the TILT Academic Integrity website.

A course instructor may offer the student the opportunity to write out the pledge if deemed practicable. Students may be given the opportunity to include an honor pledge along with electronic submissions of their work.

A student's decision to forego signing the honor pledge shall not be used as evidence of academic misconduct and shall not negatively impact a student's grade.

- a. Instructors shall adhere to the following procedures when they allege that academic misconduct has occurred:
 - If a course instructor has information that a student has engaged in academic misconduct in their course, prior to assigning any academic penalty, the course instructor shall notify the student of the concern and make an appointment with the student to discuss the concern. The student shall be given the opportunity to give their position on the matter. After being given this opportunity, if the student admits to engaging in academic misconduct, or if the course instructor judges that the information supports the allegation of academic misconduct, the course instructor may then assign an academic penalty. The course instructor may choose to refer the case to [Student Conduct Services in the Student Resolution Center](#) for a hearing before deciding on a penalty. The course instructor shall notify the student in writing of the infraction and the academic penalty to be imposed. A copy of this notification shall be sent to Student Conduct Services. Examples of academic penalties include assigning a reduced grade for the work, assigning a failing grade in the course, removing the Repeat/Repair option for that course, or other lesser penalty as the course instructor deems appropriate.

- If, after making reasonable efforts, the course instructor is unable to contact the student or is unable to collect all relevant information before final course grades are assigned, they shall assign an interim grade of Incomplete and notify the student in writing of the reason for this action.
- If evidence of academic misconduct is discovered after the final course grades have been submitted, the course instructor shall follow the above procedure in properly notifying the student and providing an opportunity for the student to give their position on the matter before making a decision about any academic penalty. The course instructor must notify the student in writing of the infraction and any academic penalty subsequently imposed. A copy of this notification shall be sent to Student Conduct Services.
- If the course instructor so requests Student Conduct Services will conduct a hearing to determine if the Student Conduct Code has been violated. If the Hearing Officer determines that a violation has occurred, they may impose sanctions in addition to the grading penalty.

I.5.2 Student Response

If a student disputes a decision of a course instructor regarding alleged academic misconduct, they may request a Hearing with [Student Conduct Services](#). The request must be submitted no later than thirty (30) calendar days after the first day of classes of the next regular semester following the date that the grade for the course was initially recorded or subsequently revised. If no appeal is filed within this time period, the decision of the course instructor shall be final.

I.5.3 Hearings

If a Hearing is conducted by Student Conduct Services, in order for there to be a finding that a student has engaged in prohibited conduct, the information must demonstrate that it is more likely than not a violation occurred (also known as preponderance of information).

The hearing shall be conducted by a a Hearing Officer assigned by the Director of the Student Resolution Center (or the Director's designee). The Hearing Officer shall give the student the opportunity to respond to the allegation made by the course instructor, and they shall give the course instructor the opportunity to respond to claims made by the student. The Hearing Officer shall make one of the following two (2) decisions:

1. The allegation of academic misconduct is supported by a preponderance of the information.
 - In this case, the Hearing Officer may impose sanctions for violations of the Student Conduct Code. The Hearing Officer and the course instructor shall confer regarding appropriate sanctions. The course instructor shall make the final decision regarding academic penalties, which may include, among other options, a reduced grade for the course and/or removal of the Repeat/Repair option, and they shall inform the student of that academic penalty. The Hearing Officer shall make the final determination regarding disciplinary sanctions, which will take into account the severity of the incident, its impact on others, and the student's previous conduct record, and they shall inform the student of those sanctions.
2. The Hearing Officer chooses to forward the case to an Academic Misconduct Review Committee for additional review prior to a resolution being determined.
 - Prior to forwarding the case to an Academic Misconduct Review Committee, the Hearing Officer shall inform the course instructor and the student of their concerns related to the allegations, and the course instructor and the student shall each be given a chance to respond to the Hearing Officer regarding these concerns.
 - In this case, an Academic Misconduct Review Committee consisting of three members shall be selected from the members of the pool described in Section I.4. These members shall be selected by the Chair of the pool, and they shall consist of two faculty members and one student. The Chair may or may not be one of the two faculty members. Student Conduct

Services shall provide the Academic Misconduct Review Committee with the case file (including all information received by the Hearing Officer) and a summary of any concerns.

- After consideration of the case, the members of the Academic Misconduct Review Committee shall make a recommendation to the Director of the Student Resolution Center (or the Director's designee), who will then make a determination regarding whether or not a preponderance of the information supports the allegation of academic misconduct.
- If the determination is that the allegation of academic misconduct is not supported by a preponderance of the information, then the course instructor shall determine a grade based on the student's academic performance without consideration of the charge of academic misconduct and change any previously assigned grade accordingly.
- If the determination is that the allegation of academic misconduct is supported by a preponderance of the information, then the Director of the Student Resolution Center (or the Director's designee) and the course instructor shall confer regarding appropriate sanctions. The course instructor shall make the final decision regarding academic penalties, which may include, among other options, a reduced grade for the course or removal of the Repeat/Repair option. The Director of the Student Resolution Center (or the Director's designee) shall make the final determination regarding disciplinary sanctions.

I.5.4 Student Appeal

If the student disagrees with the findings of the hearing, they may file an appeal. This is done by following the procedures in the [Student Conduct Code for an appeal](#) of a disciplinary decision. If an Appeal Committee is formed, it will consist of two faculty members and one student from the pool described in Section I.4, excluding any members of this pool who have already served on an Academic Misconduct Review Committee for this case.

I.5.5 Transcript Notation for Academic Misconduct

In the case of a serious infraction or repeat offense of academic misconduct that is upheld through a Hearing, the Hearing Officer and the course instructor shall decide whether the student's transcript shall be marked with a notation of "AM," which shall be explained on the student's transcript as a "finding of Academic Misconduct." A notation of "AM" shall be made on the student's transcript only if both the Hearing Officer and the course instructor agree that this penalty should be imposed. Grades marked on the student's transcript with the designation "AM" shall not be eligible for the Repeat/Repair option.

I.5.6 Records

Information regarding incidents of academic misconduct is kept on file with Student Conduct Services. No further action is initiated unless the incident constitutes a serious infraction, the student has a prior record of University infractions, or there are subsequent reports of misconduct.

UNC Graduate Student [Academic Appeal Procedure – Board Policy Manual](#)

- [UNC Graduate Student Handbook](#)
 - [UNC Graduate Student Academic Appeal Procedure – Board Policy Manual](#)

2-1-201 Purpose.

The purpose of the Academic Appeals Process (“AAP”) described below is to provide a means for appealing and resolving disputes concerning an “Academic Decision” (defined as a final course grade or the termination of a student’s program) that the affected student considers “arbitrary,” “capricious,” or a “violation of University policy.” These terms are defined as follows:

- (1) arbitrary: disparate treatment of persons in essentially identical circumstances;
- (2) capricious: no discernible relationship between the act or decision complained of and the legitimate interests or considerations affecting or motivating such act or decision; and
- (3) violation of University policy: misinterpretations, misapplications, or violations of authorized University policies.

In the AAP, the student, faculty member, Department, School or Program Area Committee may be referred to severally or collectively as the “parties” and any one of them may be referred to as a “party.”

“Working Days,” as used in this University Regulations, means all days other than (a) those designated as “university holiday,” “university closed” or “spring break” on the UNC Calendar maintained on the University website, (b) the days following the last day of classes of the fall semester and prior to the first day of classes of the spring semester, (c) the days following the last day of classes of the spring semester and prior to the first day of classes of the fall semester of the following academic year, and (d) Saturdays and Sundays.

2-1-202 Relationship to Other Appeals Procedures.

The AAP shall be used by students to appeal actions taken according to standards or practices that are specific to a course, discipline, program, department, school,

or college. The AAP may not be used to appeal decisions pursuant to the University's Student Code of Conduct.

2-1-203 Rights and Responsibilities.

- (1) **Informal Communication with Faculty Member, Department, School or Program Area Committee.** Prior to submitting an appeal under the AAP, the student is encouraged to discuss the Academic Decision with which they disagree in an informal communication with the faculty member and/or the Department, School or Program Area Committee (collectively "DSPAC") who made the Academic Decision.
- (2) **Initiation and Maintenance of Formal Appeal by the Student.** If the student is not satisfied with the outcome of the informal communication and they want to initiate the AAP, they must do so in writing with the faculty member or appropriate DSPAC Chair/Director, as the case may be. It is the responsibility of the student to initiate the formal appeals procedure in writing at each level described in the AAP. If the student fails to initiate or maintain their appeal as required by this policy, the Academic Decision with which the student disagrees shall be final and not subject to further appeal.
- (3) **Written Submission Under the AAP.** All written submissions under the AAP must be submitted to the required recipients to their University email addresses.
- (4) **Student's Right to Academic Counsel.** At any time during the AAP, the student is encouraged to ask questions they have about the AAP to their academic advisor, the appropriate DSPAC Chair/Director, the Dean of their College, the Graduate Dean/AVP of Undergraduate Studies, and/or the Dean of Students. The student may also designate one person (who has not served on a prior academic appeal board regarding the student) to serve as their academic counsel. The academic counsel functions as the student's advisor through the appeals process and, as such, shall provide the following assistance:
 - (a) help guide the student through the AAP including but not limited to discussing whether the decision being appealed was arbitrary, capricious or a violation of University policy; and
 - (b) except for a Preliminary Review pursuant to 2-1-204(5), be present at all required conferences and the hearing before the Hearing Panel (2- 1-208).

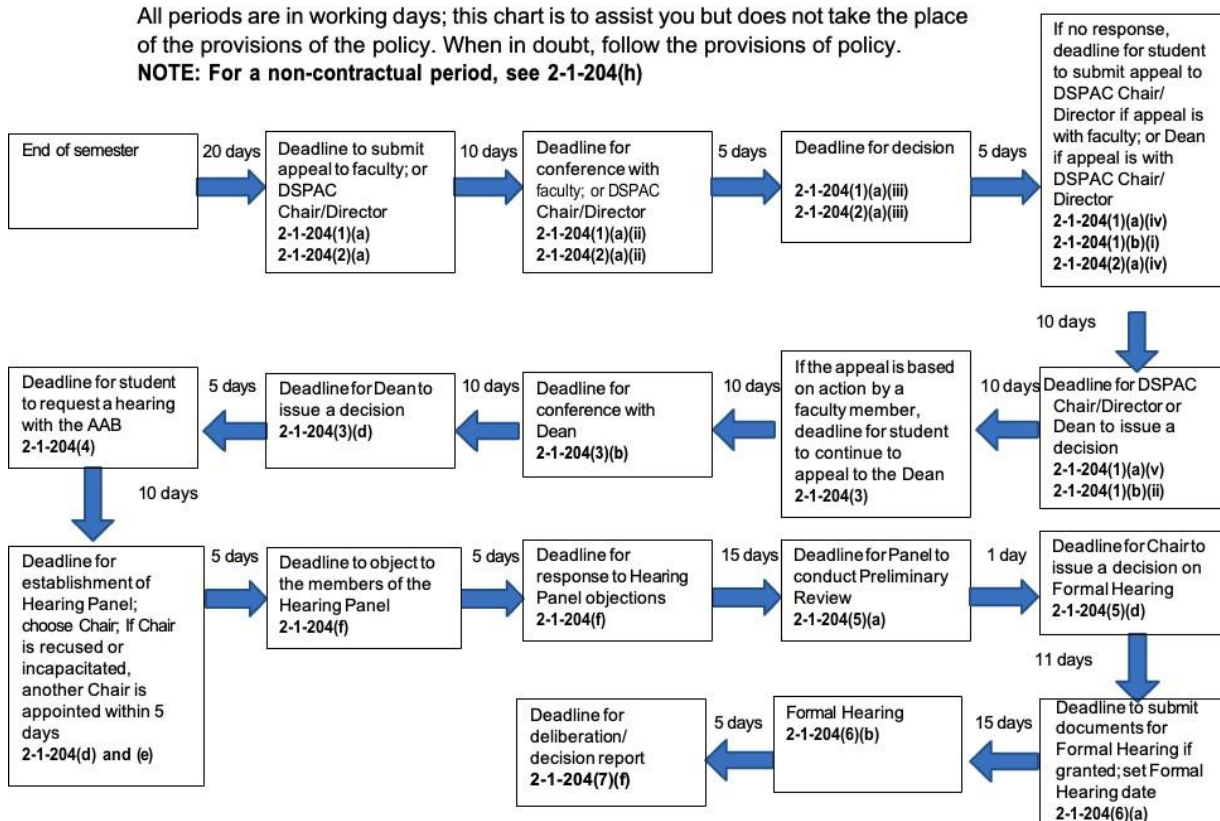
- (5) **Faculty Member's or DSPAC's Right to Academic Counsel.** The faculty member or DSPAC may each designate one person (who has not served on a prior academic appeal board regarding the student) to serve as their respective academic counsel. The academic counsel functions as the faculty member's advisor through the appeals process and, as such, shall:
- (a) help guide them through the AAP including but not limited to discussing whether the decision being appealed was arbitrary, capricious or in violation of University policy; and
 - (b) except for a Preliminary Review pursuant to 2-1-204(5), be present at all required conferences and the hearing before the Hearing Panel (2- 1-208).
- (6) **Extension of Deadlines.** At any stage of the AAP, any party may request an extension of any deadline described in this policy by submitting, prior to the deadline, a written request to the individual or body involved in that phase of the appeal process. Any deadline under this policy may be shortened or extended in order to prevent manifest injustice to one or more of the parties or other participants as determined by the individual or body to whom the request is made. The individual or body to whom such a request is made must act on it no later than five (5) working days after receipt of the request.
- (7) **Provision of Evidence.** The respective parties are responsible for providing the evidence on which they intend to rely at each stage of the AAP. Evidence submitted, and any oral and written arguments, should be directed to the issue of whether the action being appealed is arbitrary, capricious, or a violation of University policy. Copies of all physical evidence presented at each stage of the AAP shall be retained by the individual or body who shall issue a decision in that stage of the AAP. Such evidence and the written decision shall be provided to the individual or body in the next step of the AAP should the student choose to proceed.
- (8) **Grade Changes During AAP.** During the AAP, grade changes can only be made:
- (a) by the faculty member who issued the original grade, provided that the faculty member is still employed by UNC;
 - (b) by the DSPAC Chair/Director to which the faculty member who issued the original grade was assigned, only if the faculty member is no longer employed by UNC; or
 - (c) by the Registrar, as a result of the Hearing Panel's decision as described in 2-1- 204(6)(k) and, in such case, the grade change must be

consistent with the Hearing Panel's decision.

2-1-204 Steps for Appeal.

All periods are in working days; this chart is to assist you but does not take the place of the provisions of the policy. When in doubt, follow the provisions of policy.

NOTE: For a non-contractual period, see 2-1-204(h)



2-1-204(1) Appeal Based on Action by a Faculty Member.

(a) **Initiation of Appeal Based on Action by a Faculty Member.** No later than twenty (20) working days after the day grades are due at the end of the semester or session in which the academic action occurred, the student shall submit their written appeal to the faculty member.

- (i) The written appeal shall describe how the Academic Decision is arbitrary, capricious, or a violation of University policy.
- (ii) The faculty member shall schedule a conference with the student within ten (10) working days after the faculty member's receipt of the appeal. At the conference, the student and faculty member shall discuss the student's written appeal. If a resolution of the appeal is reached as a result of the conference, then the student and faculty member shall prepare a written document that describes the terms of the resolution, shall sign the document

confirming the resolution achieved, and shall take all actions necessary to implement the resolution. When the resolution document is signed, no further appeal proceedings under the AAP will occur.

- (iii) If the conference does not result in a resolution of the matter, no later than five (5) working days after the conference, the faculty member shall issue a written decision on the student's appeal. The decision shall state whether the Academic Decision was arbitrary, capricious, or a violation of university policy and the reasons for the determination.
- (iv) If the faculty member does not issue a decision within five (5) working days after the conference, the student may submit their appeal to the DSPAC Chair/Director no later than ten (10) working days after the conference. If the student does not do so, the appeal shall be considered withdrawn and the Academic Decision which was the subject of the AAP shall be final and not subject to further appeal.
- (v) If the DSPAC Chair/Director is from a discipline other than that of the faculty member whose action is appealed, the DSPAC Chair/Director may designate a faculty member from the relevant program area to consider the appeal. The DSPAC Chair/Director, or their designee may request information from and discuss the appeal with the faculty member whose Academic Decision has been appealed. The DSPAC Chair/Director shall have ten (10) working days from the date the student submits the appeal to issue a written decision as described in subsection (iii), above.
- (vi) If the faculty member whose Academic Decision is being appealed is also the Department Chair or School Director, the student shall begin the appeal process as in 2-1-204(3) by requesting a conference with the Dean of the faculty member's college.

(b) Conference with the Department Chair, School Director, or Program Area Committee Chair. If the student does not believe that the faculty member's decision described in 2-1-204(1)(a)(iii), above, has resolved the appeal, or a decision is not issued within the time required in 2-1-204(1)(a)(iv), above, the student may request a conference with the faculty member's DSPAC Chair/Director Chair.

- (i) Within five (5) working days, the student shall submit to the DSPAC Chair/Director their appeal referenced in 2-1-204(1)(a), as well as

the decision, if any issued by the faculty member. The DSPAC Chair/Director shall confer with the faculty member whose Academic Decision is being appealed. The DSPAC Chair/Director may affirm or reverse the faculty member's decision or may recommend a resolution to the parties for their consideration.

- (ii) The DSPAC Chair/Director shall issue a written decision to the parties within ten (10) working days from the date the student submits their appeal as described in 2-1-204(1)(b)(i), above. The decision shall state whether the Academic Decision was arbitrary, capricious, or a violation of University policy and the reasons for the determination.

2-1-204(2) Appeal Based on Academic Decision by DSPAC.

- (a) **Initiation of Appeal Based on Action by a DSPAC.** No later than twenty (20) working days after the day grades are due at the end of the semester or session in which the Academic Decision occurred, the student shall submit their written appeal to the DSPAC Chair/Director.

- (i) The written appeal shall describe how the DSPAC's Academic Decision is arbitrary, capricious, or a violation of University policy.
- (ii) The DSPAC Chair/Director, as the case may be, shall set a conference with the student within ten (10) working days after the receipt of the appeal. At the conference, the student and the other party shall discuss the student's written appeal. If a resolution of the appeal is reached as a result of the conference, then the student and the other party shall prepare a written document that describes the terms of the resolution, shall sign the document confirming the resolution achieved and shall take all actions necessary to implement the resolution. When the resolution document is signed, no further appeal proceedings under the AAP will occur.
- (iii) If the conference does not result in a resolution of the matter, no later than five (5) working days after the conference, the DSPAC Chair/Director, as the case may be, shall issue a written decision on the student's appeal. The decision shall state whether the Academic Decision was arbitrary, capricious, or a violation of University policy and the reasons for such determination.
- (iv) If a written decision is not issued within five (5) working days after the conference, the student may submit their appeal to the College

Dean or Dean of the Graduate School, as the case may be, no later than ten (10) working days after the conference. If the student does not do so, the appeal shall be considered withdrawn and the action which was the subject of the AAP shall be final and not subject to further appeal.

2-1-204(3) Conference with the College Dean or the Dean of the Graduate School. If the student does not believe that the decision referenced in 2-1-204(1)(b)(ii) or (2)(a)(iv), above, has resolved the appeal, then the student may request a conference with the appropriate Dean no later than ten (10) working days after the decision of the DSPAC Chair/Director. An undergraduate student should request a conference with the Dean of the College in which the program of study is housed and a graduate student should request a conference with the Dean of the Graduate School, or their respective designee.

- (a) Within the period stated in 2-1-204(3), above, the student shall submit to the appropriate Dean their appeal referenced in 2-1-204(1)(a) or (2)(a), above, as well as the decision, if any, issued by the other party. In this submission, the student shall also describe how the decision previously issued did not resolve the appeal satisfactorily. If the student does not do so, the appeal shall be considered withdrawn and the action that was the subject of the appeal shall be final and not subject to further appeal.
- (b) The appropriate Dean shall set a conference with the student that shall occur no later than ten (10) working days from the student's submission described in 2-1-204(3)(a), above.
- (c) The Dean shall confer with the party whose decision is being appealed.
- (d) The Dean shall issue their decision within ten (10) working days of the conference referenced in 2-1-204(3)(a), above, and submit their decision to all parties involved in the appeal. The decision shall state whether the Academic Decision was arbitrary, capricious, or violated university policy and the reasons for such determination.

2-1-204(4) Request for Academic Appeals Board Hearing. If the student is dissatisfied with the outcome of the appeal review, they may submit a request to the Chair of the Academic Appeals Board (AAB) for a formal hearing. The request for a hearing before the AAB must be submitted within five (5) working days after the Dean's decision is issued as described in 2-1-204(3)(d), above.

- (a) The AAB Hearing Panel shall be comprised of:
- (i) In the case of an appeal submitted by an undergraduate student, five (5) faculty members appointed by the Faculty Senate and five (5) undergraduate students appointed by the Student Senate;
 - (ii) In the case of an appeal submitted by a graduate student, five (5) members of the Graduate Faculty appointed by the Graduate Council (at least two (2) of whom shall have doctoral research endorsement status) and five (5) graduate students appointed by the GSA;
 - (iii) And, in either case, a Chair, who shall be appointed by the Chief Academic Officer/Provost (“CAO”) and confirmed by majority vote of each of the Faculty Senate and Student Senate.
- (b) AAB members shall serve one-year terms and may be reappointed. The Chair shall serve a two- year term and may be reappointed, and re- approved by Faculty Senate/Student Senate. In appointing members to the AAB, the Faculty Senate, Graduate Council, Student Senate, and GSA shall strive for maximum diversity in terms of college representation and, in the case of faculty, rank.
- (c) Appointments shall be made by the end of the spring semester. If the Faculty Senate or Student Senate does not make appointments in a timely manner, the CAO shall make temporary faculty or undergraduate student appointments to the AAB as appropriate. If the GSA does not make appointments in a timely manner, the Dean of the Graduate School shall make temporary graduate student appointments as appropriate.
- (d) In the event of the Chair’s recusal or incapacity, the CAO, from the membership of the AAB, shall appoint a new Chair within five (5) working days.
- (e) Within ten (10) working days of receipt of the student’s request for a formal hearing, the Hearing Panel shall be established by the Chair. All members of the Hearing Panel present at the hearing shall be voting members. The Chair shall forward the names of those selected to the student and the student’s College Dean.
- (f) Within five (5) working days after notification of the membership of the Hearing Panel, either party may submit a written objection to the selection of any Hearing Panel member to the Chair. Objections may be made only on the basis of alleged conflict of interest of the member. Within five (5) working days after submission of any objection(s), the Chair shall either replace the member(s) to whom an objection has been submitted or retain the member(s) and refer the question of conflict of interest to the CAO. The CAO may uphold the Chair’s decision or require replacement(s) for any of the member(s) about whom objection has been submitted. The CAO’s decision is final.
- (g) In the event the Chair must replace any Hearing Panel member because of an objection or a member's recusal or incapacity, the Chair shall request that a replacement be chosen by the group who appointed that member.

- (h) The appropriate Dean shall determine, in their sole discretion, whether AAB Hearing Panel proceedings shall be held during a non-contractual period. If it is determined that Hearing Panel proceedings shall not be held during a non-contractual period, such proceedings shall occur during the next semester. If it is determined that Hearing Panel proceedings shall be held during a non-contractual period, the appropriate Dean shall appoint an ad hoc chair of the Hearing Panel. The faculty members of the Hearing Panel must be approved by the Executive Committee of the Faculty Senate. The student members of the Hearing Panel must be approved by the Student Senate President or GSA President. If the ad hoc Chair cannot establish a Hearing Panel during a non-contractual period, the Panel shall be established within the first five (5) working days of the next semester. If the ad hoc Chair can establish a Hearing Panel during a non-contractual period, the Hearing Panel proceedings shall be scheduled no later than seven (7) calendar days prior to the end of the non-contractual period. With respect to any Hearing Panel proceedings held during a non-contractual period, the time periods in 2-1-204(5), (6), and (7) that are calculated in working days are modified such that for every five (5) working days, seven (7) calendar days are allotted. (Examples: fifteen (15) working days become twenty-one (21) calendar days; eleven (11) working days become fifteen (15) calendar days).

2-1-204(5) Preliminary Review of Student's Request for Formal Hearing.

- (a) No later than fifteen (15) working days after the deadline for filing objections to the Hearing Panel members, or after the date on which any objections are resolved, whichever occurs later, the Hearing Panel shall meet to conduct a Preliminary Review of the student's request for a formal hearing. The Preliminary Review meeting shall occur in closed session. No persons other than the Chair and the Hearing Panel members shall be allowed to attend.
- (b) The Chair shall request written statements, that may include supporting documentation, from the parties in support of their respective positions and shall set a deadline for the submission of such written statements. The Chair shall forward promptly to each member of the Hearing Panel the written statements received.
- (c) A quorum for purposes of the Preliminary Review shall consist of the Chair, at least three (3) faculty members and at least three (3) student members of the Hearing Panel.
- (d) At the Preliminary Review, the Hearing Panel shall decide whether there is prima facie evidence that the Academic Decision that is the subject of the appeal was arbitrary, capricious, or a violation of University policy. If three (3) or more members of the Hearing Panel believe that prima facie evidence exists that the Academic Decision was arbitrary, capricious, or a violation of University policy, the student's appeal shall proceed to formal hearing. If not, the matter shall not proceed to formal hearing, the student's appeal shall be dismissed, and no further proceedings under the AAP shall occur. The decision of the Hearing Panel is final and not subject to further review. The Chair shall

inform the parties of the Hearing Panel's decision pursuant to 2-1-203(3) no later than one (1) working day after the decision is made.

2-1-204(6) Preparations for the Formal Hearing.

- (a) If the Hearing Panel decides pursuant to 2-1-204(5)(d) that the student's appeal shall proceed to formal hearing, within eleven (11) working days after such decision, each party shall submit the following to the Chair and to all other parties:
 - (i) All documents and other materials that the party may seek to introduce at the formal hearing; and
 - (ii) The name, address and contact information (email and phone) of each person who the party may call as a witness at the formal hearing, together with a description of the subject matter to which the witness is expected to testify.
- (b) The Chair shall set the date, time, and place of the formal hearing, and shall make a good faith effort to set the formal hearing in a manner that accommodates the schedules of all parties. The formal hearing shall occur no later than fifteen (15) working days after the items described in subsection (a), above, have been submitted by the parties within the required deadline. No materials may be submitted after the deadline stated in subsection (a) above.

2-1-204(7) Hearing Procedure.

- (a) **General Matters.** The Chair shall preside over the formal hearing. Each party shall have the opportunity to present testimony of witnesses and to submit documents. The Chair shall conduct the formal hearing in a manner that allows for the orderly presentation of testimony and documents, but is not required to follow rules of evidence and procedure utilized in a court of law. For the protection of the parties, the formal hearing shall occur in closed session and, with the exception of the presence of non-party witnesses during their testimony, no one other than the Chair, the Hearing Panel, the parties, and the parties' respective Academic Counsel (who may not be called as a witness in the formal hearing) shall be present. The information presented at the formal hearing shall not be provided to third persons except to the extent required to effectuate the decision of the Hearing Panel. The parties may be assisted and/or advised by Academic Counsel, but the parties shall be the only persons who shall present their respective positions and arguments, and question witnesses before the Hearing Panel. The Chair shall make reasonable efforts to notify all persons identified by each party as potential witnesses and to arrange for the appearance of such witnesses at the formal hearing. If the appearance of a witness is not possible, the Chair may allow, in their discretion, such witness to provide a written statement of matters relevant to the appeal.
- (b) **Quorum.** A quorum for purposes of the formal hearing shall consist of the Chair, at least three (3) faculty members and at least three (3) student members of the Hearing Panel.

- (c) **Record.** A record of the proceeding shall be made and consists of an audio recording of the formal hearing, all documents presented, and the Hearing Panel's written decision pursuant to 2-1-204(7)(g).
- (d) **Burden of Proof.** The burden of proving that the Academic Decision was arbitrary, capricious, or a violation of University policy is on the student. The Hearing Panel may consider all evidence, regardless of who presents the evidence, in determining whether the burden of proof has been met.
- (e) **Formal Hearing Protocol.**
- (i) The Chair shall call the formal hearing to order, identify the issues and parties involved and give an overview of the hearing process.
 - (ii) An opening statement may be made by each party.
 - (iii) The Chair shall moderate the presentation of witness testimony in a manner that facilitates the receipt of relevant evidence of which the witness has first-hand knowledge or other indicia of reliability. Each party may call any witness identified by any party and may ask relevant questions of any witness called to testify.
 - (iv) The Chair shall moderate the introduction of documents and other materials into the record in a manner that facilitates the introduction of relevant evidence that demonstrates their authenticity.
 - (v) The Chair may adjourn the formal hearing for a reasonable period of time, if required, to complete the introduction of relevant evidence. Once the Hearing Panel has determined that all relevant evidence of the parties has been presented, the Chair shall close the formal hearing.
- (f) **Deliberation and Decision.** Within five (5) working days of the closure of the formal hearing, the Hearing Panel shall deliberate and decide whether, by a preponderance of the evidence, the Academic Decision that the student has appealed was arbitrary, capricious, or a violation of University policy. The decision of the Hearing Panel must be one to which at least two-thirds of the Hearing Panel agrees.
- (g) **Preparation of Written Decision of the Hearing Panel.** The members of the Hearing Panel shall assist the Chair in the preparation of a written decision that contains findings of relevant facts that support the decision of the Hearing Panel. The written decision shall also contain separate statements of each conclusion decided by the Hearing Panel based upon its findings. The written decision shall not disclose opinions or conclusions of individual Hearing Panel members. The written decision, once final, shall be distributed by the Chair to the parties, the DSPAC, the appropriate Dean, and the CAO no later than one (1) calendar day following its preparation.
- (i) In appeals involving a final grade, if the Hearing Panel's decision is that a final grade change should be made, the Chair shall contact the faculty member regarding the decision about the specific final grade change recommended by the Hearing Panel. If the faculty

member does not agree with the Hearing Panel's recommendation, the Chair shall provide the written decision to the DSPAC for its determination of the final grade change consistent with the written decision of the Hearing Panel. Such determination to be made no later than five (5) working days following its receipt of the written decision. The final grade change of the DSPAC shall be submitted to the Registrar for entry of the final grade.

- (ii) In appeals involving program termination, if the Hearing Panel's decision is that the student's program not be terminated, the decision shall be communicated to the DSPAC, who shall take all actions necessary to reinstate the student's program. The Hearing Panel's decision may also include recommendations, if any, about remedial actions as part of the reinstatement of the student's program. In their discretion, the CAO shall consider any remedial recommendations and may implement such remedial actions as they deem reasonable and appropriate.

Disposition of Records. After the Hearing Panel's written decision is distributed to the parties, the DSPAC, the appropriate Dean, and the CAO, the Chair shall forward all records of the formal hearing to the CAO. Except when required by a valid subpoena issued by a court of competent jurisdiction, access to the records of the formal hearing shall be confined to authorized University personnel, who require access in connection with the performance of their duties.