



POLICIES

Effective Date:

January 1, 2019

Retired:

Revised:

Approved by:

Maria F. Lima, Ph.D., Dean School of Graduate Studies and Research

Subject: Academic Appeals PA Program

PURPOSE:

To ensure that PA students have a fair process to appeal an academic and/or professionalism assessment that may adversely impact a student's progression in the program.

POLICY STATEMENT:

The responsibility for academic evaluation of students rests with the faculty. Academic appeals pertain to: (1) appeals of an academic evaluation related to a course; (2) appeals under the student professionalism policy; and (3) program related decisions.

The sole basis for an appeal of any of the above decisions is an alleged prejudiced or capricious evaluation by the instructor(s) or evaluator(s). The burden of proof shall be upon the student, who must establish by a preponderance of the evidence that the evaluation or decision was capricious or prejudiced. A student may not appeal an action taken simply because he/she does not agree with it.

The meetings associated with this process are closed to the public. The student may seek counsel but the student must present his or her case without legal representation present.

The dean's decision is final and may not be appealed.

The student may continue with enrolled courses in progress while the appeal is in progress. The student may not enroll or start new courses until the final decision of the appeal by the dean has been made. This is to protect the student from incurring unnecessary educational expense and the likelihood of having to repay distributed financial aid.

DEFINITIONS:

Capricious: defined as not logical or reasonable, impulsive, or unpredictable.

Prejudice: defined as resulting from or have a bias against.

Preponderance of the Evidence: defined as a fact more likely than not. This shall be

Effective Date:

January 1, 2019

Subject: Academic Appeals PA Program

the standard of proof used in all appeal proceedings.

PROCEDURE:

Appeals of an academic evaluation related to a course:

A. Conference with the instructor. The student shall set forth his or her allegation of a prejudiced or capricious evaluation in a written statement that details the circumstances giving rise to the allegation and provides the statement to the instructor. A conference between the student and the instructor shall be held in an attempt to resolve the matter according to the following timeline. The instructor shall deny any appeal that does not meet this deadline unless the student is on an approved leave of absence.

1. **Timeline:** If the evaluation is made known during the term, the student must provide the written statement to the instructor and must attempt to resolve differences no later than 5 College business days after the evaluation decision was made available to the student. In the cases of end of term evaluations, the student must provide the written statement to the instructor and must attempt to resolve differences no later than 5 College business days after the first day of classes start the following term.

B. Conference with the Program Director. If the dispute is not resolved to the satisfaction of the student after the conference with the instructor, he or she must attempt to resolve the matter with the program director (in those instances in which the complaint is against the program director as the instructor, the complaint shall be referred to the dean.) The student must request a meeting with the program director within 5 College business days of the student's meeting with the instructor. The program director shall deny any appeal that does not meet this deadline unless the student is on an approved leave of absence. The program director must be given a copy of the detailed written statement provided to the instructor pursuant to subsection (A) above and the detailed written response to the statement by the instructor.

The program director will: (1) meet with student and consider the information contained in the detailed written statement provided by the student and the detailed written response to the statement by the instructor; (2) remind the student that the responsibility for academic evaluation rests with the faculty; (3) explain that the appeal must be based on an articulated prejudiced or capricious action of the faculty member; (4) confer with the instructor, if deemed necessary; and (5) advise the student about the academic appeals process and procedures should there be no resolution and the student decides to appeal to the dean. The program

Effective Date:

January 1, 2019

Subject: Academic Appeals PA Program

director should make no statement regarding whether the matter should be appealed to the dean nor discuss how the dean would likely respond.

- C. If the dispute is not resolved to the satisfaction of the student after the conference with the program director, he or she must attempt to resolve the matter with the dean (in those instances in which the complaint is against the dean as the instructor, references to the “dean” shall refer to the president.) The student must request a meeting with the dean within 5 College business days of the student’s meeting with the program director. The dean shall deny any appeal that does not meet this deadline unless the student is on an approved leave of absence. The dean must be given a copy of the detailed written statement provided to the instructor pursuant to subsection (A) above, the detailed written response to the statement by the instructor, and the detailed written response by the program director.
- D. The dean will: (1) meet with student and consider the information contained in the detailed written statement provided by the student, as well as the written responses by the instructor and program director; (2) remind the student that the responsibility for academic evaluation rests with the faculty; (3) explain that the appeal must be based on an articulated prejudiced or capricious action of the faculty member; and (4) confer with the instructor and/or the program director, if deemed necessary; and (5) notify the student that the dean’s decision is final and may not be appealed. The dean can deny to hear the student’s appeal if the dean determines the appeal fails to articulate capricious or prejudicial action. The dean can uphold the evaluation or overturn the evaluation based on capricious or prejudicial grounds. The dean will discuss the decision with the program director and instructor regarding the final decision. The dean will have 10 College business days to render a final decision after meeting with the student. The dean’s decision is final and may not be appealed.

Appeals Under the Student Professional Behavior in an Academic Program Policy

- A. Students who are suspended or dismissed due to violations of the student professional behavior in an academic program policy may appeal the decision based solely on alleged prejudice or capriciousness in the suspension or dismissal decision or action. The burden of proof shall be upon the student, who must establish by a preponderance of the evidence that the suspension or dismissal was prejudiced or capricious. A student may not appeal an action taken simply because he/she does not agree with it.

- B. The filing of a written statement by the student to appeal a suspended or dismissal

Effective Date:

January 1, 2019

Subject: Academic Appeals PA Program

decision under the student professional behavior in an academic program policy shall be made to the dean within 5 College business days. The dean shall deny any appeal that does not meet this deadline unless the student is on an approved leave of absence. The dean can deny to hear the student's appeal if the dean determines the appeal fails to articulate capricious or prejudicial action in the decision to suspend or dismiss the student due to violations of the student professional behavior in an academic program policy.

- C. The dean can uphold the suspension or dismissal decision or overturn the decision based on capricious or prejudicial grounds. The dean will have 10 College business days to render a final decision after meeting with the student. The dean's decision is final and may not be appealed.
- D. The student may continue with enrolled courses in progress while the appeal is in progress. The student may not enroll or start new courses until the final decision of the appeal has been made. This is to protect the student from incurring unnecessary educational expense and the likelihood of having to repay distributed financial aid.

Appeals of Academic Program-Related Decisions

- A. Students who are dismissed from the program or required to repeat a semester or year may appeal according to the procedures noted herein. The sole basis for an appeal of an academic program-related decision is alleged prejudice or capriciousness in the dismissal or requirement to repeat. The burden of proof shall be upon the student, who must establish by a preponderance of the evidence that the dismissal or requirement to repeat a year was prejudiced or capricious. A student may not appeal an action taken simply because he/she does not agree with it.
- B. The filing of a written statement by the student to appeal an academic program-related decision resulting in dismissal or requirement to repeat a suspended shall be made to the program director within 5 College business days. The program director shall deny any appeal that does not meet this deadline unless the student is on an approved leave of absence. The program director can deny to hear the student's appeal if the program director determines the appeal fails to articulate capricious or prejudicial action in the decision to dismiss or requirement to repeat.
- C. The program director can uphold the dismissal or requirement to repeat based on capricious or prejudicial grounds. The program director will have 10 College business days to render a decision after meeting with the student.

Effective Date:

January 1, 2019

Subject: Academic Appeals PA Program

- D. If the dispute is not resolved to the satisfaction of the student after the appeal has been decided by the program director, he or she must appeal to the dean. The student must request a meeting with the dean within 5 College business days after receipt of the program director's decision. The dean shall deny any appeal that does not meet this deadline unless the student is on an approved leave of absence. The dean must be given a copy of the detailed written statement provided to the student informing them of the dismissal or requirement to repeat decision and the detailed written response to the appeal by the program director.
- E. The dean can uphold the dismissal or requirement to repeat based on capricious or prejudicial grounds. The dean will have 10 College business days to render a final decision after meeting with the student. The dean's decision is final and may not be appealed.
- F. The student may continue with enrolled courses in progress while the appeal is in progress. The student may not enroll or start new courses until the final decision of the appeal by the dean has been made. This is to protect the student from incurring unnecessary educational expense and the likelihood of having to repay distributed financial aid.

EXHIBITS: