



2009-2010 STUDENT HANDBOOK

ACADEMIC APPEAL PROCEDURE FOR UNDERGRADUATE STUDENTS

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ACADEMIC APPEAL PROCEDURE FOR UNDERGRADUATE STUDENTS

Grounds for Appeal

The academic appeal procedure is a process designed to address an academic situation which the student perceives as unfair or unjust. It is not a process to be used when there is dissatisfaction with a grade or to obtain a grade change. For information on non-academic grievances, refer to the relevant sections of the Student Handbook.

Informal Appeal

The student should try to resolve the problem by discussing it with the following people in the order listed below. The procedure would halt at any point that satisfaction has been reached.

1. Course Faculty
2. Department chair (for students in programs administered by Duluth-based departments) or extended study site director (for students in programs administered at extended sites)
3. School dean (for students in programs administered by Duluth-based departments) or Executive Director for Extended Studies (for students in programs administered at extended sites)
4. Vice President for Academic Affairs

Formal Appeal

If, after discussion with the people listed above, the issue has not been resolved, a formal appeal procedure is initiated. The student should complete an appeal form found in the office of the Vice President for Academic Affairs and return the form to that office. Upon receipt of the form, the Vice President for Academic Affairs will contact the chair of the faculty assembly to select three faculty members and the Vice President of Student Affairs who will choose two students to serve on an appeal panel. One student and two faculty members will be from the school concerned; the other student and faculty member will be from other schools. If the appeal received is from a student in a program administered by an extended site, at least one faculty member and one student will be from an extended site. The Vice President for Academic Affairs will set up the first meeting of the panel and notify the involved student and the faculty member.

Time Limits

A formal appeal must be initiated by the student within one month of the end of the semester in which the incident occurred. Upon receipt of the formal appeal form, the appeal panel shall be formed within one week and meet within two weeks. The appeal panel, once formed and presented with the appeal, shall then be obligated to handle the appeal within two weeks.

Student Responsibility

The student should clearly and concisely describe the incident and state the reason for the appeal on the form. Any supporting materials should be given to the panel members and to the faculty member through the Vice President for Academic Affairs prior to the first meeting of the panel.

Faculty

Any written documentation that the faculty member wishes to present to the panel should be given to the panel and the student through the Vice President for Academic Affairs prior to the first meeting of the panel.

Panel

1. At the first meeting of the panel, the Vice President for Academic Affairs will review the responsibilities and limits of the appeal panel and distribute any written materials from the student and the faculty member. The panel should then choose a chair and secretary. A hearing will take place at a subsequent meeting.
2. At the hearing, the student will present the concern. The student may ask to have the student advocate or another person present as a support/advisor. This request should be made prior to the meeting. Because this is a student initiated process within the College, it is not usual to have legal counsel present. If an exception is to be made, it should be arranged with the Vice President for Academic Affairs prior to the panel meeting.
3. At the hearing, the panel will give the faculty member an opportunity to respond to the accusation of unfairness or injustice. The faculty member may invite the department chair or school dean (or extended study site director or executive director for appeals related to programs administered by extended sites) to be present for this panel meeting. If the student has arranged for legal counsel, the faculty member may also have his/her legal counsel present. Legal counsel shall not be permitted to examine or to cross-examine anyone present. The Vice President for Academic Affairs will also be present as a resource for procedural questions.
4. At the hearing, the panel will ask questions and receive clarification of the issue from the student and faculty member, both of whom are present for presentation and clarification.
5. Following the hearing, the panel will meet alone to discuss the issue. The purpose of the panel is solely to determine whether an injustice was done.
6. To maintain confidentiality, the panel will seek any additional information needed to arrive at a decision through the Vice President of Academic Affairs.
7. The decision will be communicated to the Vice President for Academic Affairs who will relay the final decision to the student and faculty member. If and only if the panel members decide there was an injustice, the appeal will be subject to the following rules:
 1. Except as required to explain the basis of new evidence, an appeal shall be limited to a review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented and in conformity with prescribed procedures giving the party a reasonable opportunity to prepare and present evidence that the student code was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
 - b. To determine whether the decision reached regarding the accused student was based on substantial evidence; that is, whether the facts in the case were sufficient to establish that a violation of the student code occurred.
 - c. To determine whether the sanctions(s) imposed were appropriate for the violation of the student code which the student was found to have committed.

- d. To consider new evidence (sufficient to alter a decision) or other relevant facts not brought out in the original hearing because such evidence and/or facts were not known or reasonably discoverable by the person appealing at the time of the original hearing.
2. If an appeal is upheld by the ad hoc appeal committee, the matter may be remanded to the original judicial panel or Vice President for Student Affairs for re-opening of the hearing to allow reconsideration of the original determination and/or sanction.
3. In cases involving appeals by students accused of violating the code of conduct, review of sanction by the ad hoc appeal committee may not result in more severe sanctions(s) for the accused student. Instead, following an appeal, the Vice President for Student Affairs/judicial panel may, upon review of the case, reduce, but not increase, the original sanction imposed.
4. In cases involving appeals by persons other than students accused of violating the code of conduct, the ad hoc appeal committee may, upon review of the case, reduce or increase the sanctions imposed by the Vice President for Student Affairs/judicial panel or remand the case to the Vice President for Student Affairs/judicial panel.
8. Detailed minutes of the panel proceedings should be kept by the secretary and filed in the office of the Vice President for Academic Affairs.
9. All deliberations of the panel are held in confidence. Panel members and anyone present at the meeting(s) should respect this confidentiality.
10. Decisions of the panel are binding.