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## **SOUTHWEST MINNESOTA STATE UNIVERSITY**

### **PROCEDURE**

#### **ACADEMIC APPEALS COMMITTEE**

A. The Academic Appeals Committee shall consist of the following members:

1. Five (5) faculty members selected by the Faculty Association with two (2) named alternates.
2. Two (2) students appointed by the Student Association.
3. Two (2) non-voting members appointed by the Provost.

B. Scope

The Academic Appeals Committee shall hear all cases related to:

1. Students with grade appeals.
2. Students accused of violations of the Academic Honesty policy, (SMSU Policy A-032)
3. Students failing to make Satisfactory Academic Progress. (SMSU Policy A-005)

C. Student Rights

Students involved in an Academic Appeals Committee hearing shall have the following rights:

1. Students have the right to an advisor in preparing for hearings and/or to be present at appeal hearings. Should an advisor choose to be present at the hearing, he/she may only respond to direct questions from the committee.
2. Students have the right to appear at appeal hearings and present evidence or witnesses. A student may meet with the Academic Appeals Committee in person, or if they are unable to travel to campus for the appeal, may meet with the committee via teleconferencing.
  - a. To meet via teleconferencing, students are responsible for having the technology needed for the meeting. At the time students are notified of the opportunity for appeal, they will receive information regarding the software needed for a teleconference.
  - b. Students choosing teleconferencing must also submit written materials for the appeal, in case there are problems with technology.

3. Students have the right to decline to be present at appeal hearings and may present evidence in writing. The University shall respect the right of an individual to refuse to testify against himself/herself.
4. Whether choosing to appeal in person, via teleconferencing, or in writing, the student has the right to submit any and all evidence they want the Academic Appeals committee to consider in its deliberations. In the case of a negative decision rendered for Satisfactory Academic Process or Academic Honesty, appeals to the Provost (see G.3 below) will not include evidence beyond that provided to the Academic Appeals Committee. As such, the student is encouraged to be as thorough as possible in the information they provide to the Committee to clarify the situation leading to their academic suspension or charge of academic dishonesty.
5. The Academic Appeals Committee shall not consider statements against an individual associated with the appeal unless she/he is present when the statements are made or she/he is advised in writing of their content and the names of those who made them and unless she/he is given an opportunity to rebut unfavorable inferences which might otherwise be drawn.
6. Students will have the right to review any evidence against them.

#### D. Student Grade Appeals

1. Criteria for Grade Appeals: Students have the right to know the objective of a course in which they are enrolled and the criteria which will be used in evaluating their performance in a course. Any student may initiate a grade appeal if the student has grounds to believe that:
  - a. The course objectives were significantly changed in a manner so as to create unfair treatment; or
  - b. The criteria for evaluations were significantly changed in a manner so as to create unfair treatment; or
  - c. Evaluation was arbitrary or capricious.
2. Grade Appeal Process
  - a. If a student has grounds to appeal a grade, she/he should present his/her case to the faculty member who awarded the grade. If the meeting of the faculty member and the student fails to resolve the student's complaint, she/he may appeal to the Academic Appeal Committee.
  - b. Students wishing to appeal a grade to the Academic Appeal Committee may do so by contacting the appropriate Dean and completing a Student Grade Appeal form. The Student Grade Appeal Form shall include information supplied by the student that includes where and when the meeting with the faculty member occurred (date, time, and place). The Student Grade Appeal Form shall outline the student's case for the appeal and include any supporting documentation regarding the grade appeal. The Dean will forward a copy of the Student Grade Appeal Form to the faculty member. (An appeal is initiated with the filing of the Student Grade Appeal Form with the Dean.) The Dean will advise the student of his/her rights:
    - i. Students have the right to an advisor or counsel in preparing for hearings and/or to be present at appeal hearings.
    - ii. Students have the right to appear at appeal hearings and present evidence or witness.
    - iii. Students have the right to decline to be present at appeal hearings and may present evidence in writing. The University shall respect the right of an individual to refuse to testify against himself/herself.

- iv. The appeals agency shall not consider statements against the individual unless she/he is present when they are made or she/he is advised in writing of their content and the names of those who made them and unless she/he is given an opportunity to rebut unfavorable inferences which might otherwise be drawn.
    - c. At the end of Spring Semester and/or Summer Term, a student has thirty (30) days from the start of the subsequent Fall Semester in which to appeal a grade. In the event that the grade being appealed was received at the end of Fall Semester, the student must initiate an appeal by the end of the thirtieth (30<sup>th</sup>) calendar day from the beginning of the subsequent Spring Semester.
  3. Decisions of the Academic Appeal Committee will not include making a specific grade change, but may include a mandatory re-evaluation of the student, by the faculty member or a consultant in the same discipline. If a consultant is to be used, the consultant will be selected by the Academic Appeal Committee. Such re-evaluation and its results shall be submitted to the Committee before the case is consummated. Decisions of the Academic Appeal Committee are final and mandatory for both the student and the faculty. The Dean has the responsibility to insure that arbitrary or punitive decisions shall not extend into the re-evaluation process. It is to the benefit of the person making the appeal to be present at the hearing.
  4. The Dean shall communicate the decision of the Committee in writing with reasons to the student and the faculty member within five (5) instructional days after receiving the Committee's decision. Tape or stenographic records of all appeals shall be made and kept by the Office of the Provost. The records will be destroyed one (1) academic semester after the appeal is completed. All evidence presented in the course of an appeal shall be held in the strictest confidence. No portion of the proceedings of the Committee shall appear in any permanent records kept on the student or faculty member.

#### E. Academic Honesty Appeal

1. The Academic Appeal Committee chairperson will notify both the complainant and referred student by letter of the date, time and location of the hearing. This notification shall occur at least 72 hours prior to the Committee's meeting.

The student will receive:

- a. A list of the names of the material witnesses who may be called to speak at the hearing on behalf of the university.
- b. Copies of all documents or written statements to be presented at the hearing.
- c. The name and title of the person who will present the evidence on behalf of the university.
  - i. At least three (3) days prior to the hearing, the student will provide the Academic Appeal Committee's Chairperson any written documentation to be presented by the student and the names of any material witnesses who will be called by the student at the hearing. It is the responsibility of the accused to notify these witnesses of the time, date, and location of the hearing.
- d. The Academic Appeals Committee will have a chairperson who will preside at the hearing and will rule upon procedural matters. Formal rules of evidence will not apply, although objections to introduction of specific statements or documents may be considered by the chair. Irrelevant, immaterial, or unduly repetitious information may be excluded by the chair. Evidence of prior

misconduct by the accused will be admissible only after a finding that a Code of Conduct violation has been committed and may be used in the determination of recommended sanction(s).

- e. The reporting faculty member will present the evidence, which supports the alleged charge(s) and will have the burden of showing that it is more likely than not that a violation of the Academic Honesty Policy has occurred.
- f. Following their testimony, material witnesses will be asked to remain in the hearing room until the committee begins deliberations. The complainant and accused may remain throughout the entire hearing.
- g. The order of presentation at the hearing will be as follows:
  - i. The faculty member may present an opening statement.
  - ii. The accused may present an opening statement.
  - iii. The chair will call witnesses for the faculty member to provide statements.
  - iv. The chair will then call witnesses for the student to provide statements.
  - v. At the conclusion of each witness' statement, he/she may be re-questioned by the student, faculty member, or by members of the Academic Appeals Hearing Committee. Any witness may be recalled.
  - vi. Following the testimony of all witnesses, case summations may be presented by the faculty member and then by the student.
  - vii. Only the members of the hearing committees may be present during deliberations. Simple majority of votes is necessary to make a recommendation that a Code of Conduct more likely than not occurred. A majority plus one (1) vote is necessary to recommend suspension or expulsion from the university.
- h. The Hearing Committee's Chairperson shall notify the student of the Committee's findings and decision in writing within five (5) class days of the hearing. Notification will include information regarding the appeal procedure.
- i. Copies of the decision letter will be sent to the Academic Dean's office, the student and the faculty member. Any other persons receiving a copy of the decision letter will be indicated as copied.
- j. Appeals of an Academic Appeals Committee decision regarding an Academic Honesty charge may be appealed to the Provost as outlined in section G below.

#### F. Satisfactory Academic Progress Procedures

A designee of the Provost shall serve as Secretary of the Committee and shall be responsible for the following tasks:

1. Notification of students who are on RW (Required to Withdraw) status and advising these students of their right to appeal for reinstatement to the Academic Appeals Committee. Students shall also be advised of their rights as specified in section C., above.
2. Development of Appeal and Committee Decision forms in consultation with the Committee.
3. Provision of student transcripts and test scores to be used in the Committee hearings.
4. Notification of appealing students in writing of the Committee's decision. If a student has been denied reinstatement, she/he should also be informed of his/her right to appeal to the Provost.
5. Implementation of the Committee's decisions.

G. Decisions of the Academic Appeals Committee:

1. Decisions of the Academic Appeals Committee regarding Grade Appeals are final and may not be appealed to the Provost.
2. Decisions of the Academic Appeals Committee regarding Satisfactory Academic Progress and Academic Honesty cases may be appealed to the Provost. The student may initiate an appeal only if the student has demonstrable grounds to believe that
  - a. The reasons cited by the committee were factually/contextually incorrect;
  - b. Insufficient reasoning was provided by the committee to warrant a denial of the petition for readmission; and/or
  - c. The evaluation was arbitrary or capricious.
3. To initiate an appeal of the Committee's decision, the student must inform the Provost's Office, in writing, that they are appealing the committee's decision, no later than two business days after the decision of the Committee has been communicated. In an appeal, the student must identify the basis for the appeal (see above G.2.a-c), and explain why the decision of the Academic Appeals Committee violated the provision(s) identified.

In addition to the student's explanation for the basis of the appeal and the letter from the Deans' Office conveying the negative decision, the Provost may consider only the materials used by the Committee in its own deliberations (see C.4 above). The Deans' Office will submit any materials used by the Committee to the Provost's office, which will include the student's Academic Appeal questionnaire, transcript, documents provided by the student, and in the case of Academic Honesty, documents provided by the faculty member bringing the charge against the student.

4. The Provost's decision, either upholding or rejecting the decision of the Academic Appeals Committee shall be communicated in writing, with reasons, to the student and the Committee members within five (5) instructional days after the appeal to the Provost. A copy of this communication shall be maintained in the student's confidential file (with the Provost's Office).

H. All evidence presented in the course of any appeal shall be held in the strictest confidence. No portion of the proceedings shall appear in any permanent records kept on the student or faculty members involved in the appeal.