APPENDIX F. ACADEMIC DUE PROCESS FOR STUDENTS

I. Student Responsibilities

A. Responsibility for all required assignments and course material rests with the student.

B. It is the responsibility of the student to maintain academic integrity with regard to class assignments, examinations, and course requirements in accordance with the University Academic Integrity Policy and Procedures.

C. Regular class attendance is essential for maximum educational advantage and is strongly encouraged. In the absence of a uniform University policy with regard to class attendance, it is the responsibility of the students to be aware and abide by each individual faculty member's policy with regard to class attendance. The student is responsible for information, assignments, or materials given during all meetings of the class.

II. Faculty Responsibilities

A. Faculty members must distribute at the first meeting of each class a course syllabus which includes at least the following information: course requirements, course assignments and expectations, types of examinations (when possible), evaluation process for grading (including +/- grading), and policy regarding class attendance. If major changes in the above categories on the syllabus are necessary, they must be given to the students in writing.

B. Students' final examinations and all other relevant grading information must be kept on file by the faculty member or the department for review by the student for a period of one year following their administration.

C. It is the faculty member's responsibility to see that examinations are properly monitored.

D. The faculty member is responsible for assigning grades in a fair manner, consistent with policies stated in the syllabus, or subsequently modified in a written adjustment of the syllabus.

E. No one may change a grade, except for the faculty member or the Provost/Vice President for Academic Affairs. The Provost/Vice President for Academic Affairs may change the grade only after the Academic Due Process Committee has recommended said change, except in the case of a disputed grade assigned by a faculty member no longer employed by the University; in such circumstances, a grade may be changed by the Vice President upon the recommendation of the appropriate Dean(s) and the chair(s).

III. Initiation of a Grievance

A. If a student believes that the actions of a faculty member have resulted in serious academic injury, it is the student's responsibility to attempt to resolve the matter informally by meeting first with the faculty member, and then, if the student is not satisfied, with the chair (if there is one), then the Dean.

B. If the matter is not resolved to the satisfaction of the student, the student may file a written Academic Due Process Grievance with the Academic Vice President of the Student Government Association. The grievance shall state with particularity the allegation that the student is making and the basis on which the allegation is being made. It shall include statements from any witness or written matter which may be helpful. This grievance must be filed within sixty (60) days after the beginning of the semester subsequent to that in which the grievance allegedly occurred.

C. The completed form is sent immediately to the University Provost/Vice President for Academic Affairs.
D. The Provost/Vice President for Academic Affairs then notifies the appropriate Dean(s), chair(s), and faculty member(s).

E. The Provost/Vice President for Academic Affairs reviews the Academic Due Process Grievance to determine whether there is reasonable cause to continue the process. If the Provost/Vice President for Academic Affairs finds that no other action is appropriate, he/she will so inform the student, the faculty member(s), the chair(s), and the Dean(s) within thirty (30) days of receipt of the grievance.

F. If the Provost/Vice President for Academic Affairs finds that the process should be continued, he/she will call for a Hearing (as indicated in Part III, Section G, and the following steps outlined in Part V of this document.)

G. Call for a Hearing:
   1. The Provost/Vice President for Academic Affairs will call the Hearing at such a time and place as he/she may elect. He/she shall advise, in writing, the members of the Academic Due Process committee, the student, the instructor, the chair(s), and the Dean(s) of the school or college involved. A copy of the student's grievance shall be provided to all parties in the dispute at this time.
   2. The Hearing will be scheduled not less than five (5) days nor more than thirty (30) days after the Academic Due Process Grievance form has been submitted.
   3. The Provost/Vice President for Academic Affairs may reschedule a Hearing, at his/her discretion, for the convenience of any of the parties or members of the committee.

IV. Jurisdiction of the Academic Due Process Committee
   A. The committee shall have appellate jurisdiction on all cases involving students, full- and part-time, undergraduate and graduate, who are officially registered at the University.
   B. It shall be the purpose of the Academic Due Process Committee to deal with serious academic issues, such as the following:
      1. Cases in which students claim to be victims of prejudiced and/or capricious or arbitrary academic evaluation.
      2. Cases in which students claim their grade was determined in a manner not consistent with grading policies stated in the syllabus or in any written revision of the syllabus distributed to the class.
   C. The Academic Due Process Committee does not have jurisdiction over academic integrity issues.

V. Composition of the Academic Due Process Committee
   A. The Provost/Vice President for Academic Affairs will establish each year a representative pool of both full-time faculty members and students (who would be willing to serve on Academic Due Process Committees), selected from names recommended, respectively, by the President of the Faculty Senate and the Academic Vice President of the Student Government Association.
   B. The Provost/Vice President for Academic Affairs, in the presence of the concerned student and faculty member, will draw by lot from this pool, to establish specific Academic Due Process Committees, each consisting of three (3) faculty members and three (3) students.
C. Each committee will normally deal with one grievance. In exceptional cases, the Provost/Vice President for Academic Affairs may assign more than one related grievance to a committee. After the Provost/Vice President for Academic Affairs has acted upon a committee's recommendation(s), he/she will disband the committee, and the names of the faculty members and students who have served on the committee will be returned to the general pool.

D. In any proceeding, faculty and student representatives from the same academic department, division, or program as either the instructor or students whose acts are in question, shall be excluded from the committee.

E. In addition, either the student or the faculty member may seek any person's removal from the committee which is hearing the case. If the Provost/Vice President for Academic Affairs agrees that there are sufficient grounds for this request, he/she will remove that person from the committee and draw by lot a replacement for that person, in accordance with the stipulations set forth in Part V, Sections A through D.

F. The Provost/Vice President for Academic Affairs will appoint one of the members of the committee to serve as its chair. The chair:
   1. will have full voting rights;
   2. will rule on the admissibility of all evidence, in consultation with the other members of the committee;
   3. will rule on such other questions as may arise.

VI. Conduct of the Hearing

A. The Hearing will be conducted in an orderly, impartial manner.

B. The Provost/Vice President for Academic Affairs will provide appropriate secretarial support, if requested by the committee chairperson.

C. Each party will have the right of direct cross examination.

D. Each of the parties will have the right to be accompanied by one advisor of his/her choice (this may be a faculty member, an administrator, a student, etc.). The advisor may not normally participate in the proceedings. However, the chair may allow the advisor to speak for purposes of clarification. Legal counsel may not be present unless the Provost/Vice President for Academic Affairs, for cause shown, determines that legal representation is appropriate. In the event that an attorney is retained by any party in the dispute, all other parties will be given due notice and reasonable time to retain an attorney of their own.

E. The hearing will be closed to all except the following: the student filing the grievance, the individual(s) against whom the grievance has been filed, the advisors of these parties, the committee, the committee secretary, and witnesses called by the committee during their testimony and cross examination.

F. The student will be permitted to present his/her case first, including testimony of witnesses. Following this presentation, the person(s) named in the grievance will be permitted to present his/her case. Members of the committee, the grievant, and the person(s) named in the grievance will be permitted to cross-examine all witnesses.

G. Evidence will be admitted, without regard to formal rules of evidence, if it is deemed relevant by the committee for a determination of the issues. The following evidence may be considered as relevant to the committee's decision:
1. Testimony of the parties regarding the events in question.

2. Materials such as syllabi, examinations, lab reports, papers, and class attendance sheets, in order to determine if fairness was exercised in the academic evaluation.

3. Witnesses to the incident.

4. Testimony concerning the relationship of the faculty member and the student with regard to their "in class" relationship.

5. Records of Academic Due Process hearings involving either the student or faculty member concerned.

6. The academic record of the student, with his/her consent.

7. Character witnesses.

8. Any other items which the committee deems significant.

H. In no case will the committee consider any written statement regarding a party from a person who does not appear before the committee unless the party has been advised of its content and the name of the person who made such statement, and unless he/she has been given the opportunity to respond to the statement.

I. All records pertaining to the Hearing shall be taken, retained, and kept in confidence by the Provost/Vice President for Academic Affairs for a period of two (2) years following the student's graduation, or six (6) years after the conclusion of the Hearing, whichever occurs first.

VII. Recommendations of the Committee

A. After considering all of the evidence presented, the committee will make its recommendations to the Provost/Vice President for Academic Affairs. These recommendations may include (but are not limited to):

1. denying the grievance;

2. upholding the grievance in part, but modifying any penalties previously imposed or other decisions taken;

3. upholding the grievance.

In no case, however, will the committee impose a more severe penalty upon the student.

B. Voting shall take place by secret ballot, and the recommendations of the committee will be determined by a majority vote. A tie vote will be considered a losing vote, and the grievance will not be upheld. Votes will be tallied by the chair and retained as part of the confidential record of the committee.

C. The findings of the committee and its written description will be prepared in two parts. One of these, which will be signed by the chair of the committee, shall identify the parties. The second part, which will not refer to the parties by name, will summarize the issues and set forth the findings and reasons thereof. The names of the committee members will be listed in the confidential records of the committee.

D. Both copies will be sent to the Provost/Vice President for Academic Affairs.
E. Upon receiving both copies of recommendations, the Provost/Vice President for Academic Affairs will maintain a file of the second set of documents (those without names listed) which Due Process Committees may use for future reference.

F. The student filing the grievance and the person against whom the grievance has been filed will be given, upon request, a written copy of the committee's recommendation (identifying the parties), within five (5) days after completion of the report.

G. The Faculty Senate President, Academic Vice President of the Student Government Association, and the appropriate Dean(s) may review the copy of the committee's recommendation (identifying the parties), under the stipulation that it will remain in confidence.

VIII. Response to the Committee's Recommendations

A. The Provost/Vice President for Academic Affairs has the duty of either implementing or not implementing any or all of the committee's recommendations. If he/she chooses not to implement the committee's recommendations, he/she must explain the decision in writing to the student, the person against whom the grievance was filed, the committee, and the appropriate Dean(s). A copy of this explanation will be attached to the committee's formal recommendations and kept on file.

B. To the extent that the Provost/Vice President for Academic Affairs agrees with the recommendations of the committee, it is his/her responsibility to see that they are carried out.

C. When the committee decides in favor of the student, the Provost/Vice President for Academic Affairs may effect the recommended grade change, or allow the student to:

1. continue the course;
2. transfer to another section of the course if that is feasible, and if the instructor of the course into which the student wishes to transfer is amicable to the suggestion;
3. withdraw from the course with a total refund;
4. petition for a waiver or substitution for the course.

IX. Appeal of the Committee's Decision

A. An appeal of the committee's decision may be taken to the Provost/Vice President for Academic Affairs. This appeal, however, may be based only upon the allegation that the procedures, as set down in this document, have not been followed properly. An appeal to the Provost/Vice President for Academic Affairs may not be based upon the alleged merits of the student's grievance.

B. In reviewing the matter, the Provost/Vice President for Academic Affairs shall determine either that the procedures were followed (and deny the appeal) or that the procedures were not followed (and grant the appeal). If the procedures were not followed, the Provost/Vice President for Academic Affairs shall return the grievance to the proper point in the procedure so that the proper procedures may be followed. In either event, the faculty member and student will be notified in writing of the Provost/Vice President for Academic Affairs' determination.

C. Formal appeals to this procedure end at this point.

X. Modification of Procedures

Any party within the University may suggest written changes to the Academic Due Process procedure by submitting a written suggestion to either the Dean of his/her school, or the Provost/Vice President for
Academic Affairs. The amended procedures will be effective upon the approval of the Academic Council. A period of sixty (60) days must be given to allow the Faculty Senate and the Student Government Association to respond to proposed changes.