

SENATE ACTION FORM

No. 1176

Subject: Academic Appeals Procedure

Reference to Senate Minutes dated: 2/24/2020

Senate Action:

MOTION: It is moved to approve the changes to the Academic Appeals Procedure as presented.

VOTE: Approved by voice vote

Response requested:

Approval for placement in University Catalog

Other action requested/comments:



Faculty Senate Chair

2/28/2020
Date

Reviewed by **General Counsel**. Check if comments attached

Presidential action:

Approve

Rejecte~~d~~ Tw /

Attachment to Senate Action #1176
Approved by the Faculty Senate
February 24, 2020

Preface from APC

- This document replaces the existing Board of Trustees policy (Title 2, Article 1, Part 2).
- The APC has addressed the following details in its review of the previous policy:
 - Clarification of language to make the text more consistent and clear.
 - New calculation of the calendar of actions to be taken in all phases of the appeal process. In particular, this meant reducing the length of time bet(ul)2 (a)4 (r)3, t)2 1 T2 (i)arcon a

her academic counsel. The academic counsel functions as the student's advisor through the appeals process. In this role, the academic counsel will

(I) meet with the student and help guide him or her through University procedures;

(II) discuss with the student the rationale for claiming the decision being appealed was arbitrary, capricious or contrary to University policy; and

(III) be allowed to be present at any or (c)-4 (e)-6-0 0 1ent/5.4 (;y)-4.5 r7. 9o)-23 (a)8.1 (t)-3 (rary5.4 (f7. 9o)-3 (

area to consider the appeal. To the extent possible, the Department Chair or School Director (or designee) will obtain information from and discuss the appeal with the faculty member who

~~2-1-204(3) Conference with the College Dean or the Dean of the Graduate School.~~ If the student does not believe that the conference with the Department Chair or School Director has resolved the problem, or if the student is appealing termination from an academic program, an undergraduate student may request a conference with the Dean of the College where the program of study is housed. The Dean may appoint a designee to act throughout in his/her stead. A graduate student may request a conference with the Dean of the Graduate School within seven (7) working days after the notification of the Department Chair's or School Director's (or his/her designee's) decision.

The student shall submit in writing a description of the problem or grievance and note how the action is arbitrary, capricious, or in violation of University policy. Additionally, the student should indicate if a conference with the faculty member and/or Department Chair or School Director was sought and if those conferences occurred. The conference shall take place within seven (7) working days of receipt of the student's request. The Dean may additionally confer with the faculty member or prog

~~AAB members shall serve one year terms and may be reappointed. The Chair shall serve a two year term and may be reappointed. In appointing members to the AAB, the Faculty Senate, Graduate Council, Student Senate, and Graduate Student Association shall strive for maximum diversity in terms of college representation and, in the case of faculty, rank. Appointments must be made by November 1st of each year. If the Faculty or Student Senates fail to make appointments in a timely manner, the CAO will make temporary faculty or undergraduate student appointments as appropriate, and the Dean of the Graduate School will temporarily appoint graduate students to the AAB if the GSA does not provide appointments in a timely manner.~~

~~(b) Within fourteen (14) working days of receipt of the student's request for formal hearing, the Hearing Panel will be established by the Chair. In case of an appeal from an undergraduate student, the Hearing Panel shall consist of the five~~

~~(5) undergraduate~~

~~2-1-204(5) Preliminary Evaluation of Case by Hearing Panel.~~

~~The Chair shall call a meeting of the Hearing Panel for a preliminary evaluation of the student's case, which shall take place no later than twenty one (21) working days after the deadline for filing objections to the Hearing Panel members, or the resolution of any such objections, whichever~~

Hearing Panel may reject what it deems to be unreliable,

as well as a copy of the decision, to the CAO. Except when required by a legally valid subpoena, access to records will be confined to authorized University personnel who require access in connection with the performance of their duties.

NEWLY APPROVED VERSION

Part 2 Academic Appeal Procedure.
Part 2 Academic Appeals.

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.

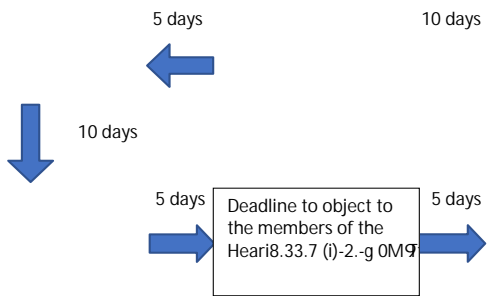
(3) **Written Submission Under the AAP.** All written submissions under the AAP must be submitted to the required recipients to their University email addresses.

(4) **Student's Right to Academic Counsel.** At any time during the AAP, the student has the right to request an appeal to their academic advisor.

(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 submih(im 8 408 (mity)6 (en (in thr)6 (b)-1 (tens)2 ((ea)10 c



(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/

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.

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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, u2n 6 (3)6 ()44.058(o)3 2 (3)Te (er).32 Tm

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working days become twenty

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

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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.

(h) **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. Except32 53§8 Tm((h)6 (d)(o)3 (88 Tm