

# STUDENT AFFAIRS AND ENROLLMENT MANAGEMENT

## ACADEMIC APPEAL PROCESS

### I. Policy

Students are responsible for achieving and maintaining the standards of academic performance and excellence which are established by their instructors and for complying with all relevant policies, standards, rules, and requirements which are formulated by the university and the university's academic units. At the same time, students have protection, through orderly procedures, against arbitrary or capricious actions or decisions by their instructors. Students also have protection against similar actions or decisions by academic offices. No individual shall be penalized or retaliated against in any way by the university community for his or her participation in this complaint procedure

Policy Forms: [Academic Appeals \(word file\)](#) | [Academic Appeals \(pdf file\)](#)

### II. Purpose of the Board of Academic Appeals

The Purpose of the Board of Academic Appeals is to provide for fair and impartial hearings of academic grievances. The board serves as the final hearing body for the university in the matter of academic grievances.

### III. Academic Grievances

- A. Academic grievances are defined as the following:
  1. A claim by the student that an assigned grade is the result of arbitrary and capricious application of otherwise valid standards of academic evaluation; or
  2. A claim by the student that the standards for evaluation are arbitrary or capricious; or
  3. A claim by the student that the instructor has taken an arbitrary or capricious action which adversely affects the student's academic progress; or
  4. A claim by the student that a university department, program, or office has made a decision not in keeping with university policy or taken an arbitrary, capricious, or discriminatory action which adversely affects the student's academic progress.
- B. A student wishing to pursue an academic grievance must use the procedure outlined in this document once having received notice of an action or decision which gives rise to a grievance. The emphasis of the procedure is on informal resolution of the grievance. Grievances which call for a hearing before the Board of Academic Appeals should be rare.

### IV. Time Limit on Filing Complaint

- A. The student must ask for a hearing of the grievances before the Board of Academic Appeals within one academic quarter after determination of the grade of the course in question, or within one quarter after completion of the incomplete work, or in cases involving administrative actions after the fact, such as removal of incompletes, etc., one academic quarter after the administrative deadline for completion of such actions (in the case of spring quarter, by the end of the following fall quarter). The board may suspend this rule in exceptional circumstances, such as, but not limited to, extended illness, sabbatical leave, etc., of one or both parties to the grievance.
- B. When either party to the grievance is no longer in residence at the university and does not expect to return, the board will provide reasonable opportunity to complete appeal procedures or reply to the charges before making a decision.

### V. Procedures Preliminary to Petitioning the Board of Academic Appeals for a Hearing

- A. A student with a grievance shall first attempt to resolve the matter with the instructor. The instructor and the student shall make a good faith effort to resolve the grievance. Should the instructor be on

extended leave or no longer employed by the university, the department chair (or superior administrator in cases not involving academic departments) shall act for the instructor. The board may suspend this rule in the case of exceptional circumstance, e.g., extended illness, sabbatical leaves, etc., of one or both parties to the grievance.

- B. If resolution is not achieved between the student and instructor, the student may ask the department chair to resolve the grievance. The department chair shall meet with both parties to clarify the grievance and attempt to resolve it. If the grievance is not resolved to the satisfaction of both parties, the chair or administrative superior shall forward a written summary of his or her efforts in the matter to the dean of the school or college.
- C. If a resolution is not achieved at the department chair level, the student may present the grievance to the dean of the school or college.
  - 1. Within ten (10) working days of contact by the student, the dean shall hear the grievance and attempt to affect a mutually agreeable solution. If such a solution cannot be reached, the dean shall weigh the facts and any evidence or testimony the dean may request or solicit and make a recommendation in writing to the student and instructor within five (5) working days of having concluded the hearing. Both the instructor and student must, in writing, immediately notify the dean of the school or college of their acceptance or non-acceptance of the recommendation.
  - 2. If the dean's recommendation is not acceptable to both the student and the instructor, the student may petition for a hearing of the grievance before the Board of Academic Appeals. The petition must be filed with the Vice President for Student Affairs within ten (10) working days of receipt of the recommendation of the school dean.

#### VI. **Procedures for Petitioning the Board of Academic Appeals for a Hearing**

- A. A grievance before the board is heard as if the matter has not been heard previously.
- B. A student may withdraw the petition for a hearing at any time by notifying the board in writing.
- C. The parties to the grievance will be provided with a statement of the rules of the board by the Vice President for Student Affairs.
- D. The Vice President for Student Affairs will provide the student with appropriate forms for filing a complaint, assign an advisor to the student, and accept the completed forms from the student after the student has consulted with the advisor.
- E. Within five (5) working days of the filing of the complaint by the student, the board chair will provide the instructor with a copy of forms and materials prepared by the student and the name of an advisor.
- F. The person against whom the complaint has been lodged must acknowledge, in writing, receipt of the complaint and within ten (10) working days, file with the Board chair a reply to the complaint.
- G. Other interested persons may, upon request of one of the parties to the grievance or upon the request of the hearing panel, submit in writing any observation or relevant information.
- H. When steps C-F above have been completed, the board chair shall arrange for a hearing panel, place the case on the board calendar, and notify the parties involved of the time and place for the hearing.
- I. If, without prior notice, either party to the grievance does not appear at the schedule of the hearing and does not present evidence that uncontrollable circumstances have prevented an appearance, it will be assumed that the party has nothing to add to the evidence already made available to the board.

#### VII. **Board Proceedings**

- A. The hearing is closed to all but the members of the hearing panel and the participants in the hearing.
- B. A record of the hearing proceedings will be maintained. The records shall include
  - 1. all documents, motions, and intermediate rulings;
  - 2. evidence received or considered;
  - 3. a statement of matters officially noticed;
  - 4. questions and offers of proof, objections, and rulings thereon;
  - 5. proposed findings and exceptions; and

6. any decisions, opinion, or report by the board chair.
- C. The record will be retained for a period of three years, and the material will be regarded as confidential. Oral proceedings will be recorded on audio tape. Copies of the record or any part thereof will be made available to the parties to the grievance. The cost will be borne by the party making request. The board may:
    1. Administer oaths and affirmations, examine witnesses, and receive evidence;
    2. take or cause depositions to be taken;
    3. regulate the course of the hearing
    4. hold conferences for the settlement or simplification of the issues with the consent of the parties;
    5. dispose of procedural requests or similar matters;
    6. make decisions or proposals for decisions; and
    7. take any other action authorized by this policy.
  - D. The board may require witnesses to appear upon request of any party to the grievance or upon its own motion.
  - E. All testimony will be sworn
  - F. Both parties to the grievance will have access to the written statement of the other prior to the hearing or prior to any questioning by members of the board at the time of the hearing.
  - G. Both parties to the grievance have the right to advice from a third party of his or her choosing during the hearing of the grievance.
  - H. Both parties to the grievance have the right to question the other party as well as any witness involved in the hearing. The board chair will rule on such matters.
  - I. Members of the hearing panel may question both parties and witnesses. Questions must be germane to the issues of the grievance. The board chair will rule on such matters.

#### VIII. **Decision of the Board**

- A. Decisions of the board are based on a majority vote of the hearing panel appointed for the hearing, and shall be based exclusively on the evidence and on matters officially noted.
- B. The decision and reasons for the decision will be reported in writing to both parties involved in the matter, to the officials who reviewed the appeal, and to appropriate authorities mentioned in the disposition of the decision. Minority opinions may be included in the report.
- C. Parties to the grievance will be notified of the decision of the board no later than one week after conclusion of the hearing.

#### IX. **Power of the Board of Academic Appeals**

- A. The board may reject the grievance after due consideration.
- B. In cases involving grade changes or change in class status, the board may order a grade changed or a change in class status.
- C. In cases or aspects of cases determined by the board to involve procedural problems, the board may make recommendations for adjustments to any of the parties to the grievance and/or to the appropriate authority.
- D. In cases involving conduct, the board may take one or more of the following actions depending on the seriousness of the case as determined by the board:
  1. The board may issue a restraining order to prevent continues or subsequent actions with respect to the specific situation in question.
  2. The board may reprimand one or more of the parties to the grievance and/or lodge the reprimand with the appropriate authority.
  3. The board may submit to the authority governing the activities involved in the grievance a recommendation or request for disciplinary action for any party to the grievance in accordance with provisions of the faculty code and/or the code of student rights and responsibilities.

**X. Procedures for Implementing Grade Changes and Withholding Suspension**

- A. In cases the board decides a grade should be changed, the board chair will send to the registrar a copy of the decision authorizing and directing that the grade on the student's official record be changed. The student, the instructor, and the board chair will be notified by the registrar when the change has been accomplished.
- B. If the grade in question has resulted in the suspension of the student, the board chair will notify the Academic Standing Committee to withhold suspension pending outcome of the hearing. If the board finds in favor of the student such that suspension is no longer a consideration, the board chair will notify the Academic Standing Committee in writing of the decision, and the suspension will be withdrawn. If the board finds against the student, the board chair will notify the Academic Standing Committee accordingly in writing, and the student will be withdrawn from the university or be subject to such action as the committee deems appropriate, and the student's fee will be returned according to university fee return policy.

**XI. Membership of the Board of Academic Appeals**

- A. The board shall be made up of ten members, five of whom shall be faculty and five of whom shall be students.
- B. Faculty members of the board will be chosen by the Faculty Senate from among faculty who are not members of the university administration. The definition of "faculty member" will be that which is used in the Faculty Code.
- C. Student members of the board will be chosen by the Joint Committee on Committees from students who are not members of the Board of Directors. The definition of "student" will be that used in determining membership in the Associated Students of CWU as indicated by the constitution.
- D. The term of office for faculty members will be three years with staggered terms. Faculty members may be appointed to serve a three year term again after a one year period of non-membership. Students may serve up to three years at the discretion of the Joint Committee on Committees.
- E. The board chair shall be elected by members. The chair shall preside at all meeting and hearing before the board and be responsible for all business of the board.
- F. Hearings before the board and judgments by the board will be conducted and rendered by the hearing panel made up of the board chair plus four members of the board to be selected two each by the parties to the grievance. Should the chair so request, the board shall elect a pro tem chair from among the board members to act as a hearing panel chair. In the event that one or both parties to the grievance desires not to select members of the panel or fails to select members of the panel, the board chair will select members from the board as necessary.

**XII. Administrative Affairs of the Board of Academic Appeals**

The Vice President for Student Affairs or the Vice President's designee will be responsible for the administrative affairs of the Board of Academic Appeals. The records of the board will be housed in the office of the Vice President. All requests for a formal hearing of academic grievances will be filed with the Vice President for Student Affairs or designee, and it will be the Vice President's responsibility to advise students on the functioning of the board; to verify and insure that required procedures preliminary to, during, incidental to, and following formal hearing are adhered to; and to call the board into session promptly until a board chair is elected. After a complaint has been filed and verified, to notify promptly, in writing, at request of the board chair, all parties to the complaint; to call for evidence promptly, in writing, as requested by the parties and to insure safe-keeping of said evidence; to keep and maintain the records of board correspondence, transactions, hearings, decisions, etc., and to implement the decisions and directives for the board.

**XIII. Advisors for the Parties**

- A. The Vice President for Student Affairs or the Vice President's designee will appoint upon request advisors to both parties to assist them in filing and responding to a complainant.

- B. The responsibilities of the advisors are exclusively as follows:
1. To insure that all informal prerequisites as specified in Section V of Rules Governing the Board of Academic Appeals have been completed by the complaint;
  2. To assist the individual in properly completing or replying to the complaint form;
  3. To make recommendations concerning, presentation of necessary information to the Board of Academic Appeals (i.e. complaint form, letters of correspondence between parties, documents, witnesses, etc.)

#### **XIV. Enabling and Amending**

Operation of the Board of Academic Appeals will commence upon final approval of the Board of Trustees of Central Washington University. The structure and procedures of the Board of Academic Appeals may be amended by the Faculty Senate at any time with the approval of the Board of Trustees.