

PPM 8-10 Rev 5 STUDENT CODE

SECTION IV: STUDENT ACADEMIC PERFORMANCE

A. Standards of Academic Performance

In order to ensure that the highest standards of academic performance are promoted and supported at the University, students must:

1. Meet the academic requirements of a course; and
2. Meet the academic requirements of the relevant discipline or program.

Faculty members are qualified as professionals to observe and judge all aspects of a student's academic performance, including demonstrated knowledge, technical and interpersonal skills, attitudes and professional character, and ability to master the required curriculum. An academic action, as defined in Part I B., may be overturned on appeal only if the academic action was arbitrary or capricious.

B. Appeals Process

A student who believes that an academic action taken in connection with Section A above is arbitrary or capricious should, within twenty (20) business days of notification of the academic action, discuss the academic action with the involved faculty member⁽¹⁾ and attempt to resolve the disagreement. If the faculty member does not respond within ten (10) business days, if the student and faculty member are unable to resolve the disagreement, or if the faculty member fails to take the agreed upon action within ten (10) business days, the student may appeal the academic action in accordance with the following procedures. It is understood that all appeals and proceedings regarding academic actions will initiate with the faculty and administrators in the college or program offering the course in question. If the course is cross-listed, appeals and proceedings shall take place with the faculty and administrators offering the section for which the student is registered.

1. Appeal to Chair of the Department or Dean's Designee⁽²⁾. Within forty (40) business days of notification of the academic action, the student shall appeal the academic action in writing to, and consult with, the chair of the relevant department regarding such academic action. Within fifteen (15) business days of consulting with the student, the chair shall notify the student and faculty member, in writing, of his/her determination of whether the academic action was arbitrary or capricious and of the basis for that decision. If the chair determines that the academic action was arbitrary or capricious, the chair shall take appropriate action to implement his/her decision unless the faculty member appeals the decision. If the chair fails to respond in fifteen (15) business days, the student may appeal to the Academic Appeals Committee.

2. Appeal to Academic Appeals Committee. If either party disagrees with the chair's decision, that party may appeal to the college's Academic Appeals Committee within fifteen (15) business days of notification of the chair's decision in accordance with the procedures set forth in Section C, below.

C. Proceedings Before the Academic Appeals Committee

1. Written Appeal. The appeal to the Academic Appeals Committee shall set forth in writing the reasons for the appeal, shall be addressed to the Committee, and shall be delivered to the chair of the Committee, with a copy to the other party.

2. Response to Appeal. The faculty member whose decision is being appealed, or the student in the case of a faculty member's appeal, may deliver a response to the appeal to the chair of the Academic Appeals Committee, with a copy to the other party, no later than five (5) business days after receipt of the complaint and recommendations.

3. Makeup of the Committee. The dean of each college shall ensure that an Academic Appeals Committee is constituted according to college procedures, subject to the following parameters. Two faculty members shall come from the college. The Personnel and Elections Committee of the Academic Senate shall appoint one faculty member from outside the college. The faculty members shall be appointed to the Committee for staggered three-year terms. The dean shall appoint two undergraduate student members and two graduate student members who are either from the relevant Student Advisory Committee or listed as a major within the college. Undergraduate student and graduate student members will be appointed for staggered two-year terms⁽⁹⁾. No more than one faculty member and two Committee members in total may come from the same department in a multi-department college. The members of the Committee who shall hear the case are the three faculty members and the two students from the appealing student's peer group (i.e., undergraduates or graduates). The dean shall designate one of the faculty members to serve as chair of the Committee. The Committee shall establish internal procedures consistent with the Student Code.

4. Conflicts of Interest. Upon written request of one of the parties or Committee members, the dean may excuse any member of the Committee if the dean determines that the member has a conflict of interest. The dean shall select an appropriate replacement for the excused member (i.e., student or faculty member).

5. Proceedings Before the Committees. When an appeal and response are filed in a timely manner, the Committee chair shall schedule a hearing date if:

- a. The documents raise material issues of disputed fact;
- b. The Committee chair determines that a hearing is necessary or otherwise desirable to aid in the resolution of the issues; or
- c. The academic action included dismissal from a program.

If the Committee chair determines that no circumstances exist that require a hearing, as provided above, the chair shall within a reasonable time notify the student and the faculty member (the parties) in writing of this determination and convene a closed meeting of the Committee to consider the documentation submitted by the parties. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the dean of the college, or designee, within ten (10) business days after the Committee meeting.

6. Notice of Hearings Before Committees. If the Committee chair determines that a hearing is required, the chair shall schedule a hearing date and notify the parties in writing of the date of the hearing, the names of the Committee members, and the procedures outlined below at least fifteen (15) business days prior to the hearing.

7. Hearing Procedures. Hearings shall be conducted according to the following procedures:

- a. Hearings shall be conducted within a reasonable time after the Committee's receipt of the written appeal and written response to the appeal.
- b. At least five (5) business days prior to the date of the hearing, the parties shall make available to each other and to the Committee a list of their witnesses and a list of the documents to be offered at the hearing. In exceptional circumstances, the Committee may allow a party to call witnesses not listed or submit additional documents at the hearing.
- c. The parties have a right to be accompanied by any person as advisor, including legal counsel, who will be permitted to attend, but not directly participate in, the proceedings.
- d. Hearings shall be closed to the public.
- e. All hearings, except Committee deliberations and voting, shall be recorded and a copy made available to any party upon request. Committee deliberations and voting shall take place in closed sessions.
- f. The Committee must have a quorum present to hold a hearing. A quorum consists of three (3) members, including at least one (1) student and the faculty member from outside the college. If there is more than one hearing in a matter, or if the hearing continues over more than one session, the same three members must be present for all sessions. All findings and recommendations of the Committee shall require a majority vote of the Committee members present at the hearing.
- g. At the hearing, the parties shall have the right to present questions to witnesses through the Committee chair, to present evidence and to call witnesses in their own behalf, in accordance with the Committee's established internal procedures.
- h. The Committee shall not be bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant.

i. University legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.

j. To overturn the original academic action, the Committee must find that the academic action was arbitrary or capricious.

k. The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee members shall not conduct their own investigations, rely on prior knowledge of the facts or develop their own evidence.

l. If either party to the appeal fails to attend the hearing without good cause, the Committee may proceed with the hearing and take testimony and evidence and report its findings and recommendations to the dean of the college, or designee, on the basis of such testimony and evidence.

m. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the dean of the college, or designee, within ten (10) business days after the conclusion of the hearing.

D. Review and Decision by the Dean or Designee

1. The dean of the college, or designee, shall consider the documentation submitted to the Committee and the findings and recommendations of the Committee in making a decision. Based upon such review, and without conducting further hearings, the dean of the college, or designee, shall, within ten (10) business days, take one of the following actions:

a. Accept the Committee's findings and recommendations;

b. Return the report to the Committee chair, requesting that the Committee reconvene to reconsider or clarify specific matters, materials, and issues, and forward to the dean of the college, or designee, a second report of its findings and recommendations relating to the specific matters referred by the dean of the college, or designee, for further consideration; or

c. Reject all or parts of the Committee's findings and recommendations, stating reasons and actions to be taken therefore.

2. Written notification of the dean's, or designee's, decision shall be communicated to the parties, to the chair of the Academic Appeals Committee and to the cognizant vice president within ten (10) business days after receipt of the recommendation.

3. The dean's, or designee's, decision is final unless appealed to the cognizant vice president within ten (10) business days after receipt of the decision.

E. Appeal to Cognizant Senior Vice President

Within ten (10) business days of receipt of the dean's, or designee's, decision, any party may appeal the decision by filing a written notice of appeal with the senior vice president for academic affairs or the senior vice president for health sciences, as appropriate, and delivering a copy to the other party. The other party may file a response to the appeal with the vice president within five (5) business days of receipt of the notice of appeal. In the case of an appeal:

1. The vice president shall consider the appeal and response to the appeal, and may solicit whatever counsel and advice the vice president deems appropriate to arrive at a final decision. The vice president may also convene an ad hoc committee composed of students and faculty members from outside the college or department to determine if there were substantial defects that denied basic fairness and due process. After receiving the appeal, the vice president shall within ten (10) business days, or within twenty (20) business days if an ad hoc committee is formed, take one of the following actions:

a. Accept the decision of the dean of the college or his/her designee;

b. Return the report to the dean of the college, or his/her designee, requesting that he/she clarify specific matters, materials, and issues, and forward to the vice president a second report of his/her decision relating to the specific matters referred by the vice president for further explanation; or

c. Reject all or parts of the dean's, or designee's, decision, stating reasons and actions to be taken therefore.

2. Written notification of the vice president's decision and the basis for that decision shall be communicated to the parties, to the chair of the Academic Appeals Committee and to the dean within ten (10) business days after receipt of the appeal, or within twenty (20) business days after receipt of the appeal if an ad hoc committee is formed.

3. The decision of the vice president is final. At the conclusion of the appeals process, the chair of the department or dean of the college considering the academic appeal shall take appropriate action to implement the final decision.

F. Copies of Documents to Department Chair

During the appeals process and at the time they are submitted, the following documents should be copied to the chair of the department considering the academic appeal: the first written appeal, all subsequent appeals, all responsive documents, and all written recommendations or decisions made at each level of the appeal.

G. Programs That Do Not Report to Academic Deans

In cases where a program does not report directly to an academic dean, the program director will serve as department chair, and the cognizant associate vice president will serve as dean for purposes of these proceedings. Any ambiguity concerning appeal procedures for courses offered in a program (e.g., determination of the relevant Academic Appeals Committee) shall be resolved by the program director, in consultation with the cognizant associate vice president, and in a manner that preserves the spirit and intent of this policy.

(1) If the academic action results from a decision of a committee, e.g., the Promotions Committee of the School of Medicine, the chair of the committee is the "faculty member" for purposes of these procedures.

(2) In colleges without departments, the student shall appeal in writing to the dean of the college. The dean of the college shall appoint one or more faculty members from the college to serve as chair for purposes of these procedures. In cases where the appeal occurs in a program that does not report directly to an academic dean, but rather to an associate vice president, the cognizant program director shall serve as department chair, and the cognizant associate vice president shall serve as dean for purposes of these procedures.

(3) Colleges or departments offering only graduate programs may appoint only graduate student members.