

NOTICE OF REGULATION REPEAL

Date: May 5, 2009

REGULATION TITLE:
Student Academic Appeals

REGULATION NO.:
6C7-5.00431

SUMMARY OF REGULATION REPEAL: This regulation is being repealed. New regulations are being adopted that will cover the subject matter.

AUTHORITY: BOG Resolution dated January 7, 2003

NAME OF PERSON WHO INITIATED REGULATION REPEAL:
Patricia MacKown, Director, Office of Student Rights and Responsibilities

COMMENTS CONCERNING THE REGULATION REPEAL SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:

Regulations Administrator
4000 Central Florida Blvd.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
Fax: (407) 823-6155
e-mail: regulations@mail.ucf.edu

FULL TEXT OF THE PROPOSED REGULATION REPEAL:

6C7-5.00431 Student Academic Appeals.

(1) Scope.

(a) This rule shall apply to undergraduate and graduate student appeals of the following:

1. Grades (typically limited to final grades) resulting from an instructor's:

a. Alleged deviation from established and announced grading policy;

b. Alleged errors in application of grading procedures; and

c. Alleged lowering of grades for non-academic reasons including discrimination.

2. Actions taken by an instructor pursuant to the provisions of the UCF policy on “Student Academic Behavior.” See UCF Rule 6C7-5.0042, F.A.C.

(b) This rule shall also apply to undergraduate program requirements of departments, schools, or colleges.

(c) Appeals of graduate program actions or decisions by a faculty member, program, or college, including termination from an academic program, are discussed in UCF subsection 6C7-5.00431(6), F.A.C.

(d) The professional judgment exercised by an instructor in assigning a specific grade or in conducting a class is excluded from the provisions of this rule except as noted here above.

(2) General Policy – The Following Assumptions are Adopted.

(a) Students are entitled to a fair, prompt, and open resolution of complaints.

(b) Faculty members and administrators are entitled to a fair, prompt, and open forum in defense of their action.

(c) Students have access to published materials and student government representatives to help them become familiar with and understand procedures for handling complaints.

(d) Faculty members and administrators have access to published materials and University staff to help them know and understand procedures through which charges against them will be addressed.

(e) Resolution of student appeals should be made as speedily and informally as possible.

(f) The University as an institution and its faculty are entitled to procedures that ensure the maintenance of academic standards.

(g) The appropriate forum for discussion or alteration of academic matters is the academic unit responsible for these matters.

(3) Resolution of Student Appeals at Informal Level.

(a) All student academic appeals or wrongful academic action(s) by an instructor or administrator shall first be brought to the attention of the instructor of the course or administrator perpetuating the action. This action must be initiated within one semester of the alleged wrongful action or grade, or as soon thereafter as the student becomes aware of such action. The administrator shall, with the consent of the student, attempt to resolve the problem in an

expedient and satisfactory manner. If dissatisfied with the decision of the person whose action is being appealed, or if that person is not available, the student may continue to pursue an informal solution with the unit head or dean or designee of the college in which the action occurred.

(b) The unit head or supervisor in consultation with the instructor or administrator shall make reasonable efforts with the student to solve the problem. This resolution shall take place within 10 school days of the complaint being brought to the unit head or supervisor. At the time the unit head or supervisor notifies the student of this decision, the student should also be informed of the formal procedures for appeal, and that counsel for these procedures are available with the Student Government Association. The decision of the unit head or supervisor must be in writing.

(c) When the instructor or university official is not available to discuss the problem, if at all possible, the resolution should wait until such time as the person whose action is being appealed can return to the campus, but no longer than one semester. If the unit head or college dean or designee determines that an emergency exists requiring that the problem must be solved prior to the availability of the instructor or official (e.g., in a case of probable delayed graduation), the unit head or dean or designee shall make reasonable efforts to inform the instructor or administrator of the situation. The person whose action is being appealed may elect to submit a written statement and to designate a faculty replacement to aid in solving the problem. If that person cannot be reached or does not elect to designate a replacement and the complaint must be dealt with promptly, then the unit head or dean or designee shall act on behalf of the instructor or administrator.

(4) Resolution of Student Academic Appeals at the College Level.

(a) If not satisfied with the resolution of the complaint proposed by the unit head or supervisor, the student may proceed within 10 school days of receipt of the unit head's or supervisor's decision to file a written appeal with the office of the dean of the college in which the action occurred. The written appeal must clearly specify the action that the student perceives as wrong.

(b) An assistant or associate dean in the college appropriate to the case will hear the appeal and render an opinion within 10 days. If the student is not satisfied with the finding of this administrator, the student within 10 days may request an appeal to a Student Academic Appeals Committee.

(c) The purpose of the Student Academic Appeals Committee is to determine whether a broader segment of the campus represented by the committee also judges the action as wrong. If so, they are to suggest a resolution for

the action. Before filing the complaint, the student must consult with the Student Government Association's Judicial Advisor or designee, who shall furnish advice as to the student's rights and responsibilities with respect to this policy. The written appeal shall include the basis of the original complaint, the dates when the instructor, unit head, administrator, or supervisor met with the student to discuss the problem, and the suggested resolution at that time.

(d) Student Academic Appeals Committee.

1. Each college shall establish a Student Academic Appeals Committee whenever required.

2. The committee shall be made up of at least three and no more than five tenured faculty members and an equal number of students.

3. Student members shall be selected by the dean or designee of the college from a panel of no less than 30 (thirty) students appointed by the vice president of Student Development and Enrollment Services from a list of students furnished for this purpose by the president of the Student Government Association.

4. Any member may be challenged for cause by either party. The validity of such challenges shall be decided by the Office of Student Rights and Responsibilities. If a challenge is upheld, the college dean or designee shall appoint a replacement from the college's tenured faculty or the student panel.

(e) The college dean or designee shall call the Student Academic Appeals Committee together and arrange an appeal date.

(f) In conducting a formal review, the Student Academic Appeals Committee shall adhere to the following guidelines:

1. The time limits specified in the following review procedure may be extended by mutual agreement of the parties.

2. The student and the instructor or instructor's replacement shall be permitted to have a non-lawyer representative appear with them before the committee if they so choose.

3. The committee shall not be officially convened to review the appeal until the faculty member involved, or replacement, has received a copy of the appeal or complaint and has had at least 5 school days to submit, if desired, any information. The student will be provided with a copy of any material submitted by the instructor at least 5 school days before the committee meets to review the case.

4. The committee should make every reasonable effort to meet for review of the case within 15 school days after receipt of the student's written appeal and any information provided by the faculty member and/or chair.

5. The committee will function as an objective, fact-finding body when examining all available and relevant information concerning the student's appeal of academic action by the instructor. Such information shall include the student's written appeal, written and/or oral information provided by the instructor, statements made by both parties before the committee, and any other information the committee may deem relevant.

6. The student and faculty member shall be invited to meet with the committee. Each shall be allowed adequate time to respond to the appeal and material as submitted, to any questions from committee members, and to present additional information needed to clarify the issues involved.

7. After meeting with both parties, the committee shall develop its recommendations by majority vote. The committee chair shall designate a member to record the committees' recommendations. These recommendations concerning the disposition of the case shall be submitted to the college dean.

8. The college dean shall render a decision within 10 school days of the conclusion of the committee hearing. Copies of the committee's recommendation and the dean's decision shall be made available to both parties concerned, to the provost, and all other involved parties and departments.

(5) Final Appeal.

(a) If dissatisfied with the college dean's decision, the student may, within 10 school days, file a written request for review with the dean of undergraduate studies or the dean of graduate studies (depending upon the classification of the student) stating the basis for review and the resolution sought by the student.

(b) Acting as the University president's representative, the dean of undergraduate studies or the dean of graduate studies shall make a final decision on the matter within 10 school days of receipt of the student's request for review. Copies of the dean's written decision and the basis therefore shall be sent to the student, the college dean, the chair, the director of the OSSR, the instructor involved (if any), and other involved parties.

(6) Appeals of Graduate Program Actions or Decisions.

(a) Review of Academic Performance. The primary responsibility for monitoring academic performance standards rests with the degree program. However, the college and university shall monitor a student's progress and shall, absent extenuating circumstances revert any student to non-degree status if performance standards as specified by the program, college or university are not maintained. Satisfactory academic performance in a program also

involves maintaining the standards of academic and professional integrity expected in a particular discipline or program. Failure to maintain these standards shall, absent extenuating circumstances result in termination of the student from the program.

A degree program may revert any graduate student to non-degree status at any time, when, in its judgment, the individual is deemed incapable of successfully performing at required standards of excellence. Once reversion to non-degree status has occurred, a student will not be allowed to enroll in graduate courses in that major and will be removed from courses currently being taken. If a student is reverted to non-degree status, reinstatement to graduate student status can occur only through a formal grievance process. (See Academic Grievance Procedure in the following paragraph).

(b) Academic Grievance Procedure. The Office of Graduate Studies follows the procedures for academic grievances as outlined below. Academic matters are those involving graduate instruction, graduate research, or decisions involving graduate instruction or affecting academic freedom of graduate students.

The Appeals Subcommittee of the Graduate Council is the committee that has jurisdiction for issues involving graduate students enrolled for graduate credit, with the exclusion of the following:

1. Grade appeals for individual courses (not thesis or dissertation requirements).
2. Non-academic issues of a disciplinary nature.

(c) The Academic Grievance Procedure is designed to provide a fair means of dealing with graduate student complaints regarding a specific action or decision by a faculty member, program or college, including termination from an academic program. Academic misconduct complaints associated with sponsored research will invoke procedures determined by the Office of Research.

(d) Students who believe they have been treated unfairly, with the previous exceptions, may initiate a grievance. The procedure provides several levels of review, and at each level of review the participants are further removed and have a broader outlook than where the grievance originated.

1. The graduate student should discuss the matter within the academic unit of the grievance and attempt to resolve the grievance informally.

2. If an informal resolution fails, the procedure is as follows:

- a. The graduate student requesting consideration of a grievance, must state the nature of the grievance in writing to the graduate program coordinator, within one year of the date of the occurrence of the grievance. The

statement should include a brief narrative of the grievance, the parties involved, and a statement of what remedy is requested.

b. The graduate program coordinator may ask the unit graduate committee responsible for hearing graduate student grievances to examine the necessary information. The unit graduate committee may invite the grievant as well as others who may provide useful information to a scheduled meeting to present arguments for the grievance. The unit graduate committee will recommend a response to the grievance to the graduate program coordinator.

c. The graduate program coordinator will consider the input of the unit graduate committee and make a recommendation to the unit head about the grievance. The unit head will then make a final unit decision about the grievance at that level.

d. Should the graduate student wish to appeal the decision of the unit head, the student or unit head may request in writing to the college graduate coordinator (if this is the next most appropriate unit) or the Office of Graduate Studies (if this is the next most appropriate unit) that the grievance be considered at this level. The college graduate coordinator may ask the college graduate committee to examine the information and consider the grievance at a scheduled meeting. The college graduate committee may request that the graduate student attend and present information and arguments about the grievance and invite others who may provide useful information to do the same. The college graduate committee will recommend a response to the grievance to the college graduate coordinator.

e. The college graduate coordinator will consider the input of the college graduate committee and make a recommendation to the college dean about the grievance. The college dean will then make a final decision about the grievance at that level.

f. Should the graduate student wish to appeal the decision of the college or unit (whichever is appropriate), the student may request in writing to the Vice Provost and Dean of Graduate Studies that the grievance be considered at the university level. The Vice Provost and Dean may ask the Appeals Subcommittee of the Graduate Council of the Faculty Senate to examine the information and consider the grievance at a scheduled meeting. The Appeals Subcommittee may request that the graduate student attend and present information and arguments about the grievance and invite others who may provide useful information to do the same. Graduate students who would like to invite advisors or others to the committee meeting may do so, but the advisor is only there to provide consultation with the student and not to participate in the committee meeting. The Appeals Subcommittee solicits

information and then dismisses any invited parties to consider the recommendation that it will make, either at a continuation of the meeting or at a future meeting.

g. The Vice Provost and Dean of Graduate Studies will consider the input of the Appeals Subcommittee of the Graduate Council and make a final decision about the grievance for the university.

Authority: BOG Resolution dated January 7, 2003. History–New 4-23-03, Amended 10-18-05.