

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: August 20, 2019

REGULATION TITLE:
Student Academic Appeals

REGULATION NO.:
UCF-5.016

SUMMARY OF PROPOSED REGULATION AMENDMENT: This regulation is amended to update timeframes and the Dean's active role in the process and to direct students to use of a form for the appeal. Significant portions of the regulation were also rearranged to better reflect the appeals process, however the primary concepts of the process remain intact.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:
Adrienne Frame, Associate Vice President and Dean of Students

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT 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 AMENDMENT IS:

Regulations Administrator
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Millican Hall, Suite 360
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FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-5.016 Student Academic Appeals

(1) General Policy Scope:

- (a) This regulation shall apply to undergraduate and graduate students ~~appeals of grades (typically limited to final grades) resulting from an instructor's seeking to appeal a final course grade or an undergraduate program decision. The professional judgement exercised by an instructor in assigning a specific grade or in conducting a class is excluded from the provisions of this regulation except as noted.~~
- (b) This regulation does not apply to appeals of graduate programs actions or decisions by a faculty member, program, or college, including termination from an academic

program, or to the assignment of grades for Thesis or Dissertation credit hours. Appeals from such actions are discussed in and may only be brought under Regulation UCF-5.017.

(c) Grounds for a grade appeal must fall under at least one of the following:

1. Alleged deviation from established and announced grading policy;
2. Alleged errors in the application of grading procedures;
3. Alleged deviation from University syllabus policy ~~or, if applicable, program handbook(s)~~ that could have impacted the resulting grade; and
4. Alleged lowering of grades for non-academic reasons, including discrimination. (A grade appeal alleging discrimination in violation of University policy will be referred to the Office of Institutional Equity. The University is entitled to a reasonable period of time to review allegations of discriminations contained in an appeal, and the University may accordingly extend deadlines applicable to the University for the purposes of reviewing such allegations).

(d) Grounds for an undergraduate program appeal must fall under at least one of the following:

1. Alleged deviation from program or university policies as outlined in the Undergraduate Catalog or Undergraduate Program Handbook(s);
2. Alleged errors in the application of policies or procedures;
3. Alleged probation or dismissal due to non-academic reasons; and
4. Alleged undergraduate program action discrimination and/or sexual harassment in the undergraduate program, department or college. (An appeal alleging discrimination in violation of University policy will be referred to the Office of Institutional Equity. The University is entitled to a reasonable period of time to review allegations of discriminations contained in an appeal, and the University may accordingly extend deadlines applicable to the University for the purposes of reviewing such allegations).

~~(b) This regulation shall also apply to appeals of undergraduate program action, including termination from an undergraduate academic program.~~

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

~~(d) This regulation does not apply to appeals of graduate programs actions or decisions by a faculty member, program, or college, including termination from an academic program, or to the assignment of grades for Thesis or Dissertation credit hours. Appeals from such actions are discussed in and may only be brought under Regulation UCF-5.017.~~

(2) ~~General Policy.~~ The following assumptions are adopted:

(a) Resolution of student academic appeals should be made as informally as possible.

(b) Students and faculty are entitled to a fair and timely resolution of academic appeals.

~~(b) Faculty members and administrators are entitled to a fair and timely forum in defense of their action.~~

(c) The burden of proof in a student academic appeal is on the student.

(d) Students have access to published materials and student government ~~representatives~~ to help them become familiar with and understand procedures for handling academic appeals. Students may consult with a student government advisor for advice regarding the student's rights and responsibilities with respect to this appeal process.

(e) Faculty members and administrators have access to published materials and University staff to help them be aware of and understand procedures to address academic appeals.

~~(f) Resolution of student academic appeals should be made as informally as possible.~~

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

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

(i) The University is entitled to a reasonable period of time to review allegations of discrimination contained in an grade-appeal, and the University may accordingly extend deadlines applicable to the University for purposes of reviewing such allegations.

~~(j) Students may consult with Student Government Association's Judicial Advisor or designee, who shall furnish advice regarding the student's rights and responsibilities with respect to this policy.~~

~~(h) All communication between the student and any University personnel must be made via a university provided email account (e.g. knights.ucf.edu or ucf.edu).~~

(3) Resolution of Student Appeals at ~~Informal~~ the Unit Level

(a) The initial appeal, for final grades or an undergraduate program action, must be initiated within ninety (90) business days of the undergraduate program action or final grade posting.

~~(b) Step 1: All student academic appeals of allegedly wrongful academic action(s) by an instructor or administrator shall first be brought to the attention of the person whose action is being appealed.- (The instructor of the course or administrator whose action is being appealed will be referred to in this regulation as the Responding Party.) If the issue cannot be resolved with the decision of the Responding Party, or if the Responding Party is not available, the student must pursue a Step 2 solution with the unit head, usually the chair or director of the unit. This action must be initiated within one semester of the alleged wrongful action or grade. The parties should attempt to resolve the problem in a timely and satisfactory manner. If dissatisfied with the decision of the Responding Party, or if that person is not available, the student must first continue to pursue an informal solution with the unit head, usually the chair or director of the unit.~~

~~(bc) Step 2: The student must submit the appropriate appeal form, available at the following URL: www.dtl.ucf.edu/gradeappeal. The unit head or designee, in consultation with the Responding Party, should make reasonable every efforts to communicate with the student and resolve the problem. When classes are in session, this- This communication shall normally take place within ten (10) business days of the complaint being brought forwarded to the unit head or designee. Between semesters and during the summer term, this communication may be extended 10 business days into the new semester. The unit head or designee will provide the student with a written final unit-level decision. -that includes reference to student academic appeals procedures. The written decision must include the contact~~

information of the appropriate associate dean or designee to contact regarding the appeal process if dissatisfied with the final unit level decision.

1. ~~If/When~~ the Responding Party is not available to discuss the problem, ~~if at all possible~~, the resolution should wait, if at all possible, until such time as the Responding Party can return to the campus, but not more than ~~six months~~(90) business days.
2. If the unit head or designee and/or college-associate dean or designee determines that an emergency exists requiring that the problem be solved prior to the availability of the Responding Party (e.g. in a case of probable delayed graduation), the unit head or dean or designee shall make ~~every~~ reasonable efforts to inform the Responding Party of the situation. The Responding Party may elect to submit a written statement and/or to designate a replacement to aid in solving the problem.
3. ~~If the Responding Party cannot be reached or does not 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 Responding Party.~~

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

- (a) Step 3: If the student is dissatisfied with the outcome, then the student may proceed to Step 3 of the process. Within ten (10) business days of receipt of the unit head's ~~or supervisor's or designee's~~ decision, ~~if the student wishes to file a formal appeal,~~ the student must schedule an appointment with~~contact~~ the appropriate associate dean's office or designee of the college in which the action occurred, ~~and schedule an appointment with the dean or a designee.~~ That individual will ~~informally~~ review the student's concerns, ~~counsel the student on his/her options~~ inform the student of their ability to seek the assistance of a student government advisor, and explain the ~~formal~~ Student Academic Appeals process. The associate dean or designee shall issue a written recommended resolution, including a concise and explicit written statement that explains the basis for the recommended resolution, within ten (10) business days of the meeting outlined above. Each party has ten (10) business days from the issuance of the written recommended resolution to review the written recommended resolution.

(b) Step 4: If ~~dissatisfied with the consultation with the administrator~~the student does not accept the written recommended resolution of the associate dean or designee, then the student must submit a written appeal to the associate dean or designee. The college will have ten (10) business days from that notice to form an~~the student may, within 10 business days, file a written appeal with the~~ Ad Hoc Student Academic Appeals Committee, ~~of the college.~~ This committee will review the student's appeal regarding the awarded grade and/or the academic program action and, if appropriate, suggest a resolution. ~~The student's written appeal shall include the basis of the student's complaint, the dates when the instructor, unit head, administrator, or supervisor, discussed the problem with the student, and the suggested resolution at that time.~~

(c) The Committee shall, at a minimum, be presented with the following information:

1. Electronic appeal form submitted by the student.
2. A written final decision of the unit head or designee.
3. Recommended resolution of the associate dean or designee.
4. Information submitted by the student.
5. Information submitted by the Responding Party.

(5) Composition of the Ad Hoc Student Academic Appeals Committee

(a) Each college shall establish an Ad Hoc Student Academic Appeals Committee whenever required and the Committee shall be considered dissolved upon submission of the Committee's recommendation to the college dean.

(b) The committee shall be made up of at least ~~two~~three and no more than five full-time instructional faculty members and an equal number of students ~~of comparable academic classification (i.e., undergraduate or graduate) as the student initiating the appeal.~~ The college shall make a reasonable effort to select students of comparable academic classification as the student initiating the appeal.

(c) Quorum for the Committee shall be two (2) faculty members and two (2) students.

(d) Student members shall be selected by the associate dean ~~of the college~~ or designee from a panel of students. This panel shall be appointed by the Vice President of Student Development and Enrollment Services and/or the Dean of the College of Graduate Studies. The list of students appointed to the student panel shall be

maintained by the Office of Student Conduct, and furnished upon a request from a college.

- (ed) The parties will be informed of the names of the Ad Hoc Student Academic Appeal Committee members seated to hear the appeal. Any member may be challenged for cause by either party within three (3) days of notification of the names of the members assigned to the Ad Hoc Student Academic Appeals Committee. The validity of such challenges shall be decided by the Assistant Dean and Executive Director of Student Rights and Responsibilities or designee 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 and tenure earning faculty full-time instructional faculty members or the student panel.

~~(e) The college dean or designee shall assemble the Student Academic Appeals Committee to conduct a formal review of the student academic appeal.~~

(6) Ad Hoc Student Academic Appeals Committee Guidelines. Formal Review of a Student Academic Appeal

- (a) ~~In conducting a formal review, the Student Academic Appeals Committee shall adhere to the following guidelines~~The following guidelines should be adhered to when a committee is conducting a review of an appeal:

- ~~Where a time limit is specified in the following review procedure, it may be extended by mutual agreement of the parties. Where an appeal makes allegations of discrimination, the University may unilaterally extend deadlines applicable to it to allow for review of such allegations.~~The Committee will function as an objective, fact-finding body when examining all available and relevant information concerning the student's appeal of a grade or program action by the Responding Party. Such information may include the student's written appeal, written and/or oral information provided by the Responding Party, statements made by both parties before the Committee, and any other information the committee may deem relevant.
- The time limits specified in the following review procedure may be extended by mutual agreement of the parties.

- ~~2. The committee shall not be officially convened to review the appeal until the Responding Party, or substitute/replacement, has received a copy of the appeal and has had at least 5 business days to submit, if desired, a response or additional information. The student will be provided with a copy of any material submitted by the Responding Party at least 5 business days before the committee meets to review the case.~~
3. The committee should make reasonable efforts to meet for review of the case within twenty (20) business days, ~~after receipt of the student's written appeal and any information provided by the Responding Party and/or unit head. Scheduling and holding a committee meeting may require more time; as such, this 20 business days is not a time limit.~~ If the committee cannot meet within the 20 days, the university will inform the parties of the need for additional time, ~~appealing student. 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 Responding Party. Such information shall include the student's written appeal, written and/or oral information provided by the Responding Party, statements made by both parties before the committee, and any other information the committee may deem relevant.~~ Should either party fail to attend the scheduled appeal hearing, the hearing will be held in the party's absence with the understanding that the proposed outcomes and resolutions will be made using the information available at the time of the appeal hearing in the party's absence.
45. The ~~college~~ associate dean or designee will convene the committee, establish procedural rules for conducting the meeting, serve as its chair, and will vote in the case of a tie. The meeting is not covered by Sunshine laws, and is thus closed to outside parties and will not be recorded.
56. The student and Responding Party shall be invited to meet with the committee. Participating individuals in the appeal may appear through virtual (electronic) means at the committee meeting. Each shall be allowed adequate time to respond to the appeal and material as submitted, to answer

any questions from committee members, and to present additional information needed to clarify the issues involved.

67. After meeting with both parties, the committee will deliberate and issue a ~~decision recommendation~~ by majority vote to the college dean. The committee will ~~first-(1)~~ decide if the student has ~~demonstrated proven~~ that there were grounds for the appeal; and ~~second~~, if there were grounds, (2) suggest what resolution should be implemented. This decision may let the grade/action as recommended by the associate dean or designee in Step 3 stand as is, or ~~alter~~change the recommended grade/action. If the decision of the committee is to ~~alter~~change the recommended Step 3 decision of the associate dean or designee grade, only the faculty members on the ~~Board~~committee will be involved in deciding what the ~~alteration~~change will be. The committee chair will ensure that the committee's majority opinion, rationale, and recommended findings and resolutions are recorded and forwarded to the college dean within five (5) days of the conclusion of the Committee hearing.

(b) The college dean will prepare a written decision on the appeal within five (5) business days of the receipt of the Committee's recommendation. The college dean may do one of the following with the Committee's recommendation: accept it, reject it, or modify it. If the college dean rejects or modifies the Committee's recommendation, then the college dean's written decision must include a statement of reason for the action. The college dean will send a copy of the Committee's recommendation along with the college dean's written decision ~~provide copies of the panel's decision within 10 business days of the Student Academic Appeals Panel hearing to both parties concerned the student, the Responding Party, to the Provost, the unit head, other involved parties and departments, and to the appropriate dean of undergraduate or graduate studies~~. The college dean's decision shall be the final decision on the college level.

(7) Final Appeal

(a) Step 56: If dissatisfied with the college dean's decision, the student may, within ten (10) business days, file a written request for review with the dean of undergraduate studies or the dean of graduate studies, or designee (depending upon

the classification of the student), clearly stating the basis for review and the resolution sought by the student.

(b) The dean of the college of undergraduate studies, or designee, or dean of the college of graduate studies, or designee, shall serve as the final appellate officer. The final appellate officer should issue a written decision to the student's appeal within twenty (20) business days of receipt of the appeal. Should the final appellate officer require additional time for review beyond the 20 business days, the final appellate officer will notify the student in writing of the need for additional time.

(bc) Acting as the University President's representative, the decision of the dean of undergraduate studies, or designee, or the dean of graduate studies, or designee, shall ~~make a represent~~ final agency action decision on the matter within 10 business days of receipt of the student's request for review. Copies of the dean's, or designee's written decision shall be sent to the student, the college dean, the ~~chair~~unit head, the Director of OSC, the Responding Party, the Provost, and other involved parties and the appropriate dean of undergraduate or graduate studies.

Authority: BOG Regulation 1.001. History– New 4-23-03, Formerly 6C7-5.00431, Amended 8-10-09, 9-4-12, 10-29-15, 7-20-17, 7-19-18, 1-24-19, _____-19.