

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: December 14, 2018

REGULATION TITLE:
Student Academic Appeals

REGULATION NO.:
UCF-5.016

SUMMARY OF PROPOSED REGULATION AMENDMENT: This regulation is amended to clarify the timeline of the academic appeal process and opens up service on the Student Academic Appeals Committee to all full-time instructional faculty categories. Other aspects of the process were clarified, particularly a statement of burden of proof, clarification of deadlines, and distribution of the committee action.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:
Michael Gilmer, Director of Student Conduct

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
4365 Andromeda Loop North
Milligan Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
e-mail: regulations@ucf.edu

FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-5.016 Student Academic Appeals

(1) Scope.

- (a) This regulation shall apply to undergraduate and graduate student appeals of grades (typically limited to final grades) resulting from an instructor's:
1. Alleged deviation from established and announced grading policy;
 2. Alleged errors in application of grading procedures;
 3. Alleged deviation from University syllabus policy or, if applicable, program handbook(s); 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.)
 - (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) Students 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.
- (ed) Students have access to published materials and student government representatives to help them become familiar with and understand procedures for handling academic appeals.
- (de) 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.
- (fe) Resolution of student academic appeals should be made as informally as possible.
- (gf) The University as an institution and its faculty are entitled to procedures that ensure the maintenance of academic standards.
- (hg) The appropriate forum for discussion or alteration of academic matters is the academic unit responsible for these matters.
- (ih) The University is entitled to a reasonable period of time to review allegations of discrimination contained in a 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.

(3) Resolution of Student Appeals at Informal Level

- (a) 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.) 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.

- (b) Step 2: The unit head ~~or supervisor~~, in consultation with the Responding Party, should make every effort to communicate with the student and resolve the problem. When classes are in session, this communication shall normally take place within 10 business days of the complaint being brought to the unit head ~~or supervisor~~. Between semesters and during the summer term, this communication may be extended ~~ten~~ 10 business days into the new semester. The unit head ~~or supervisor~~ will provide the student with a written decision that includes reference to student academic appeals procedures.

1. When the Responding Party is not available to discuss the problem, if at all possible, the resolution should wait until such time as the Responding Party can return to the campus, but not more than six months.
2. If the unit head or college 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 effort 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: Within 10 business days of receipt of the unit head's or supervisor's decision, if the student wishes to file a formal appeal, the student must contact the dean's office 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, and explain the formal Student Academic Appeals process.
- (b) Step 4: ~~If dissatisfied with the~~ consultation with the administrator, ~~within 10 days of their meeting or conversation,~~ the student may, within 10 business days, file a written appeal with ~~may appeal in writing to~~ the Student Academic Appeals Committee of the college. This committee will ~~determine review the legitimacy of 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 ~~original 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.

(5) Composition of the Student Academic Appeals Committee

- (a) Each college shall establish a Student Academic Appeals Committee whenever required.
- (b) The committee shall be made up of at least three and no more than five ~~tenure-earning or tenured 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.
- (c) Student members shall be selected by the 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 or the College of Graduate Studies.

- (d) 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 and tenure-earning faculty 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) Formal Review of a Student Academic Appeal

- (a) In conducting a formal review, the Student Academic Appeals Committee shall adhere to the following guidelines:
 1. Where a time limit is ~~The time limits~~ 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.
 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 every reasonable effortss to meet for review of the case within 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 appealing student.
 4. 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.

5. The college 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.
 6. 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.
 7. After meeting with both parties, the committee will deliberate and issue a decision by majority vote. The committee will first decide if the student has proven that there were grounds for the appeal, and second, if there were grounds, what resolution should be implemented. This decision may let the grade/action stand as is or change the grade/action. If the decision of the committee is to change the grade, only the faculty members on the committee will be involved in deciding what the change will be. The committee chair will ensure that the committee's majority opinion is recorded and forwarded to the college dean.
- (b) The college dean will provide copies of the panel's decision within 10 business days of the Student Academic Appeals Panel hearing to both parties concerned, to the Provost, and all other involved parties and departments, and to the appropriate dean of undergraduate or graduate studies.

(7) Final Appeal

- (a) Step 6: If dissatisfied with the college dean's decision, the student may, within 10 business 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 business days of receipt of the student's request for review. Copies of the dean's written decision shall be sent to the student, the college dean, the chair, the Director of OSC, the Responding Party, and other involved parties.

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, _____-19.