

Student Rules and Regulations Committee

Approved by President

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(Additions to rules are bolded and underlined, deletions to rules are indicated by strikethrough)

PROPOSAL

To bring the rule in alignment with the undergraduate academic appeal rules.

JUSTIFICATION

To bring the rule in alignment with the undergraduate academic appeal rules.

PROPOSED BY

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Approved by the Student Rules and Regulations Committee on 7/17/15.

Approved by Faculty Senate 12/14/15

Approved by the President on 2/1/16

Present rule 53 with all changes in **red font**: additions in **bold and underlined**, deletions are ~~struck~~.

53. Graduate Student Examination Evaluation Disputes

The decision as to which procedure to utilize for a grievance filed by a graduate student shall be made solely by the university and shall be based on the fact pattern of each particular case. Each grievance shall be directed to a specific procedure and shall be accorded only one opportunity to be adjudicated unless the appeal body remands for further review.

53.1 Rules

The graduate student shall be informed in a timely manner regarding the date, time, location, procedures and nature of any examination required by a department, **interdisciplinary degree program**, or the **graduate** student's advisory committee. The decision regarding any such examination shall be based upon performance on the examination. **Examinations include, but are not limited to, preliminary examinations, qualifying examinations, and final oral examinations.**

The appropriately designated departmental, **interdisciplinary degree program**, or graduate advisory committee (hereafter examining committee) is the primary authority with respect to a graduate student's proficiency and level of performance on an examination.

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53.2 Scope

A graduate student may appeal an adverse decision regarding the outcome of an examination if the graduate student believes the respondent's decision was capricious, arbitrary or prejudicial. In the appeal process, which is described in detail in Student Rule 59, the burden of proof shall be upon the graduate student.

53.3 Definitions

"Adverse decision" means a decision by a faculty member or administrator that negatively impacts the student and for which the student wishes to pursue a grievance under this rule.

"Arbitrary" means no reasonable factual basis for reaching the conclusion or taking the action.

"Capricious" means unpredictable and subject to whim.

"Faculty" means an individual holding a position in which the primary title includes the word "professor," "instructor," "lecturer," or "librarian" regardless of other rank of appointment qualifiers associated with the title. Appointments with the word "dean" or "provost" with or without a specified faculty rank higher than assistant professor are normally tenured faculty appointments.

"Prejudicial" means irrational attitude of hostility directed against an individual. This does not include hostility on the basis of any legally protected status that is addressed through Student Rules 45 - 47.

"Respondent" means the faculty member, instructor, or administrator that made the decision.

"Graduate student" means an individual graduate or professional student (not including first professional students JD, MD, DDS, DVM, Pharm D).

53.4 Grievance Procedures

Graduate students must follow the resolution procedures and deadlines for disputes over examination evaluations as described in **Student Rule 59 Graduate Academic Appeals Panel.**

Grievance Procedures

~~53.1 A graduate student who believes that his or her evaluation reflects a capricious, arbitrary or prejudiced academic evaluation should first discuss the matter with the chair or co-chairs (hereafter referred to as chair) of the examining committee.~~

~~53.2 If no satisfactory resolution is reached with the examining committee chair, or if the examining committee chair is unavailable, and the graduate student wishes to appeal, he or she shall appeal to the head of the department administering the degree. To appeal the examination results to the department head, the student will complete the Notice of Intent to Appeal available through the Office of Graduate and Professional Studies and collect all documentation~~

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~~that supports claims of capricious, arbitrary or prejudiced academic evaluation. These documents must be submitted in writing with the Notice of Intent to Appeal. A list of all written evidence included as documentation must accompany the Notice of Intent to Appeal. Together, this set of documents forms the Appeal Summary File. The original is submitted to the director of the Office of Graduate and Professional Studies to form the official file, and a copy is submitted to the head of the department administering the degree. Once the Appeal Summary File is submitted, the student may not add further written arguments or additional supporting documentation.~~

~~53.3 The department head will meet individually and/or in a group with the student, the instructor, advisory committee chair, examining committee, departmental graduate director and other faculty members relevant to the case to attempt to resolve the appeal at the department level. The student will present his/her Notice of Intent to Appeal and complete documentation supporting the appeal (Appeal Summary File) at or before this meeting. After consultation with all parties, the department head will examine the graduate student's appeal in order to determine if the student has established a prima facie case of capricious, arbitrary or prejudiced academic evaluation. If not, the department head will so inform the graduate student and the examining committee chair in writing without delay. The department head will complete his/her evaluation of the student's appeal and add this as a written document to the Appeal Summary File.~~

~~53.4 If a prima facie case exists, the department head will then secure from all parties statements and such other information as he or she deems helpful and will issue his or her findings and remedies, if any. In doing so, the department head will be guided by the principle that it is up to the graduate student to show that a capricious, arbitrary or prejudiced academic evaluation has occurred. Recommendations needing Office of Graduate and Professional Studies approval or action must be forwarded to the Associate Provost for Graduate Studies and Professional Studies.~~

~~53.5 The graduate student or the examining committee acting through its chair may appeal the department head's decision (with respect to findings and/or remedies) to the Dean or designee of the college in which the student is enrolled. The Dean or designee will examine the Appeal Summary File, which now includes the department head's written assessment of the student's complaint. The Dean or designee, upon reviewing the Appeal Summary File and after discussing the matter with the student, will add his/her written assessment to the Appeal Summary File and respond in writing to the student, the instructor, the advisory committee chair, the examining committee and the department head.~~

~~53.6 If the student and/or examining committee do not agree with the decision of the Dean or designee, the student and/or the examining committee through its chair may file an appeal with the Graduate Appeals Panel.~~

~~53.7 In all instances of an appeal, department heads, Dean or designees or the Graduate Appeals Panel may explore or recommend a variety of solutions consistent with the best interests of the student and university (including the voiding of an examining committee's decision), except that a majority decision of the examining committee may not be reversed so as to grant a degree.~~

~~53.8 The student's examining committee will be consulted throughout the various stages of the appeal process about any proposed solutions recommended by any party other than the examining committee.~~