

# Academic Appeals Procedure

University Procedure #209

## 1 **Section 1. Purpose**

2 This Academic Appeals procedure provides an administrative, orderly process  
3 for appeals of decisions related to program and graduation requirements,  
4 grades, and academic integrity findings and sanctions. Prior to filing a formal  
5 appeal, students are encouraged to, first, work with faculty and other staff, as  
6 appropriate, to resolve their concerns.

7 The procedure does not include transfer appeals or registration appeals.  
8 Students seeking information about or assistance with such appeals should  
9 contact the ombudsperson

## 10 **Section 2. Definitions**

- 11 • **Academic Integrity Appeal:** appeals of sanctions applied through the  
12 processes outlined in University Policy 2190 and Procedure 219. See  
13 **Section 5** in the following procedure.
- 14 • **Arbitrary and Capricious:** A decision is arbitrary if it comes about  
15 seemingly at random or by chance or as a capricious and unreasonable  
16 act of will. It is capricious if it is the product of a sudden, impulsive and  
17 seemingly unmotivated notion or action.
- 18 • **Degree/Graduation Requirement Appeal:** appeals related to the  
19 requirements under University Policy 2020, including minimum credit  
20 requirements and the Racial Issues Graduation Requirement. See  
21 **Section 6** in the following procedure.
- 22 • **Grade/Evaluation Appeal:** include disputes about both the  
23 grading/evaluation of assignments and the final grade/evaluation for a  
24 course or non-classroom-based learning opportunity, such as an  
25 internship or independent study. See **Section 4** in the following  
26 procedure.
- 27 • **Informal Appeal / Informal Step:** when a student seeks a remedy from  
28 an instructor, sometimes with the facilitation of a department chair, dean,  
29 or similarly situated colleague.
- 30 • **Major/Program Requirement Appeal:** appeals related to general  
31 education (University Policy 2010) or requirements for a major, minor, or  
32 certificate based on the student's catalog year. Program requirements

33 are understood to include program admissions requirements, if any exist.  
34 See **Section 6** of the following procedure.

- 35 • **Ombudsperson / Office:** a designated employee who works with  
36 students, faculty, and staff to achieve resolution or complaints or appeals.

### 37 **Section 3: Appeals Committee and General Procedures**

38 The university shall establish and maintain an Academic Appeals Committee to  
39 carry out parts of this procedure by weighing evidence and making a  
40 recommendation to the provost. Members shall recuse themselves from  
41 hearing appeals in which they have a conflict of interest.

#### 42 A. Committee Membership and Appointments

43 Appointments to the committee shall be made or rescinded by the  
44 provost following recommendations or consultations by the  
45 constituencies indicated below.

46 Resident faculty and professional advisor appointments to the  
47 committee shall normally be for three (3) academic years. Three-year  
48 terms shall be staggered to the best extent possible in order to create  
49 continuity in the committee.

- 50 1. One student and alternates named by the Student Senate or its  
51 successors. Multiple students may serve as alternates with one  
52 vote on the committee.
- 53 2. One professional advisor, named by the academic advising  
54 department or its successors.
- 55 3. One resident faculty representative from each college/school  
56 and the library, named by the faculty association.
- 57 4. One liaison named by the office responsible for inquiries into  
58 allegations of bias, who shall serve as a non-voting consultant.

#### 59 B. Committee Procedures

- 60 1. The committee shall be convened and chaired by a faculty  
61 member who is elected by the committee.
- 62 2. Records from committee meetings, including names of persons  
63 appearing, evidence that were examined, and actions and  
64 rationale, shall be kept in a confidential file in the Office of the  
65 Provost or its successors.

- 66 3. The committee shall meet regularly to resolve appeals or  
67 conduct other business. Meetings shall be held at least once a  
68 month during fall and spring semesters, and once during  
69 summer semesters, if needed. Terms and conditions for summer  
70 meetings shall comply with bargaining unit contracts.  
71 Additional meetings may be held, if needed, to conduct appeal  
72 hearings.
- 73 4. The committee will make all reasonable accommodations to  
74 allow for student participation, including when determining  
75 schedule and modality.
- 76 5. To hold an appeal hearing, a minimum number of three faculty  
77 who are appointed members of the committee must be present.
- 78 6. The committee may call but not summon witnesses.
- 79 7. It is not mandatory for the appellant student, the instructor of  
80 record, nor the appropriate department chair to attend the  
81 appeal hearing, although it is strongly recommended they do so.  
82 If they do attend the hearing, the appellant student and the  
83 faculty witness or representative shall appear separately.
- 84 8. If a student chooses to attend their hearing, they may be  
85 accompanied by a person other than a witness. The person  
86 accompanying the student may provide support to the student,  
87 but is not considered a witness and, so, shall not provide  
88 testimony to the committee.
- 89 9. Students are asked to not raise new charges at the committee  
90 hearings that are not included the written complaint. If a  
91 student makes a new allegation during the hearing, the  
92 committee will ensure that the instructor can respond to the  
93 new allegation before making its recommendation. The  
94 committee may refer specific allegations outside of its  
95 jurisdiction to other, appropriate university processes for  
96 resolving student complaints and grievances.
- 97 • **Decision Making.** Each type of appeal shall be resolved at the lowest  
98 possible level. Appeals shall be formally escalated only after the prior  
99 appeal level has been exhausted.

- 100 • **Further Appeals.** Appeal decisions are final and there is no formal appeal  
101 process available beyond the final decision maker. Nothing in this  
102 procedure shall be construed as forbidding a student from exercising  
103 their basic rights to petition for a redress of their concerns outside of a  
104 formal process.
- 105 • **Record Keeping and Assessment.** The ombudsperson shall keep a  
106 record of the nature and outcome of formal appeals and report annually  
107 to the provost on the number, nature, and outcomes of these appeals.  
108 Such reporting shall include an analysis by student demographics and  
109 protected populations. Reports shall be made available upon request to  
110 the provost.
- 111 • **Pending Appeals.** A pending appeal may negatively affect a student's  
112 graduation, academic standing, or financial aid. In such cases, members  
113 of the university shall take all reasonable steps to expedite the appeals  
114 process. Such impacts are not in themselves grounds for an appeal being  
115 denied or approved.
- 116 • **Complex Appeals and Complaints of Bias.** An appeal may allege  
117 multiple factors that may require referrals to other university processes in  
118 addition to the review conducted by the Academic Appeals Committee.  
119 One factor among others may be alleged bias against the student on the  
120 basis of protected class. In such "complex" appeals, the allegations of bias  
121 are referred to the university's regular processes for handling such  
122 complaints. If the appeal can be decided in the student's favor based on  
123 factors other than bias, the appeal shall be resolved independently of the  
124 bias complaints process. If the appeal cannot be resolved until the  
125 allegation of bias is resolved, then the appeal shall be placed in a pending  
126 status until the bias complaint process concludes with a result reported  
127 to the ombudsperson. The appeals committee determines whether to  
128 resolve an appeal or place it in a pending status. An appeal in which the  
129 only factor is an allegation of bias will necessarily enter a pending status  
130 while the bias complaint is investigated.
- 131 • **Retaliation Prohibited.** Students, faculty, and other parties are expressly  
132 prohibited from retaliation. Retaliation is prohibited against students who  
133 file an appeal and parties who provide evidence in the student's favor or  
134 otherwise support the student. Retaliation is prohibited against the  
135 members of the appeals committee. Retaliation is prohibited against  
136 decision makers. Students are prohibited from filing retaliatory appeals.

137 Retaliatory appeals may be referred to a student conduct process for  
138 review.

139 **Section 4. Grade/Evaluation Appeals**

140 A. **Decision Making.** Informal grade/evaluation appeals are decided by  
141 the instructor of record. Instructors may consult with their department  
142 chair, dean, or other colleagues pursuant to resolving an informal  
143 appeal without initiating a formal appeal. Formal appeals are initiated  
144 by a student and shall be heard in the following order.

- 145 1. Department chair or designee, such as a Graduate Program  
146 Director or coordinator. Departments shall notify the appropriate  
147 dean's office of such designations, if any, on an annual basis.
- 148 2. Dean or functional equivalent, such as an executive director
- 149 3. Academic Appeals Committee or its successors
- 150 4. Provost or equivalent senior academic officer.

151 B. **Informal Appeals.** Students are encouraged to first attempt to resolve  
152 an appeal issue informally with the instructor. An instructor shall  
153 respond to a student's informal appeal within 14 calendar days of  
154 receipt of the appeal. The instructor may contact or be contacted by  
155 the department chair/designee, academic advisor, ombudsperson, or  
156 other colleagues in pursuit of a resolution. If the instructor has given  
157 no response to the student after 14 calendar days, the appeal is  
158 considered denied and the student may proceed to file a formal grade  
159 appeal. Students are not required to seek an informal resolution nor  
160 wait until 14 days have passed before filing a formal appeal.

161 C. **Burden of proof for granting an appeal.** An instructor's grade shall  
162 not be changed during the appeals process unless there is clear and  
163 convincing proof that the evaluation had been arbitrary and/or  
164 capricious and was unfair to the student.

165 D. **Fact Finding.** Each decision maker shall make a reasonable effort to  
166 hear from both sides of a dispute before rendering a decision. The  
167 appeals committee aids the provost in meeting this obligation.

168 E. **Remedies.** A grade/evaluation appeal, if granted, may result in a  
169 change of grade and/or change of grading method. The result may be  
170 different than the student's requested remedy. Students may

171 continue the appeals process if they deem a partial or differential  
172 remedy insufficient.

173 F. **Limitations and Restrictions.** Formal appeals must be initiated within  
174 60 calendar days of the posting of grades or evaluations. During those  
175 60 days, students have the right to, and are encouraged to, try to  
176 resolve the appeal informally. Students must abide by the rules for an  
177 appeal, including the use of required forms and adherence to posted  
178 deadlines. The university shall take proactive steps to ensure that  
179 students are apprised of their rights and obligations and that students  
180 receive support and guidance in exercising their rights.

181 G. **Written Notifications and Decisions**

182 At each step of a formal appeal, the decision maker shall provide a  
183 written decision, including rationale, to the appellant and instructor.  
184 Copies of written decisions shall be provided to the ombudsperson, for  
185 recordkeeping, and shall become part of the ongoing record of the  
186 appeal for the remainder of the appeals process.

187 H. **Formal Appeal Process**

188 • **Initiating a Formal Appeal.** To begin the formal appeal process,  
189 students must complete and submit an appeal form, available from  
190 the ombudsperson’s office. The written appeal shall include both a  
191 description of the dispute, a requested resolution or remedy, and  
192 any evidence or reasons that the student believes support the  
193 appeal. The burden of proof rests with the student filing the appeal.  
194 If requested, the ombudsperson advises students in formulating  
195 and filing appeals.

196 • **Routing of Appeals and Need to Know.** Upon receipt of the appeal  
197 form, the ombudsperson forwards copies to the instructor,  
198 appropriate department chair, appropriate dean/executive director.  
199 The ombudsperson, decision makers, committee members, and all  
200 others involved in an appeals process shall take all reasonable steps  
201 to limit knowledge of the appeal on a need-to-know basis.

202 • **Department Chair/Designee.** The formal appeal is first reviewed by  
203 the appropriate department chair/designee, such as a Graduate  
204 Program Director or coordinator. If the chair does not respond to  
205 the ombudsperson within 14 calendar days of receiving the appeal  
206 form, the appeal is considered denied. If denied in this way, the

207 appeal is then forwarded by the ombudsperson to the appropriate  
208 dean/executive director (and/or designee). If the chair/designee  
209 hears the appeal and provides the student a written denial, the  
210 student shall determine whether to continue the appeal process.

- 211 • **Dean/Designee.** The appropriate dean/executive director (and/or  
212 designee) must notify the student and the ombudsperson in  
213 writing of their decision within 14 calendar days of receiving the  
214 notification. If the appeal is denied, the response shall provide a  
215 rationale for the decision.
- 216 • **Committee.** Within 14 calendar days of receipt of the  
217 dean's/executive director's decision, the student must notify the  
218 ombudsperson in order to bring the appeal before the Academic  
219 Appeals Committee. If the student does not communicate with the  
220 committee via the ombudsperson within 14 calendar days, the  
221 ombudsperson shall bring a summary of the case to the committee  
222 for a decision whether to consider the case, without the student  
223 being present, or to close the appeal.

224 The Academic Appeals Committee shall hear appeals in a timely  
225 manner. Following the hearing, the committee forwards its  
226 recommendation, in writing, to the provost within five (5) business  
227 days of the hearing.

- 228 • **Provost.** Within fourteen (14) calendar days of receipt of the  
229 committee's recommendation, the provost (or designee) notifies  
230 the following individuals of their decision, in writing: the student,  
231 ombudsperson, Academic Appeals Committee chair, appropriate  
232 dean/executive director, and instructor of record. The provost may  
233 provide any remedy allowed in this procedure. This is the final step  
234 in the grade/evaluation appeal process.

## 235 **Section 5. Academic Integrity Appeal**

236 Refer to Metro State University Policy 2190 for a description of academic  
237 integrity violations and sanctions. The follow section outlines the process by  
238 which students may appeal an academic integrity finding or sanction after it  
239 has been duly applied.

- 240 A. **Decision Making.** Formal appeals shall be heard in the following  
241 order.

- 242 1. Academic Appeals Committee or its successors
- 243 2. Provost or equivalent senior academic officer
- 244 B. **Informal Appeals.** Because academic integrity processes are initiated
- 245 with a formal report by the instructor, it is assumed that an informal
- 246 appeal has already been made and denied. Refer to University
- 247 Procedure 219 for guidance on informal steps (if any) in the academic
- 248 integrity process.
- 249 C. **Grounds for granting an appeal.** Academic integrity findings and/or
- 250 sanctions shall not be changed during the appeals process unless
- 251 there is clear and convincing proof that the finding was insufficiently
- 252 substantiated and/or the sanction had been arbitrary and/or
- 253 capricious applied.
- 254 D. **Remedies.** If an academic integrity appeal is approved, remedies
- 255 include the expungement of any sanctions and restoration of the
- 256 student to a previous level of academic standing.
- 257 E. **Limitations and Restrictions.** The time limits and other parameters
- 258 for academic integrity appeals are identical to the limits for
- 259 grade/evaluation appeals in Section 4 of this procedure.
- 260 F. **Priority.** Academic Integrity Appeals for second-level and third-level
- 261 violations are time sensitive. In scheduling its hearings, the Academic
- 262 Appeal Committee may give such appeals priority over
- 263 Grade/Evaluation Appeals when appropriate.
- 264 G. **Continued Participation.** While pursuing an Academic Integrity
- 265 Appeal, the student may continue to attend classes in good standing,
- 266 pending the resolution of the appeal process.
- 267 H. **Formal Appeal Process**
- 268 1. **Initiating a Formal Appeal.** To begin the formal appeal process,
- 269 students must complete and submit an appeal form, available from
- 270 the ombudsperson's office. The written appeal shall include both a
- 271 description of the dispute, a requested resolution or remedy, and
- 272 any evidence or reasons that the student believes support the
- 273 appeal. The burden of proof rests with the student filing the appeal.
- 274 If requested, the ombudsperson advises students in formulating
- 275 and filing appeals.



- 276 2. **Routing of Appeals.** Upon receipt of the appeal form, the  
277 ombudsperson forwards copies to the instructor and appropriate  
278 department chair and appropriate dean/executive director. Persons  
279 involved in the appeals procedure shall take steps to ensure  
280 knowledge of the appeals and its documentation is limited on a  
281 need-to-know basis.
- 282 3. **Committee.** The Academic Appeals Committee shall hear appeals  
283 in a timely manner. Following the hearing, the committee forwards  
284 its recommendation, in writing, to the provost within five (5)  
285 calendar days of the hearing.
- 286 4. **Provost.** Within fourteen (14) calendar days of receipt of the  
287 committee's recommendation, the provost (or designee) notifies  
288 the following individuals of their decision, in writing: the student,  
289 ombudsperson, Academic Appeals Committee chair, appropriate  
290 dean/executive director, and instructor of record. The provost may  
291 provide any remedy allowed in this procedure. This is the final step  
292 in the formal Academic Integrity Appeals process.

293 **Section 6. Appeals of Program and Graduation Requirements**

- 294 I. **Decision Making.** Program and graduation requirement appeals shall  
295 be heard in the following order. The Academic Appeal Committee  
296 does not participate in these kinds of appeals.
- 297 1. Department chair or designee, such as a Graduate Program  
298 Director or coordinator. Department chairs/designees may decide  
299 program appeals and may make recommendations on graduation  
300 requirement appeals.
- 301 2. Dean or functional equivalent, such as an executive director. Deans  
302 may decide appeals of both program and graduation  
303 requirements.
- 304 3. Provost or equivalent senior academic officer. The provost serves as  
305 a second level of review when a dean/designee denies a graduation  
306 requirement appeal.
- 307 J. **Formal and Informal Appeals.** Appeals may be sought using informal  
308 or formal processes as established by the relevant department and  
309 college/school. Outcomes of appeals shall be implemented using

310 formal communications, such as an Exception Form provided by the  
311 Records Office.

312 K. **Grounds for granting an appeal.** Program and graduate  
313 requirements should only be waived or modified when it is in the best  
314 academic interests of the student, does not compromise the integrity  
315 of the degree, and does not create an inequity for other students by  
316 creating an arbitrary or capricious environment.

317 L. **Remedies.** A program or graduation requirement appeal, if granted,  
318 may result in a waiver, exception, substitution or other modification of  
319 the underlying requirement. Such remedies are made on a case-by-  
320 case basis and do not become standard practices for all students. The  
321 results of an appeal may be different than the student's requested  
322 remedy. Students may continue the appeals process if they deem a  
323 partial or differential remedy insufficient.

324 M. **Limitations and Restrictions.** [reserved].

325 N. **Department and College Processes**

326 • **Access and Transparency.** Colleges/schools and their constituent  
327 departments shall take all reasonable steps to ensure that students  
328 know their rights and means to appeal program and graduation  
329 requirements.

330 • **Record Keeping and Assessment.** Colleges shall maintain a record  
331 of exceptions made to program and graduation requirements.  
332 Such records shall remain confidential and include student  
333 information sufficient to support an assessment for differential  
334 impacts by demographics or protected populations.

335 **Section 7. Non-Discrimination**

336 In compliance with MnSCU's Non-Discrimination in Employment and  
337 Education Policy, any student, faculty member or employee who knows of,  
338 receives information about or receives a complaint of discrimination or  
339 harassment is strongly encouraged to report the information or complaint to  
340 the designated officer of the Office of the Chancellor, college, or university.  
341 Members of the Academic Appeals committee shall refer allegations of  
342 conduct that they reasonably believe may constitute discrimination or  
343 harassment under Board Policy 1B.1 to the designated officer.

344 The Academic Appeals Committee may decide to continue or suspend the  
345 appeal hearing process while also referring such allegations, depending on the  
346 facts presented in the appeal.

347 **Section 8. Promulgation of this Procedure**

348 The office of the provost shall have the responsibility to disseminate this  
349 procedure. This procedure will be promulgated, at a minimum, in new student  
350 orientation, the university catalog, the student handbook, in a once-per-term  
351 article in the Catalyst (or its equivalent), on the university's web site, and in  
352 registration resources publications.

353 **Section 9. Authority**

354 The Academic Appeal procedure is established in accordance with Minnesota  
355 State Board Policy 3.8, System Procedure 3.8.1, Student Complaints and  
356 Grievances.

357 **Section 10. Effective Date**

358 The Academic Appeal Procedure becomes effective upon the signature of  
359 president and shall remain in effect until specifically revoked.

360 **Section 11. Responsibility**

361 The responsibility for implementation of the Academic Appeal procedure is  
362 assigned to the provost and vice president, academic affairs, or their designee.

363 **Section 12. Review**

364 This regulation will be subject to review every five years or as necessary.

365 **Section 13. Signatures**

Issued on 08/15/2024.

Virginia Arthur, President

Revised: n/a

Date and Subject of Amendments: n/a

Additional History and/or Revision Dates: Procedure 202, Academic Appeals, was originally created without a corresponding appeals policy. Procedure 202 was last updated in 2014 and has been replaced by Procedure 209.