

## College of Health Professions Policy and Procedure Guide



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### **Policy: Student Academic Appeals Policy**

**Number: 01.15.01**

**Revision Dates: August 13, 2020, January 11, 2024**

**Section: Academic**

**Affairs Area:**

**Subject: Student Academic Appeals**

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### **PURPOSE**

The purpose of the *Student Academic Appeals Policy* is to provide students with an opportunity to dispute the charges and/or penalties related to an academic issue. The appeal procedures below provide opportunities for students to request a review of decisions made by the program faculty, submit information not previously available or suggest alternative remedies.

### **SCOPE**

Academic issues that may be appealed include the following:

- Course grades
- Grades/assessments for assignments, exams, clinical procedures and laboratory procedures
- Sanctions other than program dismissal for alleged violations of the *College of Health Professions (CHP) Student Academic Professional Standards Policy*, 02.00.02 and the *CHP Scholastic Dishonesty Policy*, 01.00.02
- Dismissal from a program due to failure to meet minimum academic requirements – Note: Students who fail to meet minimum academic requirements in their courses must be provided the opportunity for improvement through a remediation plan prior to dismissal. If efforts for remediation fail, then the program may dismiss the student.
- Dismissal from a program for alleged violations of the *CHP Student Academic Professional Standards Policy*, 02.00.02 and the *CHP Scholastic Dishonesty Policy*, 01.00.02.

Established college or program policies themselves cannot be appealed.

### **POLICY**

## Section 1: Appeal of Academic Issues

### A. Grades

The steps below are followed by the CHP for student appeals of course grades and grades/assessments for assignments, exams, clinical procedures and laboratory procedures. A hearing panel will not be convened for grade appeals. The final level of appeal regarding grades will be the determination of the Dean or their designee as outlined in the following steps.

**Step 1: Meet with the Course Instructor** – Before initiating an appeal, the student shall meet with the course instructor who assigned the grade or assessment score to discuss the issue within 2 business days of the occurrence. “Occurrence” is the notification of a student’s grade or performance assessment. If a mutual agreement cannot be reached between the student and course instructor and if the student wishes to continue the appeal process, the student should continue to Step 2.

**Step 2: Appeal to the Department Chair or PD** – If the matter is not resolved between the student and course instructor, the student may appeal in writing via UAMS email to the department chair or PD within 2 business days following the meeting with the course instructor. Note: If the course instructor is the department chair or PD, the student shall appeal directly to the Dean (Step 3, below).

The written appeal to the department chair or PD must include:

1. Student’s name
2. Nature of the occurrence
3. Date of the occurrence
4. Name of the course instructor(s) involved
5. Summary of the student’s meeting with the course instructor, including date, time, and outcomes
6. Student’s rationale for the appeal
7. Student’s requested outcome
8. A request to meet with the department chair or PD

The meeting between the student and department chair or PD shall occur within 2 business days of the student’s written appeal or as soon as practicable. Prior to meeting with the student, the department chair or PD shall meet with the course instructor to review the student's written appeal and collect any other information they believe is relevant. The department chair or PD will meet with the student to review the appeal and clarify information, as needed.

After meeting with the student, the department chair or PD may choose to offer to mediate an informal resolution between the student and course instructor. Both parties must be agreeable to the informal resolution process and be notified that the resolution

determined by the department chair or PD at the conclusion of the process would be final and no further appeal could be made.

If the department chair or PD does not believe an informal resolution is appropriate or if either party does not consent to the process, the department chair or PD will determine the outcome and will notify the student and course director in writing via UAMS email within two business days, or as soon as practicable. If the student does not agree with the department chair or PD's decision, the student may appeal the decision to the Dean as outlined in Step 3.

The department chair or PD shall document all the steps taken to investigate and resolve the issue, including notes from meetings with the student, course instructor and any other parties involved.

**Step 3: Appeal to the Dean or Designee** – If the student wishes to appeal the decision of the department chair or PD, the student may submit a written request to the Dean to review the merits of the appeal within 2 business days of the department chair's or PD's written notification of their decision to the student.

The written appeal request to the Dean must include:

1. Student's name
2. Nature of the occurrence
3. Date of the occurrence
4. Name of the course instructor(s) involved
5. Summary of the student's meeting with the course instructor and department chair or PD, including date, time, and outcomes
6. Student's rationale for the appeal
7. Student's requested outcome

The Dean or designee will review the student's appeal request and may solicit other information deemed necessary for resolving the matter. The Dean or designee will inform the student and the department chair or PD in writing of their decision within 10 business days or as soon as practicable, following the student's written appeal request to the Dean. The decision of the Dean or designee is final and may not be further appealed.

**B. Sanctions other than Program Dismissal for Alleged Violation of *CHP Student Academic Professional Standards Policy* and/or *CHP Scholastic Dishonesty Policy***

The steps below are followed by the CHP for student appeals of alleged violations of the *Student Academic Professional Standards Policy*, 02.00.02 and/or the *Scholastic Dishonesty Policy*, 01.00.02 when sanctions other than program dismissal have been issued.

**Step 1: Meet with the Faculty Member** – If a student disagrees with the charges or penalties imposed upon them, they shall meet with the faculty member who imposed the penalty to discuss the issue within two business days of receiving the penalty. If a

mutual agreement cannot be reached between the student and faculty member and if the student wishes to continue the appeal process, the student should continue to Step 2.

**Step 2: Appeal to the Department Chair or Program Director (PD)** – If the matter is not resolved between the student and faculty member, the student may appeal in writing via UAMS email to the department chair or PD within 2 business days following the meeting with the faculty member. If the faculty member is the department chair or PD, the student shall appeal directly to the Dean (Step 3, below).

The written appeal to the department chair or PD should include:

1. Student's name
2. Date of occurrence
3. Name of faculty or others involved
4. Summary of the charges and penalties imposed
5. Summary of the student's meeting with the faculty member, including date, time, and outcomes
6. Student's rationale for appeal
7. Student's requested outcome
8. A request to meet with the department chair or PD

The meeting between the student and department chair or PD shall occur within 2 business days of the student's written appeal, or as soon as practicable. Prior to meeting with the student, the department chair or PD shall meet with the faculty and any other parties involved to review the student's written appeal and collect any other information they believe is relevant. The department chair or PD will meet with the student to review the appeal and clarify information, as needed.

After meeting with the student, the department chair or PD may choose to offer to mediate an informal resolution between the student and faculty member. Both parties must be agreeable to the informal resolution process and be notified that the resolution determined by the department chair or PD at the conclusion of the process would be final and no further appeal could be made.

If the department chair or PD does not believe an informal resolution is appropriate or if either party does not consent to the process, the department chair or PD will determine the outcome and will notify the student and faculty member in writing via UAMS email within two business days, or as soon as practicable. If the student does not agree with the department chair or PD's decision, the student may appeal the decision to the Dean as outlined in Step 3.

The department chair or PD shall document all the steps taken to investigate and resolve the issue, including notes from meetings with the student, faculty member and any other parties involved.

**Step 3: Appeal to the Dean or Designee** – If the student wishes to appeal the decision of the department chair or PD, the student may submit a written request to the Dean to review the merits of the appeal within 2 business days of the department chair’s or PD’s written notification of their decision to the student.

The written appeal request to the Dean must include:

1. Student’s name
2. Nature of the occurrence
3. Date of the occurrence
4. Name of the course instructor(s) involved
5. Summary of the student’s meeting with the course instructor and department chair or PD, including date, time, and outcomes
6. Student’s rationale for the appeal
7. Student’s requested outcome

The Dean or designee will review the student’s appeal and may solicit other information deemed necessary for resolving the matter. The Dean or designee will inform the student and the department chair or PD in writing of their decision within 10 business days or as soon as practicable, following the student’s written appeal request to the Dean. The decision of the Dean or designee is final and may not be further appealed.

### **C. Program Dismissal**

The procedures below are followed by the CHP when students appeal dismissal from a program for the following: 1) failure to meet minimum academic requirements, 2) alleged violation of the *CHP Student Academic Professional Standards Policy* when it was determined by the department chair or PD that the violation was severe enough to result in program dismissal and 3) alleged violation of the *CHP Scholastic Dishonesty Policy* when it was determined by the department chair or PD that the violation should result in program dismissal. During the appeal process and until a final decision is made by the Dean or designee, the student shall continue participating in program activities.

If the department chair or PD believes the student should not continue participating in program activities during the appeal process because they lack the preparation or may pose a threat to the safety of themselves or others, a request may be submitted to the Dean outlining the rationale for the student’s removal from program activities. The Dean or designee will conduct an investigation and determine if the student is allowed to continue participating in the program during the appeal process. The Dean or designee will make the determination regarding emergency removal within one business day or as soon as practicable.

**Step 1: Appeal to the Dean or Designee** - If a student wishes to appeal a decision of program dismissal, they may submit a written request to the Dean to review the validity of the appeal. The request must be submitted by the student to the Dean via

UAMS email within 2 business days of the department chair's or PD's written notification of dismissal to the student and should include the following:

1. Student's name
2. Date of written dismissal notice from the department chair or PD
3. Specific reasons that the penalty of dismissal is deemed inappropriate (e.g., extenuating circumstances affecting the student's performance, misapplication of department policy or procedure, etc.).
4. Any additional documentation relative to the points of the appeal

The Dean will forward the appeal documents to the associate dean for academic affairs (ADAA) for review.

**Step 2: Preliminary Review of the Appeal by the ADAA** - Within 2 business days or as soon as practicable after the ADAA receives the student's appeal information from the Dean, the ADAA will submit a written recommendation to the Dean regarding the validity of the appeal. The ADAA shall provide justification for their recommendation.

**Step 3: Review of ADAA's Recommendation by Dean or Designee** – Within 5 business days or as soon as practicable after receiving the ADAA's recommendation, the Dean or designee will provide a determination in writing via UAMS email to the student, department chair or PD and the ADAA regarding the validity of the appeal. The determination by the Dean or designee of the validity of the appeal is final and it may or may not follow the ADAA's recommendation. When it is determined that an appeal request is valid, the Dean or designee can either review and decide the case themselves or convene the CHP's Appeal and Grievance Committee to review the case, conduct a hearing and make a recommendation to the Dean or designee.

The Appeal and Grievance Committee members will be appointed by the Dean or designee and consist of at least three faculty representatives from different departments within the College. The Dean or designee will appoint one of the faculty representatives to serve as the hearing officer. The hearing officer and faculty representatives shall not be faculty members in the program that the student is enrolled. A representative from the Dean's office or UAMS legal counsel will be available to provide advice on procedural and policy matters to the Appeal and Grievance Committee, as needed.

## **Section 2: The Appeal Hearing Proceedings**

The appeal hearing provides for an objective hearing of all facts related to the appeal and should include, at a minimum, the student and a faculty representative from the department seeking to dismiss the student. The hearing will be confidential and closed, meaning only individuals relevant to the hearing will be permitted to attend and participate. The hearing officer will determine who attends the hearing.

The student has the right to have a “counsel of choice” present at the hearing for advisement and support. If the student chooses to have a “counsel of choice”, they must inform the hearing officer of their name and credentials, if applicable, at least 3 business days before the hearing. If the student’s “counsel of choice” is an attorney, University counsel must also attend the hearing. The hearing is not intended to be adversarial in the sense of a court trial and, therefore, witnesses will not be cross-examined as in a legal context. If present, the student’s “counsel of choice” and University counsel will observe the hearing but will not be allowed to question witnesses or otherwise engage in discussions with the hearing officer, hearing panel, or other hearing participants.

**The Hearing Officer** – The hearing officer is the spokesperson for the hearing panel and is responsible for:

- Informing the student, hearing panel, Dean or designee, and other interested parties of the date and location of the appeal hearing at least 5 business days before the hearing
- Reviewing, in advance of the appeal hearing, any documentation submitted by the student and other parties involved - The hearing officer may request additional documentation as deemed necessary. The hearing officer shall determine if documentation provided is relevant to the initial appeal request. Only documentation relevant to the initial appeal request will be provided to the committee for review and consideration by the hearing officer.
- Conducting the hearing in a fair, unbiased manner
- Recording the testimony at the hearing in audio or video format following University policy -The hearing panel’s deliberation following testimony is not recorded.
- Providing the Dean or designee with a written summary of the student’s appeal, the hearing, and the hearing panel’s recommendations with justification
- Providing the Dean or designee with a file of all evidence accumulated in the appeal process and all materials related to the appeal at the conclusion of the hearing proceedings

**The Hearing Panel** – The hearing panel is responsible for:

- Providing a fair, unbiased hearing of the student’s appeal
- Maintaining confidentiality of all documentation and deliberations related to the appeal and hearing
- Making recommendations to the Dean about the appeal and the penalty assessed by the faculty - The hearing panel may recommend that the Dean support, reject, or modify the penalty.

**Witnesses** – If called, witnesses shall only be present when giving their testimony. If the student and/or the faculty representative wish to call witnesses, they must inform the hearing officer of the names of the witnesses and a brief written summary of their relevant testimony at least 3 business days before the hearing date. The hearing officer must inform each party of the witnesses that the other party plans to call at least 2 business days before the hearing date.

### **Procedures during the Hearing**

- The hearing officer will review the purpose of the hearing, procedures to be followed and clarify the data-gathering and decision-making functions of the hearing panel.

- The hearing officer will orally read the student's appeal submitted to the Dean. Only the concerns that the student presented in the written appeal will be discussed during the hearing.
- The student will be given the opportunity to orally present the issues and rationale for the appeal. The hearing panel may question the student. The student and faculty representative may question each other, at the discretion of the hearing officer.
- The hearing officer will call witnesses if they were requested by the student and/or faculty representative and approved by the hearing officer prior to the hearing. The hearing panel may question the witnesses. The student and the faculty representative may question the witnesses at the discretion of the hearing officer. It is the responsibility of the hearing officer to monitor and control the extent and degree of questioning and to terminate questioning if it is deemed inappropriate and/or irrelevant.
- When all testimony has been provided, all individuals except the hearing officer and hearing panel will leave the hearing room.

The hearing panel will discuss the case and may request additional information as deemed appropriate and necessary. Although it is desirable to conclude appeals expeditiously, the hearing panel may use as much time as necessary and reasonable to assess thoroughly and evaluate the appeal and related facts. If the hearing panel's decision is delayed more than 5 business days after the hearing, the hearing officer will notify the Dean or designee, student, and faculty of the delay. Following careful review of all information, the hearing panel will make a recommendation to the Dean or designee about the student's appeal. The hearing officer will notify the Dean or designee of the hearing panel's recommendation(s) within 5 business days of its final meeting on the appeal.

The Dean or designee may concur with, modify, or reject the hearing panel's recommendations. The Dean or designee will notify the student, department chair or PD, hearing officer, and hearing panel in writing via UAMS email of their decision within 3 business days, or as soon as practicable. The decision of the Dean or designee is final and may not be further appealed.

## **APPROVAL**

This policy was approved by the College of Health Professions Executive Committee on February 18, 2015.