

# Scholastic Appeals and Dismissals

## Communication Process During Appeals and Dismissals

Students involved in a scholastic appeals process are expected to check their email on a frequent and consistent basis in order to stay current with University-related communications. Students have the responsibility to recognize that certain communications may be time-critical. Communication throughout the appeal process for both final grades and dismissals will be through University email at each step.

## I. Appeal of a Final Course Grade

This section defines the formal appeal process of a final grade. ISU's Faculty Senate, Academic Affairs, and Student Affairs encourage resolution of appeals at the lowest possible level. Only a final grade in a course can be appealed; midterm grades, exam results, and specific assignment grades cannot be appealed. Instructors have wide discretion in issuing final grades and evaluating student performance. Therefore, students should understand that a final grade will only be changed in exceptional circumstances.

### Basis of an Appeal of a Final Grade

Students may reasonably expect their Instructors to assign grades based on their performance that is demonstrated by class participation, assignments, and assessments (e.g., quizzes and exams). Although students desire objective evaluation of their course work, not all assignments or assessments are conducive to objective evaluation, and depending on the subject of study, may not even be possible. The subjective professional judgment of Instructors is acquired and refined by experience: their teaching, research, personal study, and work history. Because objective grading can be elusive, students are better served by valuing and anticipating careful and conscientious professional judgments from their Instructors that are transparent and consistent. Disagreeing with the subjective professional judgment of your Instructor is not a sufficient reason to appeal a course grade.

The only bases for an appeal of a final grade are the following:

1. The Instructor made a clerical or computational error.
2. The Instructor departed from the grading scheme established in the course syllabus, or other course documents, and the departure caused an incorrect grade to be assigned.
3. The Instructor relied upon some standard or basis other than student performance on assignments and assessments to establish a final grade.
4. The Instructor grade was based on an unlawfully discriminatory practice. In such instances, contact ISU's Office of Equity and Inclusion (208-282-3964) directly.

Providing evidence for one or more of the above conditions would indicate that the assigned grade was arbitrary and capricious or given without fairness. The student assumes the burden of proof when appealing a grade. An accusation of caprice, prejudice, discrimination or unfairness must be supported by a preponderance of the evidence.

### Procedures for the Appeal of a Final Grade

Students who wish to appeal a final grade are required to follow the procedural format outlined below:

1. Appeal of a grade must begin by contacting the Instructor no later than ten working days from the time the final grade is posted by the ISU Registrar. Any appeal that is begun after the ten-day time limit may be dismissed. Students should bear in mind that faculty are often not on contract during the summer

months and action on their appeal may be delayed until the first day of classes in the fall.

2. Content of Appeal Statement: An appeal statement submitted to the Department Chair must include the student's name, ISU ID number, department/college, and course identification details. The student is required to explicitly reference the reason for the appeal, and the appeal must comply with a permitted basis of appeal listed in the preceding section.

3. The student must also state the requested remedy. Appeals that are not based on one of the four factors listed in the section above or that address issues beyond a final grade will be dismissed at the Department Chair level.

### Deadline for Appeal and Response to Appeal

Timelines for appeals and responses are provided in the procedures below. Failure of students to submit an appeal within the required time period will result in the denial of the appeal and the grade will be finalized. Failure of the University official to respond to an appeal by the timeline listed will result in the requested remedy being granted.

### The Appeal Process

Students who wish to appeal a final grade should begin the process by carefully re-reading the syllabus and reviewing the grading process articulated therein. If consulting the syllabus does not resolve the concern, students should collect and organize information or evidence that leads them to suspect their grade was assigned incorrectly or inappropriately.

#### Step 1: The Course Instructor

Students should request to meet in person or virtually with the course Instructor to discuss their concerns. Students should bring their documentation/evidence to the meeting. Starting with the Instructor can often resolve inadvertent mistakes or errors and avoid unnecessarily involving other academic administrators who will be less familiar with the specifics of a student's concerns.

In some situations, it would be inappropriate for a student to meet with the Instructor to appeal a grade. For example, if an Instructor had sexually harassed a student by proposing to give the student a good grade in return for a sexual favor, the student should not try to resolve the claim with the harasser. If a student is uncomfortable meeting with the Instructor, the student should meet with staff in the Office of Student Affairs (tel: 208-282-2794) and/or the Office of Equity and Inclusion (tel: 208-282-3964) to develop an alternative procedure for appealing the grade.

If meeting with the Instructor does not resolve the grade appeal, the student should prepare a written statement (e.g., letter or memo) that documents the impasse and schedule an appointment with the Department Chair who supervises the course.

#### Step 2: The Department Chair

A student must submit a written appeal for a final grade to the Department Chair within ten working days of consulting with the Instructor. The Instructor has the opportunity to provide a written response to the Department Chair. The Department Chair will review the documents, including the response of the Instructor before rendering a decision. The Chair will determine first whether the appeal contains a permitted basis of appeal and if it was submitted within the required appeal period. The Department Chair may conduct whatever additional investigation is deemed appropriate to help in the decision-making process. The Department Chair must render a written decision within fifteen working days

of receipt of the student's appeal documents, unless the Chair is off contract, in which case the process will resume the first day of classes of the upcoming semester. If the Department Chair denies the appeal or suggests a resolution that the student does not accept, the student may appeal the decision to the Dean of the academic college/division. If the Department Chair determines the grade should be changed, the Department Chair will issue a written final decision directing the Instructor to change the grade and there will be no further appeal.

### **Step 3: The Dean of the Academic College**

A student who wishes to submit an appeal at this level must do so within ten working days of receipt of the Department Chair's decision. The Dean or designee of the Dean will review documents submitted by the student, Instructor, and Department Chair. The Dean may interview the student, the Instructor, and Department Chair, and conduct any other investigation deemed necessary. The Dean's decision is to be submitted in writing within fifteen working days of receipt of the student's appeal.

If the student does not accept the Dean's resolution of the grade appeal, the student may request the Scholastic Appeals Committee consider the appeal.

### **Step 4: The Scholastic Appeals Committee (Please see below for constitution of this committee.)**

A student has ten working days to submit an appeal to the Office of Student Affairs after receiving the Notice of Denial of Appeal from the Dean of the Academic College. If the appeal is not received by the Office of Student Affairs within ten working days, then the decision of the Dean of the Academic College is final and there are no further institutional appeals available to the student.

The Scholastic Appeals Committee will meet within thirty working days of receipt of the appeal, during the fall and spring academic semesters, to make a final decision. The Committee will review the appeals documents. Although a meeting with the student is not required, the Scholastic Appeals Committee may decide to interview the student and Instructor and carry out any other investigation deemed necessary. This is the final institutional appeal. The Chair of the Scholastic Appeals Committee will communicate the Committee's decisions to the student in written form, within the same thirty working days.

Faculty who review grade appeals are often not on contract and working during the summer months. If faculty are not present to review a grade appeal during the summer months, the timeline for a student to submit an appeal will be tolled and will not count against the student. Similarly, the response time for faculty members will also be suspended until the first day of fall classes.

### **Step 5: Change of Grade Within the Specific College/Division (Instructor, Department Chair, Dean)**

After all institutional appeals are exhausted, if a grade change is required, it will be processed by the University Official who authorized the change of the final grade.

### **Appeals Outside the Institution**

All students or former students of the Institution may apply to the Idaho State Board of Education Executive Director for review of any final institutional decision in accordance with Idaho State Board of Education Governing Policies and Procedures Section III.P.17 .ii. The student must have exhausted all complaint and grievance processes that have been established at the institution's level.

## **II. Dismissal from a Program**

Dismissal from a Program can be initiated by a Program for a failure to meet certain programmatic standards, or by the Office of Student Affairs as a consequence of a student conduct process. Only dismissals initiated by a Program

can be appealed through the process in this section. A dismissal initiated by the Office of Student Affairs for a conduct code violation may not be appealed through the process below.

### **Dismissal Appeal Process**

1. All appeals must be completed in an electronic format through ISU official emails, with each appeal and response copied to the Office of Student Affairs. This procedure is used to ensure that all time frames are met and appropriate parties are notified.

2. Content of Appeal: An appeal must include the student's name, ISU ID number, and department/college. The student is required to explicitly reference the reason for the appeal, and the appeal must comply with a permitted basis of appeal as listed in section #4 below.

Contact Financial Aid for questions regarding aid received in the term of dismissal.

#### **1. Criteria for Student Dismissal**

A Program may dismiss a student based on one or more of the following criteria:

1. The student has failed to make appropriate progress in the Program as determined by the Program through its Program policies.
2. The student fails to meet minimum grade requirements or other academic standards imposed by the Program.
3. The student has violated academic, ethical, or professional standards of the Program. Students may also be dismissed for plagiarism and cheating, but violations of plagiarism or cheating will not proceed through the Scholastic Appeals Process; instead, they will be handled through the Academic Integrity Process.

#### **2. Notice of Pending Dismissal**

Prior to a Program's decision to dismiss a Student, the Student should be provided a Notice of Pending Dismissal that includes the following:

- (1) official notice to the student via ISU email of the impending dismissal;
- (2) the specific grounds for dismissal;
- (3) an opportunity for the student to provide written evidence or statements to the Program decision makers, who are indicated in the notice;
- (4) the date and time of the meeting at which dismissal will be considered; and
- (5) notice of the student's right to appeal a decision of the Program.

The Notice of Pending Dismissal must be provided to the student fifteen working days prior to the date the Program decision makers will meet. The student can make a written request to attend the dismissal meeting with the Program decision makers in person, which the Program may or may not approve. The student may bring a silent advisor/advocate with him/her to the meeting, but this person will not act in a legal capacity or address the Program decision makers. The student does not have the right to question any person interviewed during this meeting. If the Program dismissal requires a vote of faculty members, the student does not have a right to be present for this vote.

#### **3. Notice of Dismissal**

If the Program determines a student has met the criteria for dismissal and moves forward with the dismissal of the student, the student will be provided a Notice of Dismissal within five working days of the decision. This Notice of Dismissal will contain a copy of Form A, specifying the appeal process as well

as appeal deadlines. The Notice of Dismissal will be provided to the student in an electronic copy sent to the student's email account as well as hardcopy sent to the student's last known address by certified mail. The electronic Notice of Dismissal will be copied to the Dean of the Academic College and the Office of Student Affairs. The Notice of Dismissal will state the specific standards the student failed to meet.

The Notice of Dismissal will also provide the student with the email address of the appropriate Academic Dean and the Office of Student Affairs if the student chooses to initiate an appeal.

#### **4. Appeal of Dismissal - Appeal to Dean of Academic College**

After a student receives a Notice of Dismissal, that student will have fifteen working days to submit a written appeal to the Dean of the Academic College with a copy to the Office of Student Affairs. If the appeal is not received by the appropriate Dean of the Academic College within fifteen working days of the student's receiving the Notice of Dismissal, the student will no longer have a right to an institutional appeal and the Program dismissal will be deemed final. The appeal must include the following:

- (1) the name of the student, with ISU ID number;
- (2) the name of the Program the student was dismissed from; and
- (3) an explanation of the specific reason the student was dismissed and why that dismissal should be overturned.

Upon receiving the student's appeal of dismissal, the Dean will have thirty working days to respond to the student, either sustaining or overturning the appeal. The Program will provide the Dean with the written information used to make the decision, any documentation supplied by the student, and a copy of the Notice of Dismissal. The Dean may interview the student or other faculty members as the Dean determines necessary. The Dean can also choose to make a decision based solely on the written documentation provided. The Dean will retain any documentation used to render a decision regarding the appeal, which will be provided to the Office of Student Affairs upon the rendering of a decision.

The Dean must overturn a dismissal if it is determined that the Program's decision was

- (1) based on clear error,
- (2) based on unlawful consideration, or
- (3) failed to follow the procedure set forth within this policy to dismiss a student.

The Dean should accord discretion to the determination of a Program, but the Dean may overturn a dismissal based on an examination of the substance of the decision.

If the Dean sustains the Program's decision, then the Dean will provide a Notice of Denial of Appeal to the student and to the Office of Student Affairs. The Notice of Denial of Appeal will contain a written explanation of the Dean's decision to sustain the dismissal; a statement indicating the student's right to appeal to the Scholastic Appeals Committee; and a copy of the Appeal Policy with the specific parties to address in future appeal steps. If the Notice of Denial of Appeal is not issued within thirty working days of receipt of the student appeal, the student's appeal will be granted.

#### **5. Appeal to the Scholastic Appeals Committee (Please see below for constitution of this Committee.)**

A student has fifteen working days to submit a written appeal to the Office of Student Affairs after receiving the Notice of Denial of Appeal from the

Dean of the Academic College. If the appeal is not received by the Office of Student Affairs within fifteen working days, then the decision of the Dean of the Academic College is final and there are no further institutional appeals available to the student.

The student may provide additional documentation to the Scholastic Appeals Committee with the submission of a timely appeal. The Scholastic Appeals Committee will review the documentation provided by the student, as well as the documentation retained by the Dean and all appeal documents. The Scholastic Appeals Committee will meet within thirty working days of receipt of the appeal, during the fall and spring academic semesters, to make a final decision. The student will be provided the date of that meeting and may attend in person and may address the Scholastic Appeals Committee. The student may have an advisor/advocate with him/her during the meeting, but this person will not act in a legal capacity and may not address the Scholastic Appeals Committee. All Scholastic Appeals Committee members will have an opportunity to review the materials. The Scholastic Appeals Committee will render a decision within ten working days, via a majority vote of the quorum of voting members.

The Scholastic Appeals Committee may overturn a Dismissal if it determines the Program's decision was

- (1) based on clear error,
- (2) based on unlawful consideration, or
- (3) failed to follow the procedure set forth within this policy to dismiss a student.

The Committee will accord discretion to the determination made by a Program, but the Committee may still overturn a dismissal based on an examination of the substance of the decision.

If a dismissal is overturned, the Scholastic Appeals Committee Chair shall provide notice to the Dean of Student Affairs, who will in turn inform the student, the Program, the Dean, and the Registrar, within the same ten working days as noted above. If a dismissal is sustained, the Scholastic Appeals Committee Chair will provide a Final Denial of Appeal to the student via certified mail and email with a written rationale of the decision, within the same ten working days as noted above. The student will be provided a copy of the dismissal policy. The Scholastic Appeals Committee's decision will be kept in the student's file in the Office of Student Affairs.

#### **Appeals Outside the Institution**

All students or former students of the institution may apply to the Idaho State Board of Education Executive Director for review of any final institutional decision in accordance with Idaho State Board of Education Governing Policies and Procedures Section III.P.17.ii. The student must have exhausted all complaint and grievance processes that have been established at the institutional level before making an appeal to the State Board of Education. To initiate this process the student should contact the Idaho State Board of Education directly.

#### **If a Dismissal is Overturned**

When a dismissal is overturned at the institutional level, the party that overturned the dismissal will be responsible for providing written notice of the decision to the Program, the student, and the Registrar. The Program, in consultation with the overturning party, will determine if any remediation is required before the student reenters the Program.

#### **Re-Applying After a Dismissal**

A student may re-apply to a different Program at Idaho State University after being dismissed from his/her current Program.

### **III. The Scholastic Appeals Committee**

A Scholastic Appeals Committee consists of five voting members:

- The Chair of the Academic Integrity Council (AIC) or that Chair's designee.
- A student co-chairperson: The ASISU Vice President or a designee.
- Two faculty members selected by the AIC Chair from faculty members of the AIC. The Committee shall not contain faculty members from the College in which the alleged violation of rights or infraction occurred.
- A student selected by the student co-chairperson from a pool of students selected by the ASISU senate. The Committee shall not contain students from the College in which the alleged violation of rights or infraction occurred.
- A non-voting member appointed by the Vice President for Student Affairs or his/her designee. This person will be allowed to observe the meetings of a Scholastic Appeals Committee.

- # The College Dean;
- # The Registrar; and
- # The Provost and Vice President for Academic Affairs.

The petition, the supporting documentation, and any other related materials will be securely held in the Office of Student Affairs for at least five years after the issue has been decided.

#### **Operating Procedures of a Scholastic Appeals Committee**

Once the members of the Scholastic Appeals Committee have been determined, the Office of Student Affairs will make the Scholastic Appeals petition and supporting documentation available for the Committee members to review in an electronically secure format. Each member of the Committee is required to review, in a timely manner, the petition and supporting documentation. Once all members have reviewed the petition and supporting documentation, the Chairperson will convene a meeting of the Committee to discuss the petition. At the conclusion of the discussion, the Committee members will vote to decide if the petitioner will be granted a hearing before the Committee. All five Committee members must be present at the meeting for a vote to occur, and a majority of the voting members must vote in favor of a formal hearing for one to occur. If a majority of Committee members do not vote to grant a hearing, the student's petition is denied. If a majority of Committee members vote to grant a hearing, a date, time and location for the hearing will be set.

The faculty Chairperson will inform the Office of Student Affairs of the date, time and location of the hearing, and the Office of Student Affairs will prepare written notice to the petitioning student, the Program Director, and the Instructor if one is involved. Notice should be sent at least five (5) school days prior to the date and time of the hearing. The notice should inform the petitioning student, the Program Director, and the Instructor if one is involved that an advisor may accompany the student to the hearing. An advisor must be an ISU student, faculty member, or staff member.

All members of the Committee must be present at the hearing, which will be conducted by the Chair of the Committee. The Chair may ask individuals with particular expertise, such as faculty from the student's College or staff from Financial Aid, to supply counsel or testimony during the proceedings. After holding the hearing, the Scholastic Appeals Committee will vote on the issue. A majority vote of the Committee's voting members is necessary to uphold the appeal. The Scholastic Appeals Committee decision is final, and no further appeals are available to the petitioning student. The Provost and Vice President for Academic Affairs will implement the decision of the Scholastic Appeals Committee.

#### **Post-Decision Notification & Record Keeping**

The faculty Chairperson of the Committee will make a written record of the Committee's decision and send it to the Office of Student Affairs. The Vice President for Student Affairs or his/her designee will be responsible for providing written notice of the Committee's decision to the following parties:

- # The petitioning student;
- # The Instructor, if one is involved;
- # The Program Director;