

## **Graduate School Appeals Procedure [Serck / PJG clean draft 02.11.14]**

Click here for the [original policy](http://catalog.ecu.edu/content.php?catoid=3&navoid=185#Graduate_School_Appeals_Procedure) or paste the following URL into your browser's address bar:  
[http://catalog.ecu.edu/content.php?catoid=3&navoid=185#Graduate\\_School\\_Appeals\\_Procedure](http://catalog.ecu.edu/content.php?catoid=3&navoid=185#Graduate_School_Appeals_Procedure)

### **What is Covered by this Procedure?**

Graduate students may appeal adverse academic actions and decisions taken or made by Graduate Faculty or Graduate Program Directors concerning unsatisfactory performance on comprehensive assessments, imposition of academic probation for reasons other than insufficient grade point average, application of Graduate School or University academic policies, refusal to readmit a student previously enrolled in the graduate program or academic dismissal from the graduate program for reasons other than insufficient grade point average.

### **What is Not Covered by this Procedure?**

This procedure does not apply to actions, decisions complaints, grievances or appeals that are disciplinary in nature or that are covered by other Graduate School or University policies or procedures, including, but not limited to, decisions regarding course grades<sup>i</sup>, student disciplinary matters<sup>ii</sup> and discrimination or harassment<sup>iii</sup>.

### **Deadline to Commence Appeal and Requirement to First Attempt Informal Resolution**

Informal resolution of appeals is always the most desirable approach, and encouraged whenever possible. Before initiating a formal appeal, the student shall discuss the problem with the person or persons whose actions or decisions are being challenged, henceforth referred to as the "academic officer(s)", in a face to face meeting, within ten business days after the student receives notice of the adverse action or decision. Unless they are the "academic officers" whose actions or decisions are being challenged, the student should keep both the head/chair of the department in which the student's program resides and the student's advisor apprised of the situation and progress of these informal discussions.

### **Deadline to Initiate Formal Appeal and Requirements**

If the matter is not resolved to the student's satisfaction through informal means, the student may initiate a formal appeal by submitting the matter in writing to the dean of the Graduate School. The formal written appeal must be received by the dean no more than 20 business days following the conclusion of the informal discussion between the student and the academic officer(s), or no more than 30 business days after the student receives notice of the adverse action or decision, whichever deadline occurs first. In the written appeal, the student must clearly address the following important aspects: 1) the action(s) or decision(s) being challenged: 2) the academic officer(s) against whom the complaint is being made: 3) any rules, policies or procedures that were allegedly violated: and 4) the redress sought. In the event that the dean of the Graduate School is an "academic officer" in the case, the vice chancellor for Research and Graduate Studies will appoint another University official to fulfill all the duties of the dean of the Graduate School under this procedure. A decision shall be deemed final on the expiration of the period for filing an appeal, or if an appeal is filed, upon issuance of a dismissal or a final decision in such an appeal, whichever is later. No adverse recommendation or action shall be effective until such date.

### **The Review Panel**

A review panel comprised of two faculty members and a graduate student will be appointed. One faculty member, from a college other than the one in which the student's academic department resides, will be appointed by the dean

of the Graduate School. The other faculty member, from the college in which the student's program resides, will be appointed by the dean of the college. However, this representative will not be from the student appellant's department. In the event that either of the two aforementioned deans is an "academic officer" in the case, the vice chancellor for research and graduate studies will appoint the appropriate substitute faculty member(s). The Graduate Student Council will provide a list of graduate students who expressed a willingness to serve on review panels from which the dean of the Graduate School will appoint a student from a department other than that of the student appellant.

### **The Review Panel Process**

The review panel will consider the case in detail. All its decisions will be by majority vote. Proceedings before the panel are informal and the rules of procedure applicable to courts do not apply. It must review any and all written records of the case. It must afford the student appellant an opportunity to appear in person before it, and consider any relevant written materials the student may wish to bring to its attention. Students appearing before the review panel may have no more than one (1) support person accompany them, which person may be an attorney. If present, the support person/attorney may not address the review panel or participate in the proceedings in any way, except by advising the student. Any student wishing to have a support person/attorney present must notify the dean of the Graduate School of the name of the support person, and whether that person is an attorney, no fewer than five (5) days prior to the student's scheduled appearance before the panel. When the student's support person is an attorney, the panel or the dean of the Graduate School may request that a University attorney be present in an identical non-participatory role. If the student fails to so advise the dean of the planned presence of a support person who is an attorney, then, in the discretion of the review panel, the hearing may be adjourned until a University attorney can be present, or, in the alternative, the review panel may require that the hearing proceed in the absence of the student's attorney, in which case no University attorney shall attend.

The review panel will hear from the academic officer(s) whose action or decision is being appealed and may confer with other involved parties. It shall evaluate any other information it deems relevant to its deliberations. Written records setting forth the dates and times of meetings, meeting participants, persons called before the panel and copies of the documents received by the panel will be kept. In order to prevail, the student appellant must establish any one or more of the following: 1) that the challenged action or decision was based upon matters that are inappropriate or irrelevant to academic performance and that consideration of those matters was the deciding factor in the action or decision; 2) that the academic officer failed to apply appropriate or applicable professional standards, which failure was the deciding factor in the action or decision; or 3) that the action or decision resulted from a clearly erroneous application of Graduate School or University rules, policies or procedures and the misapplication was the deciding factor in the action or decision.

The review panel will concisely set forth in a written report with the following elements: 1) relevant factual findings; 2) whether it found in favor of the student; and 3) the reasons for finding in favor of or against the student, as the case may be. Should the review panel find in favor of the student, its report will also include appropriate recommendations to the dean of the Graduate School, e.g., reassignment to a different advisor and/or graduate committee, administration of another examination, corrected application of a Graduate School or University policy.

### **Dean of the Graduate School Makes Final Decision**

The dean of the Graduate School and the dean of the appellant student's college shall jointly review the report, giving due consideration to the review panel's finding(s) and recommendation(s). Following consultation with the vice chancellor for Research and Graduate Studies, the dean of the Graduate School shall make the final written decision

of the university. A copy of the decision will be provided to the student, the academic officer(s), the members of the Review Panel, the dean of the appellant student's college, the vice chancellor for research and graduate studies, and any other university official who the dean of the Graduate School determines should be aware of the decision in order to properly execute his/her official duties.

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<sup>i</sup> See Graduate Student Grade Appeals procedure at [http://catalog.ecu.edu/content.php?catoid=3&navoid=185#Graduate\\_School\\_Appeals\\_Procedure](http://catalog.ecu.edu/content.php?catoid=3&navoid=185#Graduate_School_Appeals_Procedure)

<sup>ii</sup> Contact Student Affairs at <http://www.ecu.edu/studentaffairs/>.

<sup>iii</sup> Contact the Office of Equity and Diversity at <http://www.ecu.edu/edc/>