APPEAL OF ACADEMIC DECISIONS

I. PURPOSE

This regulation provides procedures for students to appeal an action or decision that affects their academic status (such as assignment of course grades for academic performance).

II. LEGAL REFERENCE

Not applicable.

III. POLICY

A. Wharton County Junior College provides students with a procedure for the review of decisions affecting their academic status that they contend have been made unfairly, arbitrarily, capriciously, or on the basis of bias or prejudice. Examples of decisions affecting academic status are the assignment of course grades, placement in courses based on academic performance, and judgments concerning academic dishonesty.

B. To preserve the right of appeal, each step in the appeal procedure must be followed within prescribed time limits unless such time limits are extended for good cause by the Vice President of Instruction (VPI).

C. Students may initiate a formal appeal only if the claim involves an allegation of one or more of the following:

1. a practice or policy at variance with accepted college practice or policy;
2. illegal discrimination;
3. an error in computation or calculation;
4. inconsistent application of grading standards within a course;
5. capricious or arbitrary application of standards concerning grading, curriculum, or academic placement;
6. allegations of any form of academic dishonesty not supported by evidence.

(POLICY APPROVAL: 4-19-95, Board of Trustees)

IV. PROCEDURES

A. Step One: Meeting with Respondent(s)

1. The student ("claimant" or "appellant") meets with the person or persons responsible for the academic decisions (the respondent or respondents) to discuss the issue in question. (For example, in the case of a grade appeal, the student first meets with the instructor responsible for assigning the grade.)

2. This step may not be skipped unless the respondent is unable to meet with the student. In
such a case, the student may start with Step Two.

3. Appeal of a final grade must be made within 12 months of the end of the term in which the grade was awarded.

4. Appeals of academic decisions other than final grades must be completed within 30 calendar days of the decision date. This date is the date shown on any letter or other written communication advising the student of the academic decision in question.

5. **Possible Outcomes**
   a. The student may find the decision to be correct and take no further action.
   b. The respondent may find that an error has been made, and take the appropriate corrective action.
   c. The student may still disagree with the decision and proceed to Step Two.

**B. Step Two: Discussion with Supervisor (Department Head then Division Chair)**

1. The student meets with the supervisor of the academic area from which the decision originated (e.g., an academic department). If the respondent is a department head, the student meets with the division chair administratively responsible for the department. If the respondent is a division chair, the student meets with the appropriate dean.

   If Step Two requires a meeting with the department head, then Step Three requires a meeting with the division chair and Step Four involves a meeting with the dean. Steps to meet with supervisors using the appropriate chain of command must occur prior to meeting with the appropriate dean. In other words, the process and timeline for Step Two may be repeated to include a meeting with the division chair.

2. This step may not be skipped.

3. Step Two must be initiated within five calendar days of the completion of Step One and must be completed within five days of the date of initiation.

4. **Possible Outcomes**
   a. The student may accept the decision and take no further action.
   b. The supervisor may sustain the decision and may inform the student that the appeal is not timely, is without merit, or does not meet the appeal criteria set forth within the appeal policy. The supervisor must provide written notification of his or her finding to all parties in the appeal. If the student disagrees with this decision, he or she may proceed to Step Three.
   c. If the respondent is no longer employed by the college, the supervisor makes a decision based on available evidence and recommends (in writing) to the VPI any action to be taken. If the student disagrees with this recommended action, he or she proceeds to Step Three.
   d. If the supervisor determines that the student has a legitimate question or complaint and cannot sustain the decision, the supervisor meets with both the claimant and the respondent to seek a resolution. If resolution cannot be reached, the supervisor notifies
the VPI of the particulars of the case (in writing), who refers the matter to the College Hearing Board (see Step Four).

C. **Step Three: Appeal through the appropriate instructional Dean**

1. Within 5 calendar days of the completion of Step Two, the student submits to the dean a written appeal that contains a description of the decision being challenged, cites evidence in support of the student's allegation that the decision meets one or more of the six criteria for appeal listed above in section III.C, and states what action or result the student is requesting in place of the original decision.

2. **Possible Outcomes**

   a. The dean may inform the student (in writing) that his or her submitted materials do not support a case for appeal and reject the appeal. The student may take no further action at this point, or may request (in writing) that the matter be referred to the Vice President of Instruction.

D. **Step Four: Appeal through the Vice President of Instruction**

1. Within 5 calendar days of the completion of Step Three, the student submits to the VPI a written appeal that contains a description of the decision being challenged, cites evidence in support of the student's allegation that the decision meets one or more of the six criteria for appeal listed above in section III.C, and states what action or result the student is requesting in place of the original decision.

2. **Possible Outcomes**

   a. The VPI may inform the student (in writing) that his or her submitted materials do not support a case for appeal and reject the appeal. The student may take no further action at this point, or may request (in writing) that the matter be referred to the College Hearing Board. The student must submit the written request within 5 calendar days of completion of Step Four. This request must be honored by the VPI, and the case forwarded to the College Hearing Board.

E. **Step Five: Review by the College Hearing Board**

1. Within ten calendar days of the date of initiation of the College Hearing Board, the VPI convenes the College Hearing Board and provides board members with all written evidence submitted by parties to the appeal.

2. The College Hearing Board meets and reviews the appeal and renders a decision within five calendar days of the date the board considers the student’s appeal.

3. **Possible Outcomes**

   a. The College Hearing Board may sustain the original decision and deny the appeal.

   b. The College Hearing Board may grant the appeal and overturn or modify the original decision.

   c. If a change of grade or academic standing results, the chair of the College Hearing Board so notifies all parties to the appeal and the Registrar and/or other appropriate office of the new grade or change in academic standing.
F. **Step Six: Appeal to President**

1. Within five calendar days of the completion of Step Five, either party to the complaint may appeal the decision of the Hearing Board by submitting a written statement to the President of the College requesting that the President as designee of the Board review the case.

2. The written appeal must contain a description of the Hearing Board's decision, must explain why that decision is considered unjustified, and must state what action is being requested in place of that decision.

3. **Possible Outcomes**
   
a. The President may inform the requesting party (in writing) that his or her challenge of the Hearing Board's decision is without merit and that the President supports the recommendation of the Hearing Board. Unless referred back to the VPI and Hearing Board, the President’s decision is final.

b. The President may find that sufficient basis exists to question the recommendation of the Hearing Board and return the case to the VPI to reconvene the Hearing Board and reconsider the case. In this event, the President describes in writing the basis upon which he or she judges that reconsideration is warranted. The Hearing Board then proceeds as described in Step Four, and its decision becomes final.

G. **Composition of the College Hearing Board**

1. **Chair.** For appeals of academic decisions, the VPI or designee serves as chair of the College Hearing Board. The function of the VPI is to assure procedural correctness, impartiality, and to pass judgment on the admissibility of evidence. The VPI may not vote on any cases except to break a tie, nor may the VPI be present during voting.

2. **Members.** For appeals of academic decisions, the Hearing Board consists of the following categories of eight members: four full-time faculty members (if possible, two from the division involved in the appeal and two from other divisions), two students, and two staff members (one administrative staff member and one support staff member).

H. **Selection of Board Membership**

1. Each academic year, the *total* membership of the Hearing Board is determined in the following manner:
   
a. the Vice President of Instruction appoints eight faculty members,

b. the Vice President of Student Services appoints six sophomore students who are in good academic standing.

c. the Vice President of Student Services and the Vice President of Instruction jointly appoint six staff members (three administrative, including at least one counselor, and three support).

d. The Vice Presidents may remove any of his or her appointees at any time and replace the removed person.

e. The Hearing Board may remove any member for cause by a vote of two-thirds of the total membership.
f. No employee of the college (faculty or staff member) may refuse to serve on the Hearing Board, unless a conflict of interest exists.

2. The eight members who serve to hear any particular case of academic appeal are selected as follows:
   a. The VPI gives a roster of full board membership to the person requesting the hearing, who then has 24 hours to strike from the list one faculty member, one student, and one staff member.
   b. The VPI gives a roster of full board membership to the respondent in the hearing, who then has 24 hours to strike from the list one faculty member, one student, and one staff member.
   c. The VPI then appoints the eight members of the board to hear the case from those who remain on the list after both the claimant and the respondent have stricken names.

I. Duties of the Chair

1. Sets the time, location, and any special conditions for the conduct of the hearing; and notifies all participants of same.

2. Provides both claimant(s) and respondent(s) with information about procedures by supplying each with a copy of this regulation.

3. Rules on the admissibility of information and the pertinence of documents and witnesses.

4. Assures that hearings are conducted in a timely, efficient, decorous, impartial manner and in procedural compliance with all specifications of this regulation.

5. Keeps a written record of all proceedings.

6. Notifies all relevant parties of the results of hearings.

J. Pre-Hearing Procedures

1. Board members are responsible for reading all materials relevant to the case prior to the first meeting of the hearing.

2. All principals must file with the chair a written statement of their positions, copies of any reports or other materials they wish to be considered, the names of any witnesses they wish to appear, and the name of their chosen advisor, if any (see below). The college does not have subpoena power, and there is no guarantee that witnesses will be available to appear.

3. Parties to the hearing are permitted to have legal counsel present at the hearing, and/or each principal may have an advisor from the campus community to assist in preparation for and presentation during the hearing. Participation of counsel or advisors is limited to giving advice to principals; advisors may not address the board directly or otherwise participate in proceedings unless invited to do so by the chair and the members of the board.

K. Conduct of Hearings

1. Hearings are limited to the principals in the case (claimants and respondents), participating members of the board, witnesses, personal advisors to the principals, and the chair (except
during voting, when the chair may not be present).

2. The chair convenes the meeting, introduces all participants, and explains voting privileges.

3. The chair describes the nature of the appeal and explains the board's procedures.

4. The student appellant presents his or her case first and is permitted a maximum of 15 minutes in which to do so.

5. The respondent is allowed a maximum of 15 minutes to present his or her case.

6. The board may then ask questions with the principals.

7. Following this period of questioning, discussion, and testimony, the chair asks both the respondent and the appellant if they wish to make any further statements. If so, each is given a maximum of five minutes to speak.

8. If the board has no further questions for the principals, their witnesses, and their advisors at the end of the closing statements, these persons are excused.

9. The board discusses the case until it reaches a point in its deliberation when the members are ready to take a vote. At this point, the chair designates one board member to coordinate the voting. The chair then leaves the room.

10. The board votes (either by secret ballot or by voice), recalls the chair, and informs him or her of the decision of the board and provides for the record an explanation of the basis upon which that decision was made. In the event of deadlock, the chair breaks the tie by casting the deciding vote. Otherwise, the chair is not permitted a vote.

11. Appellant(s) and respondent(s) are then recalled and informed of the board's decision and its reasons for that decision. Within three calendar days, the chair also provides both parties with written notification of the decision and the reasons for the decision.

V. GUIDELINES

A. This regulation applies solely to appeals of academic decisions. Appeals of disciplinary decisions are described in Regulation 664, Appeal of Student Disciplinary Action.

B. Documentation of the appeal is maintained by the Office of the Vice President of Instruction.

C. To the extent permitted by law, all information is kept in strict confidence throughout all steps in an appeal, with only those college officials having a right or a reason to know being advised or consulted about an appeal or being allowed to attend a hearing.

D. The VPI is responsible for insuring that this regulation is administered properly and for resolving any procedural issues that may arise.

E. Due to unusual circumstances, students may request a delay in the implementation of an academic decision while their appeal is pending. Such requests are made to the VPI and are accompanied by a full written appeal as outlined in Step Four. The VPI exercises judgment in areas where the health, safety, welfare, or rights of others are involved or where a delay in implementation would have an adverse effect on students' education or where the college's legal and contractual rights and responsibilities may be affected.

F. A copy of this regulation is made available to any student who requests it.
This regulation does not apply to appeals of decisions concerning readmission of academically suspended students (Reg. 626) or disciplinary action (Reg. 664).

H. Summary of Deadlines

<table>
<thead>
<tr>
<th>ACTION</th>
<th>DEADLINE</th>
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</thead>
<tbody>
<tr>
<td>Step One</td>
<td>Must be completed within 30 calendar days of date of original decision, except in the case of an appeal of a final grade, which must be made within 12 months of the end of the term in which the grade was awarded.</td>
</tr>
<tr>
<td>Step Two</td>
<td>Must be initiated within 5 calendar days of completion of Step One; and must be completed within 5 calendar days. May be repeated to include a meeting with the appropriate chain of command (i.e., division chair).</td>
</tr>
<tr>
<td>Step Three</td>
<td>Must be initiated within five calendar days of the completion of Step Two; and must be completed within five calendar days.</td>
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<tr>
<td>Step Four</td>
<td>Must be initiated within 5 calendar days of completion of Step Three; and must be completed within 5 calendar days. The Hearing Board must be convened within 10 calendar days of receipt of the student’s written request for referral to the College Hearing Board; and board must complete deliberations within 5 calendar days after being convened.</td>
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<tr>
<td>Step Five</td>
<td>Must be initiated within 5 calendar days of completion of Step Four; and must be completed within 10 calendar days.</td>
</tr>
<tr>
<td>Step Six</td>
<td>Must be initiated within 5 calendar days of completion of Step Five; and must be completed within 10 calendar days.</td>
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Note: The above deadlines may be adjusted and expanded to account for summer, winter, and spring breaks when faculty and students are absent from campus.

JC/FRV/FRV
4-19-95
PY/BAM
2-19-08
LAC/BAM
8-22-14
LAC/BAM
10-20-15