

# RESOLUTION OF DISPUTES

## Resolution of Disputes Regarding Student Employment Decisions or Actions

Issues related to student employment will be reviewed in accordance with the grievance procedure specified in Regents' Policy and University Regulation on human resources, except if specifically modified by Regents' Policy and University Regulation on employment of students.

## Resolution of Disputes Regarding Academic Decisions or Actions

The University of Alaska Southeast (UAS), consistent with Board of Regents Policy (P.09.03.024) and corresponding regulation and with standards of the Northwest Commission on Colleges and Universities, recognizes academic disputes to include, but not limited to:

- assignment of final course grades
- denial of admission to an academic program and
- academic dismissal.

These policies, regulations and standards exist to apply consistently to all UAS students, regardless of their location or campus. Grades assigned prior to the final grade received in a course (e.g., assignment/exam grades) are not subject to review under this section.

1. Definitions Applicable to Academic Disputes
    - a. Academic Decision Review Committee: An Academic Decision Review Committee is an ad hoc committee composed of faculty, a non-voting student representative, and a non-voting hearing facilitator, appointed by the academic leader to formally review an academic dispute.
    - b. Academic Leader: The term "academic leader" is used to denote the head of the academic unit offering the course or program from which the academic decision or action arose. At UAS, the primary academic leader is the Dean (or designee) of the academic unit. Campus and library directors are also recognized as academic leaders. The Provost provides overall regional academic leadership for UAS and is responsible for ensuring that these processes and procedures are applied consistently across UAS schools and campuses.
    - c. Academic Unit: The term "academic unit" generally refers to a department or other group with responsibility for academic decisions within in a school, college, institute or center. The term may refer to a school, college, institute or center in instances when a smaller unit is either of insufficient size or a given purpose or nonexistent. At UAS, the academic unit is the academic school: School of Arts and Sciences, Alaska College of Education, Department of Business and Public Administration, School of Career Education. The Egan Library is also recognized as an academic unit.
    - d. Arbitrary and Capricious Grading: Arbitrary and capricious grading means the assignment of a final course grade on a basis other than performance of the course; the use of standards different from those applied to other students in the same course; or the substantial, unreasonable and/or unannounced departure from the course instructor's previously articulated standards or criteria.
  - e. Day: Timeframes noted in these regulations refer to days that the University is officially open for business – Monday through Friday. This excludes weekends, University closures and official holidays.
  - f. Dean/Director: At UAS, the Dean is the head of the school offering the course or program from which the academic decision or action arises. The Dean (or designee) will respond to all disputes regarding an academic decision or action related to Juneau-based courses and programs. If the student involved is affiliated with the Sitka or Ketchikan campus the Dean and Campus Director will consult and develop a coordinated response to the dispute, in consultation with the Provost as necessary. If the academic dispute arises through courses taught by Egan Library faculty, the Library Director will respond to the dispute.
  - g. Final Grade: The final grade is the course grade as determined by the faculty member.
  - h. Grading Error: A grading error is a mathematical miscalculation of a final grade or an inaccurate or incomplete recording of the final grade.
  - i. Next regular semester: The next regular semester is the fall or spring semester following that in which the disputed academic decision was made. At UAS, fall semester disputes must be resolved in the following spring semester (follow timelines as noted in procedures), and a spring semester dispute must be resolved by no later than the following fall semester (follow timelines as noted in procedures).
  - j. Non-voting hearing facilitator: A trained faculty or staff member who guides the hearing process.
2. UAS Procedures for Establishing an Academic Decision Review Committee
    - a. The Dean or designee (for Juneau programs and courses), or Dean and Campus Director together for Ketchikan and Sitka campus programs and courses (as applicable, see section 1.f.), having established that informal procedures have been followed and upon receipt of a written request for a formal review, will convene an Academic Decision Review Committee.
    - b. This ad hoc committee will include no more than five members: three voting faculty members, a non-voting student representative and a non-voting hearing facilitator. The Dean and/or Campus Director (in consultation with each other as applicable) may make committee selections relevant to the nature of the appeal:
      - i. Considerations for faculty representation may include but are not limited to: location of faculty, program chairs/coordinators, faculty with expertise related to the appeal, faculty from outside the school, potential conflicts of interest, etc.
      - ii. Considerations for student representation may include but are not limited to: location of the student, academic standing, students in or outside of the program, students in leadership roles (in consultation with campus student government).

iii. The non-voting hearing facilitator maybe selected from any trained faculty or staff member.

c. The Provost's Office shall serve as the main point-of-contact for consultation on development of any Academic Decision Review Committee.

### 3. Procedures for Resolving Disputes Regarding Final Grade Assignments

Students may challenge a final grade assignment on the basis of alleged grading error or arbitrary or capricious grading. Students are expected to first request an informal resolution of the final grade assignment in writing with the instructor.

#### a. Informal Procedures and Timelines

- i. Written request for informal resolution must be submitted to the course instructor by the 15th day of the next regular semester. The instructor must respond in writing to the request within five days of receipt.
- ii. If the instructor's decision is to change the final grade, he or she must promptly initiate the grade change process in accordance with UAS rules and procedures. If the instructor does not change the grade and the student's concerns remain unresolved, the student may proceed with Formal Procedures as outlined below.
- iii. If the course instructor is no longer an employee of the University or is otherwise unavailable, the student should submit their written request for informal resolution to the Department Chair or Program Head. All timeframes remain as outlined above.

#### b. Formal Procedures and Timelines

- i. A student formally requesting review of a final grade assignment must provide the Dean (or designee), or Campus Director (where applicable), a signed, written request for a formal review. This written request must include, but is not limited to: a) the basis for requesting a change of grade and b) a summary of the student's efforts under informal procedures. The request must be filed by the 20th day of the next regular semester or within five days of response from the instructor under the informal procedure.
- ii. The Dean (or designee) or Campus Director (as applicable, see section 1.f.) will convene an Academic Decision Review Committee as outlined in Section 2 of this document. This Committee must initiate proceedings within 10 (ten) days of receipt of the student's request. The Committee will first consider whether the request submitted by the student warrants a formal hearing.
  - a. If on initial review, the Academic Decision Review Committee determines that the facts as presented would not constitute arbitrary or capricious grading or a grading error (as defined in Section 1 of this document), the Academic Decision Review Committee will dismiss the case without a formal hearing. The decision will be made by simple majority. This decision will constitute the final decision of the University. The Committee's decision will be provided in writing to the student, the course instructor, the Dean of the academic

unit offering the course, and the Campus Director should the dispute resolution involve a student or faculty member from their respective campuses. The Committee will also file a copy with the Provost's Office in keeping with accreditation standards.

b. If the Academic Decision Review Committee determines that the information as presented in the student's appeal might constitute arbitrary or capricious grading or a grading error, the Committee will proceed to a formal hearing (outlined in Section 6 of this document).

### 4. Review of Procedures for Disputes Regarding Denial of Admissions

Students have the right to challenge denial of admissions to their desired degree program using the following procedure:

- a. Students must request a resolution of the denial of admissions, in writing, to the Director of Admissions (undergraduate admissions) or the Graduate Program Coordinator (graduate admissions). The process must be initiated 15 days after receiving denial of admissions. The Director of Admissions/Graduate Program Coordinator must respond in writing within five days of receipt.
- b. If the Director of Admissions/Graduate Program Coordinator decides to reverse the decision, the student will be promptly admitted to the degree program in accordance with UAS Admissions policies. If the Director of Admissions/Graduate Program Coordinator does not approve the request, that is the final decision of UAS and may not be appealed.
- c. If the Director of Admissions or the Graduate Program Coordinator is no longer an employee of the University or is otherwise unavailable, the student should submit their written request to the appropriate identified designee. All timeframes remain as outlined above.

### 5. Review of Procedures for Disputes Regarding Dismissal from a Degree Program

- a. A student formally requesting review of the dismissal from a degree program must provide the Dean (or designee) of the academic unit and the Campus Director (where applicable) offering the program a signed, written request for a formal review. Undergraduate dismissal appeals should be submitted to the Dean of the academic unit offering the program and, at the Ketchikan or Sitka Campuses, to the Campus Director. Graduate program admission appeals should go through the Dean of Graduate Studies. This written request must include, but is not limited to: a) the basis for requesting review, b) a summary of the student's efforts to resolve the dismissal informally, c) a list of any Board of Regents' Policy, University regulation allegedly violated, and d) a description of any evidence the student relies on. The request must be filed within ten days of receipt of notice of dismissal.
- b. As outlined in Section 2 of this document, the Dean or designee (and Dean and Campus Director for Ketchikan and Sitka students) will convene an Academic Decision Review Committee. This committee must initiate proceedings within 10 (ten) days of receipt of the

student's request. The committee will first consider whether the request submitted by the student warrants a formal hearing. The request must be made directly by the affected person (student) and not by other parties on their behalf.

- ii. The mandatory first item of business at this meeting is for that the committee to rule on the validity of the student's request. Grounds for dismissal of the request for review may include:
  - a. The student has not provided sufficient reason in support of the allegation that the academic decision was arbitrary and capricious.
  - b. The appeal does not contain the list of required items.
  - c. The request was not made within the policy deadlines.
  - d. This is not the first appeal of this issue.
- iii. In the event that the Committee votes to dismiss the request, a written notice of dismissal must be forwarded to the student, department/program chair, the Dean of the academic unit offering the program or Campus Director (where applicable), to include the Graduate Dean for graduate programs and the Provost within five days of the decision, and will state clearly the reasoning for the dismissal of the request. This decision constitutes the final decision of the University.
- iv. Acceptance for consideration of the student's request will result in a formal hearing according to procedures outlined in Section 6 of this document.

#### 6. Formal Hearing Procedures

- a. The resolution of disputes regarding academic decisions or actions is not a legal process, and a formal hearing procedure is not held to standards applied to legal proceedings. Formal rules of evidence will not apply.
- b. Dates and times for the hearing will ordinarily be scheduled between five and ten days after the Academic Decision Review Committee determines that a hearing is warranted. The non-voting hearing facilitator will arrange the hearing with all parties, unless otherwise directed by the Dean or designee or Campus Director. All parties will be notified in writing.
- c. The meeting will be closed to outside participation, and either the student or the instructor/department chair/program coordinator may be accompanied by an advocate or representative. Other matters of format will be announced in advance.
- d. Should the student or instructor fail to appear for the hearing, the non-voting hearing facilitator may determine to proceed with the hearing without all parties present.
- e. Hearings may be conducted by audio-conference or at an off-campus location. All hearings will be recorded. Upon conclusion of the formal hearing process, the non-voting hearing facilitator will provide the Provost's office with the recording. The recording, along with the final decision, will be maintained in the Provost's office in keeping with accreditation standards. The hearing recording is a FERPA document.
- f. The student and the instructor will have the opportunity to present information regarding the assignment of the final grade or the recommendation for program dismissal.

This information can include relevant documentation, explanations, etc. Submission of information will be at the discretion of the non-voting hearing facilitator.

- g. The student and the instructor are to have no contact with the Academic Decision Review Committee, with the exception of the non-voting hearing facilitator, regarding the matter of the dispute.
- h. The Academic Decision Review Committee will discuss information presented by all parties in closed deliberations. Decisions will be made by a simple majority vote. Final determination will be made within five days of the conclusion of the hearing, unless granted an extension by the Dean (or designee).
- i. The decision of the Academic Decision Review Committee constitutes the final decision of the University, and will be provided in writing to the student, the course instructor, and the Dean and Campus Director (as applicable). The non-voting hearing facilitator will be responsible for the preparation of a record of the hearing. A copy of the decision, along with the recording of the hearing, will be filed with the Provost's Office in keeping with accreditation standards.

## Resolution of Disputes Regarding University Judicial Decisions or Disciplinary Sanctions

Disputes regarding University judicial decisions or resulting disciplinary sanctions will be reviewed according to procedures set forth in University Regulation on student rights and responsibilities. (R09.03.025)

## Eligibility for Services Pending Final Decision in the Review Process

During the review of an action or decision by the University, the action or decision being contested will remain in effect until the dispute is resolved. Should an academic action or decision affect the student's eligibility for financial aid, housing, or other University services, the student will be informed of the steps to be taken that may maintain or reinstate the affected service. The student will be responsible for initiating any necessary actions or procedures. (R09.03.029)