

# APPEALS AND PETITIONS

## Grade Appeals

The instructor has jurisdiction in determining and assigning grades earned by students at the end of each semester in which the course is offered. The criteria and mechanisms for performance evaluation shall be published in the course syllabus and communicated to students at the beginning of the course. When assigning course grades, Instructor(s) of Record will evaluate student performance in a manner that is fair, unbiased, and consistent with those previously published criteria and mechanisms.

Students have the right to appeal a final course grade that they believe to have been assigned in an arbitrary or capricious manner. For the purpose of this policy, "arbitrary or capricious" is defined as "the assignment of a final course grade through means that are erratic, irregular, or inconsistent with grading policies published in the course syllabus and/or inexplicably different from those applied to other students enrolled in the same course." The grade appeal process for students enrolled in the Graduate School will involve the following steps (the issue may be resolved at any level):

1. The student confers with the instructor(s) involved, outlining the basis for dissatisfaction with the assigned grade, in an attempt to come to resolution in the absence of third parties. It is the responsibility of the student to contact the instructor(s) to initiate this step. The process must be initiated within two weeks of the start of the next semester or part-of-term in which the student is enrolled. If at any point in this process, the instructor(s) agree(s) with the student and elects to alter the original grade issued, the process is terminated and the issue is considered closed. Likewise, if the student becomes convinced at any point in the process that the original grade was issued in a manner that was neither arbitrary nor capricious, the process is terminated and the issue is considered closed. If the dispute is unable to be resolved, the process proceeds to Step 2.
2. The student and instructor(s) (preferably together) confer with the chair of the department or graduate program director. If the instructor is the department chair or graduate program director, the appeals process proceeds to Step 3. The chair/program director's role is to host the meeting and facilitate professional and productive communication between parties. At no time should the chair/program director assume the role of decision-maker in the grade dispute. The student may request the presence of his/her academic advisor (if applicable) during this meeting. The academic advisor, if present, may counsel his/her advisee but should not take an active role in the discussion. If, at any time during this step of the process, the instructor(s) agree(s) with the student and elects to alter the original grade, or if the student becomes convinced that the original grade was issued in a manner that was neither arbitrary nor capricious, the process is terminated and the issue is considered closed. The chair/program director must write a memo summarizing the outcome of the meeting. Copies of this memo must be sent by the chair/program director to the instructor(s) of record, the student, the student's major advisor (if applicable), and to the student's academic file through the Dean of the Graduate School.  
If the student disputing a course grade is out of the Omaha metropolitan area, the required conversation with the instructor(s) may be made by phone.
3. If resolution of the issue cannot be attained through Steps 1 and 2 outlined above, the student may initiate a formal grade appeal to the Graduate Dean. If the student elects to formally appeal the grade, s/he must inform the Graduate Dean in writing within 10 working days of the meeting held in Step 2. In the written appeal, the student must outline the specific grounds for the appeal, and clearly and precisely describe the basis for the complaint. A copy of the student's letter of appeal, and any supporting documentation provided by the student, will be forwarded to the instructor(s) of record, the appropriate department chair, the graduate program director, and the Academic Hearing Subcommittee. It is on the basis of the student's written appeal and the supplemental documentation provided to or gathered by the Academic Hearing Subcommittee that the Subcommittee will decide whether or not to hear the case.  
The student formally appealing a failing grade has the right to attend classes and exercise the privileges of all other graduate students pending the outcome of the appeal, except when prohibited by department policy or in cases where there are reasons relating to the physical or emotional welfare of the student or of others, or reasons involving the safety of persons or property. The decision on student status will be made by the Graduate Dean.  
Normally, the Dean will forward such appeal to the appropriate committee for its review and recommendation. A formal appeal should not be entered upon lightly by a student, or lightly dismissed by an instructor. Under ordinary circumstances, the Graduate Board does not hear appeals of a passing grade.
4. The Graduate Dean will appoint a three-person Academic Hearing Subcommittee from among the members of the Graduate Board for the purpose of reviewing and acting upon written appeals of grades presented by students who have followed the process described in this policy.  
When presented with a formal appeal, the Academic Hearing Subcommittee shall secure the course syllabus and request from the instructor(s) of record his/her written response to the appeal. The Subcommittee shall also request from the instructor(s) of record any additional written information on grading policy previously communicated to the class, or other data pertinent to the appeal. Within two weeks of being convened, the Academic Hearing Subcommittee shall review the student's allegations and the documentation provided by both the student and the instructor(s) of record. The Subcommittee shall also have access to information contained in the student's academic file and transcript. At the conclusion of the information-gathering, the Subcommittee shall determine whether sufficient evidence has been presented to proceed with a formal hearing. The burden of proving that a course grade was assigned arbitrarily or capriciously rests with the student.  
If the data presented by the student are judged to be insufficient to warrant a hearing, the Chair of the Academic Hearing Subcommittee will so indicate, in writing, to the Graduate Dean, who will inform the student and the instructor(s), in writing, of this determination. At that point, the issue is considered closed. If sufficient evidence is presented by the student to warrant an appeal hearing, the Subcommittee will make a written recommendation to the Graduate Board, along with the rationale. The Graduate Board will act in a timely manner to collect any information necessary to render a decision as to whether the grade issued to the student was assigned in a manner that was either arbitrary or capricious. All written documentation provided to the Subcommittee by the student petitioner and/or the instructor(s) will be shared with the other party. The Graduate Board shall convene as soon as possible to evaluate all evidence pertinent to the case. Board members who have an actual or perceived conflict of interest in the case will not be allowed to

attend the hearing or to vote on the outcome. The Board may choose to interview the principals as well as other faculty and students who may provide insight and/or have direct knowledge about the events of the case. The student will be asked to make a brief statement to the Board. It should contain any additional pertinent information that might not be addressed in written materials, information that the student feels the Board should hear. Written notes to which the student can refer while speaking are permissible. For face-to-face hearings, given the nature of the proceeding, the student should appear before the Board appropriately professionally dressed. The student has the right to the assistance of an advisor, from within the University community, at the hearing. The advisor may not be an attorney. Obtaining an advisor is the student's responsibility. The advisor may attend the interview but may not take an active role in the discussion. No other individual will be allowed to sit in on an interview unless permission is granted by the Graduate Dean. The Graduate Board's decision will be reached by simple majority vote. The specific charge to the Graduate Board regarding a grade appeal is to assess whether the mechanisms utilized by the instructor(s) of record to determine the grade in question were applied consistently and fairly to all students enrolled in the course, and, if not, to identify specifically which evaluation mechanisms were arbitrarily or capriciously applied. The Board will not attempt to determine the grade to be received by the student. The finding of the Board will be returned to the original instructor(s) for appropriate remediation. Once a decision is reached, the Graduate Dean will communicate the final decision to the student, the instructor(s) in question, and the program chair.

The Dean vests full authority for the adjudication of grade appeals in the Graduate Board, and will not serve as a source for further appeal or decision review unless requested to do so by the Provost or the President of the University.

The Graduate Board will not hear appeals of passing grades.

## Timeframe for Appeal

Failure of the student to adhere to the time deadlines described above will result in forfeiture of all rights to appeal the grade in question. If deadlines cannot be met due to legitimate reasons, the student can appeal to the Graduate Dean for an extension.

For students enrolled in traditional semester-long courses, the student will have six weeks after the start of the next semester in which the student is enrolled to file a formal grade appeal. Students enrolled in 7- or 8-week courses will have two weeks after the start of the next enrollment term to file a formal grade appeal. This allows time to work through the process described above and submit a written appeal of a grade. Failure to review grades that have been posted online by the Registrar's Office at the end of the semester or term will not be viewed as a reason to suspend any of the time deadlines set forth in this policy. It is the responsibility of the student to ensure that the Registrar's Office has the address to which official correspondence should be sent so that it is received by the student in a timely manner.

## Dismissal Appeals

A student has the right to appeal a dismissal from the Graduate School by filing a petition for reinstatement within 10 working days of the date of the written notice of dismissal from the Graduate School. A petition for reinstatement should be submitted in writing to the Dean and indicate the reasons the student feels s/he should be reinstated as well as the steps s/he plans to take to improve her/his academic performance. The

Graduate School will request a statement from the instructor(s) regarding the student's performance in the course, as well as a statement from the graduate program director. The student may provide a letter in support of her/his reinstatement from the program director, instructor, or other faculty member in the program. Issues of dismissal and reinstatement are heard by the Graduate Board. A dismissed student appealing for reinstatement has the right to attend classes and exercise the privileges of all other graduate students pending the outcome of the appeal, except in cases where there are reasons related to the physical or emotional welfare of the student or others, or reasons involving the safety of persons or property. The decision of student status will be made by the Dean, upon recommendation of the Graduate Board.

In cases of academic misconduct, if a serious penalty (i.e. expulsion from the University, suspension, or a request for withdrawal) is imposed by the Dean, the student has the right to appeal to the University Provost, following the procedures outlined in the Student Handbook. If a student is reinstated into the Graduate School and subsequently dismissed again, the student does not have the right to request reinstatement.