

**Current Status:** *Active*



SAINT ANTHONY  
COLLEGE OF NURSING

**Original Effective:**  
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**Category/Chapter:**  
**Applicability:**

4/5/2016  
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*Student Services*  
*SACN Operating Units*

## Student Appeal Process (444)

### **PURPOSE:**

The student appeal procedures of Saint Anthony College of Nursing provide a forum for fair resolution of disagreements related to grades, academic standing, or disciplinary actions resulting from violations of academic or student policies where there is reason to believe that the decisions/actions were capricious, discriminatory, arbitrary, or in error.

A grade dispute occurs when students receive a final course grade that they believe is the result of the faculty member who graded arbitrarily, graded capriciously, or graded in a discriminatory manner. Educational programs are held to high standards; academic policies serve to provide fair and ethical treatment of students while enrolled in an educational program. This policy is available to students as it is published in the *College Catalog and Student Handbook*.

### **POLICY:**

Students have the right to appeal course or clinical final grades that result in course failures, academic probation, or dismissal from the College where there is reason to believe that the grading was capricious, discriminatory, arbitrary, or in error.

Students have the right to appeal disciplinary actions or college dismissal resulting from violation of academic or student policies.

The professional judgment of faculty members cannot be challenged and petitions to that effect will not be honored.

Academic Appeals and Disciplinary Action Appeals have many steps in common but they also have unique aspects. Therefore, careful review of and alignment with the correct process is required. All parts of the Academic Appeal or Disciplinary Action Appeal will be private and confidential and all persons involved with the proceedings will consider all information and documents to be confidential. If the student discloses information discussed during a meeting, the student's interest in confidentiality will be deemed waived.

The student appeal process is time limited and begins with official notification of the disciplinary action, change in academic status (e.g., probation or dismissal), or course grade via posting in the Learning Management System. The burden of proof of the appeal is on the student. The process of academic appeal should be initiated and resolved as quickly as possible. If the specified time limits are not met by the student, the appeal is considered resolved and shall not be subject to further appeal. A student appealing a final course grade may attend the first class session of the next scheduled course for the purpose of orientation to the course. Students may not attend additional or successive classes or participate in clinical or laboratory sessions while the appeal is being addressed.

There are two procedures, informal and formal, which may be employed. The informal process must be employed before a student begins the formal appeal process.

## **PROCEDURE:**

### **Informal Dispute Procedure**

In all cases, student appeals should be settled at the lowest level possible. The student must attempt to resolve the dispute by scheduling a conference with the appropriate person or involved faculty member. The conference should occur within 5 business\* days following notification of the disciplinary action, change in academic standing, or posting of the final course grade. The student and involved parties or faculty should maintain independent documentation of the conference.

### **Formal Academic Appeal Procedure**

Each time a course is offered, the information specific to the course is published. This information includes the focus and outcomes of the course, learning activities, assignments, regulations guiding course conduction and completion, and the means for grading and grade assignment. Grades reflect a student's alignment with course standards and achievement of expected outcomes.

The professional judgment of faculty members cannot be challenged and petitions to that effect will not be honored. If a grade on an assignment or exam is believed to be the result of an accidental calculation or clerical error, the student should discuss the issue with the faculty member who assigned the grade as soon as possible. A clerical error is not subject to the Academic Appeal procedure. Final course or clinical grades may be appealed if the student can provide evidence of arbitrary, capricious, or discriminatory grading by the faculty member.

If the academic dispute is not resolved through the informal process, the student may file a formal written petition.

#### **1. Petition for a Hearing**

The Academic Appeal Petition form is available on the Saint Anthony College of Nursing website. It is recommended that the student consult with the faculty advisor (or another faculty member in the case of a conflict of interest) during the appeal process. The faculty advisor or faculty member serving as a resource are neutral parties who are available to provide logistical guidance about the appeal process.

The student must complete the Academic Appeal Petition form which states the facts associated with the appeal and a statement of the basis for the appeal. Appropriate supporting documents may be submitted at the student's discretion. The petition must be officially submitted to the appropriate program Dean/Coordinator within 7 business\* days following the official notification of the course grade. The appeal process is considered waived if the student fails to submit the petition by 4 PM on the 7<sup>th</sup> day.

The appropriate program Dean/Coordinator will review the petition. If the petition meets the stated Academic Appeal Petition criteria, an Academic Appeal Committee will be constituted by the President. If a student has filed the petition within the designated timeframe but information is unclear or missing, the appropriate program Dean/Program Coordinator may allow the student to add or amend the formal petition in advance of the initial distribution of the petition. If the appeal petition criteria are not fulfilled, the petition will be dismissed and the student will be notified.

#### **2. Faculty Response**

The involved faculty member will be notified by the appropriate program Dean/ Coordinator of the Academic Appeal. A copy of the Academic Petition and associated documents will be available for the involved faculty member to review. The faculty member will complete and submit the Academic Appeal Faculty Response and submit it to the appropriate program Dean/Coordinator at least 24 hours before the hearing date. A copy of the Faculty Response will be distributed to the student and Academic Appeal Committee.

If the appeal is related to a change in academic standing, no faculty response is required. The meeting minutes from Undergraduate and Graduate Admission and Progression Committees may be reviewed as needed.

### 3. Academic Appeal Committee

The Academic Appeal Committee consists of three faculty members appointed by the President in consultation with the Leadership Team to hear a specific dispute. Committee membership will be determined upon receipt of the academic appeal petition. Faculty involved in the course, the academic advisor, and the faculty member serving as a resource to the student may not serve on the Committee.

The Chairperson of the Committee will be appointed by the constituted Committee prior to initiating the hearing. The Chairperson shall lead the hearing, ensure that the Committee's decision is based on available information and is defensible, and ensure that the committee report is sufficiently clear in articulating the decision and rationale for the decision.

### 4. Academic Appeal Meeting

The President will schedule a meeting of the Academic Appeal Committee within 10 business\* days of receipt of the student's Academic Appeal unless it was determined that the complaint is not disputable with this process. The faculty and student involved in the appeal are requested to be available to the committee at the time of the hearing. It is up to the discretion of the Committee as to whether the student and/or faculty member will be invited to speak at the hearing. If either party is invited to speak to the Committee, the other party will also be invited to speak to the Committee. Neither the student nor faculty have the right to legal counsel during the academic appeal meeting.

Academic Appeal committee meetings are private and confidential and can only be attended by Saint Anthony College of Nursing employees. The affected student and faculty member may be included only when invited. Guests of the student will be asked to wait in the college lobby area.

A. The Academic Appeal Committee investigates and analyzes all available information. At a minimum, the committee should have immediate access to the Academic Appeal Petition and supporting documents, the Faculty Response and the course syllabus. The course textbook, assignments and grading rubrics, tests and test analysis data, and other pertinent student performance documents should also be available if requested and appropriate to the appeal.

The Committee is charged with reviewing the evidence provided by the student and with the responsibility for the elements that follow:

- Answer the following questions:
  1. In awarding the grade under appeal, was the faculty arbitrary (the grade was awarded on preference or whim; not for an academic reason)?
  2. In awarding the grade under appeal, was the faculty capricious (the grade was awarded on some basis other than student performance, the grade was awarded using a more exacting standard than other students are held to, or the grade awarded represents a substantial departure from the instructor's standards announced during the first part of the term)?
  3. In awarding the grade under appeal, was the faculty discriminatory (the grade awarded reflects differential treatment of the student based on race, religion, color, age, gender, sexual orientation, disability or national origin)?
- Assure the following understandings were adhered to:
  1. It is the student's responsibility to provide the evidence that the faculty was arbitrary, capricious or discriminatory.

2. The professional judgment of the instructor is not a matter which can be challenged or appealed in an appeal process.
- B. The committee shall deliberate and arrive at a decision to uphold or deny the appeal by a simple majority vote.
  - C. The Chairperson of the Academic Appeal Committee completes the Academic Appeal Committee Report. The report must address each of the student's claims and provide information that addresses why the claim was valid or invalid. At the conclusion of the meeting the report is submitted by the Chairperson of the Academic Appeal Committee to the appropriate program Dean/Coordinator. All materials used in the process will be returned to the appropriate program Dean/Program Coordinator.

The appropriate program Dean/Coordinator confirms that the Committee report is in alignment with the Committee's responsibilities of the items above. If not, the report is returned to the committee for revision.

The appropriate program Dean/Coordinator distributes a copy of the Academic Appeal Committee Report to the involved faculty and the student. The materials associated with the appeal and outcome will be placed within the student's official file. Extra copies will be destroyed through the process for secured disposal of student materials.

#### **Formal Disciplinary Action Appeal Procedure**

If the disciplinary action dispute is not resolved through the informal process, the student may file a formal written petition.

1. **Petition for a Hearing**

The Disciplinary Action Appeal Petition form is available on the Saint Anthony College of Nursing website. It is recommended that the student consult with the faculty advisor (or another faculty member in the case of a conflict of interest) as a resource which is available to provide logistical guidance about the appeal process.

The student must complete the petition form which states the facts associated with the appeal and a statement of the basis for the appeal. Appropriate supporting documents may be submitted at the student's discretion. The petition must be officially submitted to the President within 7 business\* days following the official notification of the disciplinary action. The appeal process is considered waived if the student fails to submit the petition within the 7 day timeline.

If a student has filed the petition within the designated timeframe but information is unclear or missing, the President may allow the student to add or amend the formal petition in advance of the initial distribution of the petition. If the criteria are not fulfilled, the petition will be dismissed and the student will be notified.

2. The President shall call a meeting of the Judicial Committee within 7 business\* days. The Judicial Board Committee is elected annually with the specific intention to review specific disputes. Committee membership will be reviewed upon receipt of the appeal petition. Faculty involved in the dispute, the academic advisor, and the person as a resource to the student may not serve on the Committee.

The Chairperson of the Committee shall lead the hearing, ensure that the Committee's decision is based on available information and is defensible, and ensure that the committee report is sufficiently clear in articulating the decision and rationale for the decision which was made.

### 3. Involved Parties

Parties involved in the dispute will be notified by the Judicial Committee Chairperson of the Disciplinary Action Appeal. A copy of the petition and associated documents will be available for the involved personnel to review. If the involved parties have information which supports the original disciplinary action, they are invited to create a response and submit it along with evidentiary documents to the Chairperson of the Judicial Committee. The response must be submitted at least 24 hours before the hearing date. A copy of the response will be distributed to the student and the Judicial Committee.

### 4. Disciplinary Action Appeal Meeting

The Judicial Committee must meet within 10 business\* days of receipt of the student's appeal unless it was determined that the complaint is not disputable with this process. The faculty and student involved in the appeal are requested to be available to the committee at the time of the informal hearing. It is up to the discretion of the Committee as to whether the student and/or faculty member will be invited to speak at the hearing. If either party is invited to speak to the Committee, the other party will also be invited to speak to the Committee. Neither the student nor faculty have the right to legal counsel during the academic appeal meeting.

Disciplinary Action Appeal meetings are private and confidential and can only be attended by Saint Anthony College of Nursing students and employees. The affected student and involved college parties may be included only when invited. Guests of the student will be asked to wait in the college lobby area.

### **Post Appeal Procedure**

A request for appeal of the decision of the Academic Appeal or Disciplinary Action Committee involves the Post-Appeal Petition form which must be submitted to the President in writing within 3 business\* days of the Academic Appeal Committee's decision. The President may approve, modify, or reverse the decision of the Academic Appeal or Disciplinary Action Appeal Committees. The President must render a decision within 5 business\* days. The written decision of the President will be sent to the affected parties and placed in the student's file. This is the final level of student appeal.

\* Business days are defined as week days during the weeks when the institution is in session. Holidays and college closure days are not counted within the designated time period.

The College is firmly committed to an environment that encourages timely disclosure of such concerns and prohibits retribution or retaliation. Any college student who has made a good faith complaint of academic grievance, discrimination, participated in the investigation of a complaint, or otherwise exercised his/her rights under this policy or the law is prohibited. Persons against whom the complaint is lodged also bear a responsibility to abstain from retaliatory behavior toward the complainants and/or any individual participating in the investigation.

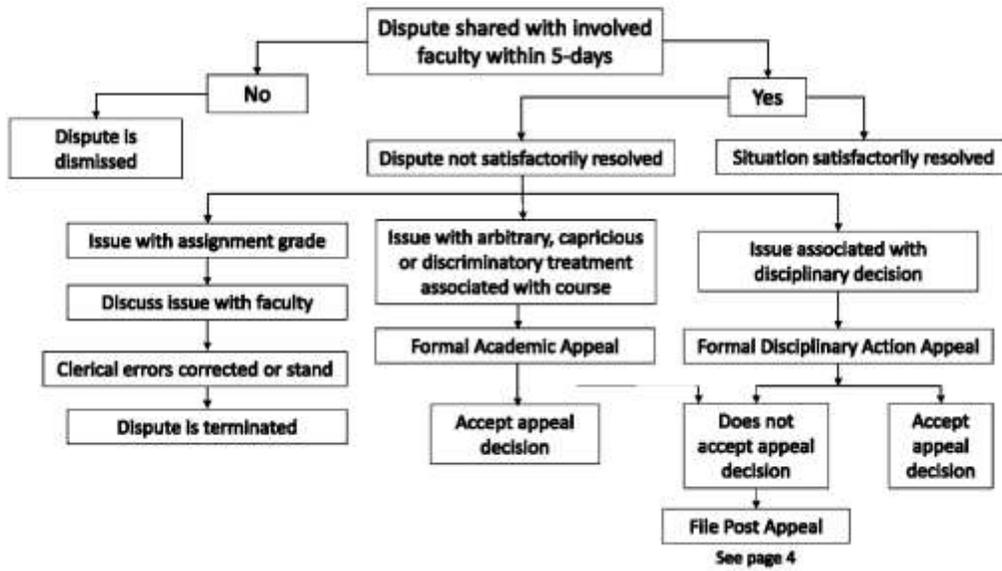
### **ATTACHMENTS:**

Informal Dispute Process  
Formal Academic Appeal  
Formal Disciplinary Action Appeal  
Post Appeal Procedure  
Academic Appeal Petition Form  
Post Appeal or Dismissal Petition Form

1.

## Informal Dispute

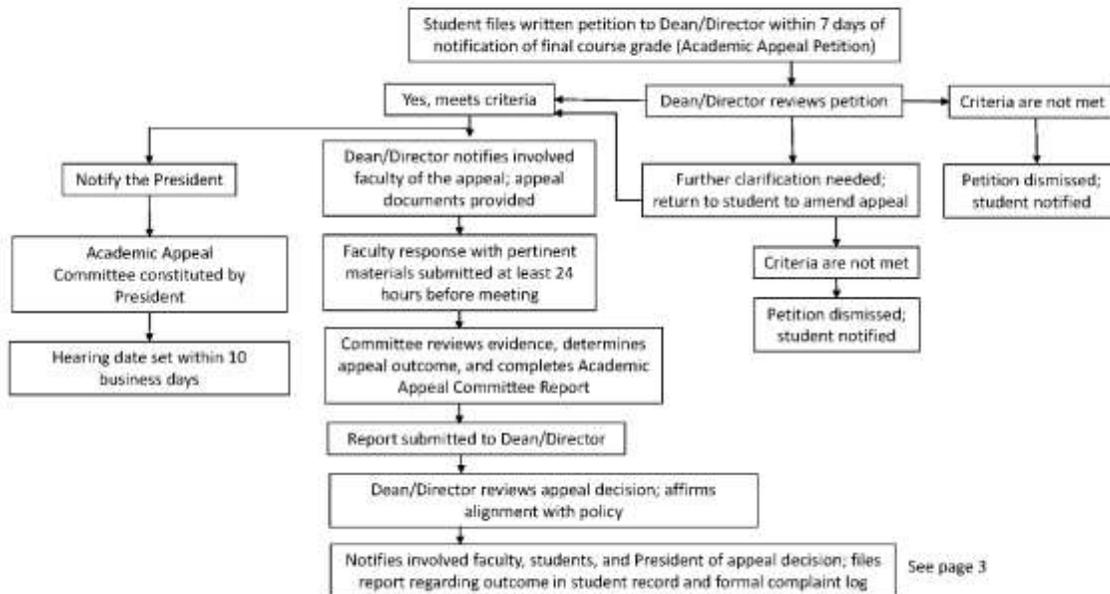
• Must attempt resolution informally before beginning formal appeal process



2.

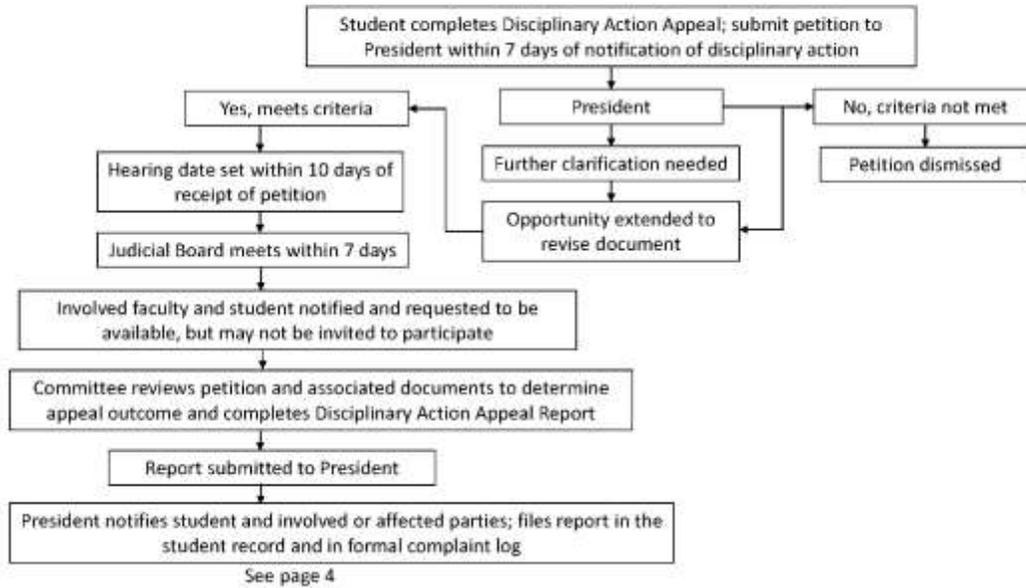
## Formal Academic Appeal

(see policy for definition)



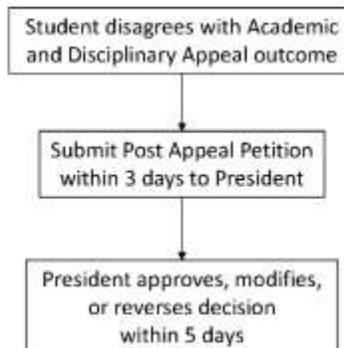
3.

### Formal Disciplinary Action Appeal (for disputes not resolved through an informal process)



4.

### Post Appeal Procedure





### Academic Appeal Petition

Name:		SACN ID:
Email:		Date:
Course # & Name:		
Course Faculty or Course Coordinator:		
Term & Year:	Grade Received & Date Posted:	

The SACN student appeal process provides a forum for fair resolution of a disagreement related to grades. A grade dispute occurs when students receive a final course grade that they believe is the result of the faculty member who graded arbitrarily, capriciously, or in a discriminatory manner.

Grade related appeals are only considered when they meet one or more of the following criteria. Please indicate which of the following criteria are being used as the basis of the appeal.

- Faculty member violated the terms of the syllabus
- Faculty member made an error in calculating or recording the grade
- Faculty member graded arbitrarily, capriciously or in a discriminatory manner
- Other - please concisely state criteria violated

Attach a word processed document which explains:

- How the faculty member departed from the stated criteria for determining the course grade, or
- How you perceived being treated and/or graded differently from other students in the same course.
- All previous action, including meetings with involved faculty, to try to resolve the course grade dispute.

Attach documents and/or other details which support your request for academic appeal.

**Submit the entire packet to the academic program Dean within 7 business days of the official grade posting.**

Received by \_\_\_\_\_ on \_\_\_\_\_



### Post-Appeal Academic Appeal and Dismissal Appeal Petition

Name:	SACN ID:
Email:	Date:
Course # & Name:	
Course Faculty or Course Coordinator:	
Term & Year:	

The SACN student appeal process provides a forum for fair resolution of a disagreement related to an appeal decision or dismissal from college. In the event of extenuating circumstances that contribute to academic failures and dismissal from the college, the student may elect to request reconsideration of that action.

Attach a word processed document which explains:

- An overview of the circumstances which affected your ability to be successful.
- Previous strategies which will be retained to resolve deficiencies and foster academic success.
- New actions, strategies or processes put into place to foster success in your studies if your appeal is granted.

Attach documents and/or other details which support your request for this petition.

**Submit the entire packet to the President within 7 business days of the official dismissal or academic appeal outcome.**

Received by \_\_\_\_\_ on \_\_\_\_\_