

# ACADEMIC APPEALS PROCEDURES

## School of Arts, Sciences and Education

The School of Arts, Sciences and Education provides a Formal Appeal Procedure for students who wish to appeal academic evaluations or evaluations of misconduct that have a significant academic consequence (resulting in probation, suspension, dismissal or other significant change in academic status). A separate appeal process ("Alternate Appeal Procedure," below) is provided for appeals of decisions that have a less serious academic consequence.

When a student seeks to challenge a decision that has serious academic consequence, he/she must first attempt to informally resolve the situation as described below and then, if such informal attempts fail, he/she may file an appeal pursuant to the Formal Appeal Procedure described below.

When a student seeks to challenge a decision or action under these procedures that **does not** have a significant academic consequence (such as a grade dispute not resulting in probation, suspension, dismissal or other significant change in academic status), he/she must still, as an initial step, attempt to informally resolve the situation and then, if such informal attempts fail, he/she may file an appeal pursuant to the Alternate Appeal Procedure described below.

Jurisdiction over the appeal resides in the School or Department in which the subject decision or action occurred

### Appeal Officer

The appeal officer shall act as the coordinator of the appeal process. Should a student or faculty member have any questions concerning the appeal process (including how to file an appeal), he/she is encouraged to contact the appeal officer. Further, the appeal officer is empowered to make adjustments/decisions to the time schedule or other technical requirements of the appeal process in order to fulfill its purpose in a comprehensive manner. Of particular importance is the need to expedite decisions that have direct and immediate consequences upon the academic status of a student. Any adjustments/decisions related to the time schedule or other technical requirements will be made with communication to all parties to insure their awareness and cooperation.

The current appeal officer for the School of Arts, Sciences and Education is David Stewart, Associate Dean. If the appeal officer is involved in the decision subject to appeal, then an alternate appeal officer will be made available to the student filing the appeal.

### Informal Resolution

Wherever and whenever possible, the student should first attempt to rectify the situation by dealing directly with the faculty member who made the decision. This should be done within five (5) working days of the decision or action in question, and the informal resolution process shall not exceed ten (10) working days from that decision or action.

If no direct resolution is reached, the student may request consultation and mediation by the Chair (or his/her designee) of the Department in which the subject decision or action occurred.

If the process of consultation and informal resolution fails, then either the formal or alternate appeal process may begin. Regardless of the outcome

of the informal resolution process, to the extent the student seeks to file a complaint under the Formal or Alternate Appeal Procedure, such complaint must be filed by the deadlines set forth below.

### Formal Appeal Procedure

- a. If the student seeks to challenge a decision or action that has a significant academic consequence (i.e. probation, suspension, dismissal or other significant change in academic status) and remains unsatisfied after completing the above informal steps, then he/she may file a formal appeal by submitting a written complaint to the Chair of the Department in which the subject decision or action occurred within fifteen (15) working days of the decision or action that he/she seeks to challenge. Regardless of the outcome of the informal resolution process set forth above, the written complaint must be filed within fifteen (15) working days, otherwise it is untimely and will not be accepted or considered. Upon receipt of a formal appeal, the Chair shall provide a copy of the written complaint to the Appeal Officer.

If the Chair of the Department was directly involved in the decision being appealed by the student, then the written complaint shall be filed with, and subject to review and determination by, the Chair of a different department acting as an alternate, as designated by the Dean.

The written complaint must state the specific violation of School or Department policy, rule or direction being challenged. The complaint, plus any supporting documents, shall supply full detail regarding this alleged violation and the remedy sought. The complaint shall indicate the dates on which attempts at informal resolution took place. The faculty member against whom the complaint has been filed will be notified within five (5) working days of the filing of the complaint.

In cases involving allegations of improper academic evaluation (such as a grade), the student must demonstrate clearly and convincingly that the faculty member did not comply with the syllabus or other stated requirements of the course.

The Department Chair has responsibility for reviewing and rendering a determination regarding the appeal. The procedures used by the Department Chair shall include, at a minimum, the opportunity for the student and the relevant faculty to: meet with the Department Chair and make a statement; submit other supporting statements; submit documents; and submit other information to support his/her position. The student may be accompanied by a member of the D'Youville University community acting as a support person at any meetings held by the Department Chair with the student concerning the appeal. This support person cannot be a parent or guardian of the student. Further, because the purpose of the appeal process is to provide a fair review rather than a formal legal proceeding, participation of attorneys in the appeal process is not permitted. A support person may not speak for the student. The student is responsible for speaking, submitting statements, and presenting other information on his/her own behalf. There shall be an audio recording of any meetings held by the Department Chair with the student concerning the appeal. The audio recording, as well as any meeting notes, statements or other information submitted or collected, shall be maintained by the School for six (6) years.

A written determination of the appeal will be issued by the Department Chair, which sets forth the rationale for the determination, following the submission and collection of all relevant documents, statements, and other information.

Normally, no more than twenty (20) working days should elapse between the filing of an appeal with the Department Chair and the issuance of the written determination. If, because of the absence of key persons from the campus or other circumstances or exigencies (including those due to breaks in the academic calendar), the Department Chair decides that disposition on that schedule is not possible, the Department Chair shall notify the Appeal Officer who will make a determination if an extension shall be granted. Delivery of the written determination of the Department Chair shall be made by certified mail and email to the addresses of record. A copy of the written determination shall be maintained by the School for six (6) years.

- b. Further Appeal. The student has the right to appeal the Department Chair's determination to the Dean. If no timely appeal to the Dean is made, then the determination of the Department Chair is final and no further challenges to the decision or action giving rise to the appeal will be permitted under these procedures.

Appeals to the Dean can be made on four grounds only, which must be stated in writing and submitted to the Dean within five (5) working days of the student's receipt of the Chair's written determination:

- i. The decision of the Department Chair is contrary to policy, rules or written directives of the School and/or Department.
- ii. The decision of the Department Chair violated stated procedural guarantees and that alleged violation prevented fundamental fairness. A determination that a material error has occurred may result in reconsideration of the case using correct procedures, either by the Dean or by remand to the Chair, in the discretion of the Dean. Immaterial procedural errors will not support an appeal.
- iii. The decision of the Department Chair was rendered without the benefit of significant new factual material not available at the time of that decision; however, information knowingly withheld from the prior proceeding by the appealing student will not support an appeal.
- iv. Significant mitigating circumstances exist which may warrant modification of the decision reached by the Department Chair.

Following receipt of an appeal, the Dean will review the written determination of the Department Chair as well as all materials in the appeal file, including, but not limited to, the statements, documents and other information submitted in connection with the appeal. The Dean may, but is not required to, hold further meetings regarding the appeal.

The Dean's decision concerning the appeal will be issued within ten (10) working days of the student's submission of the appeal to the Dean. Delivery of the Dean's decision shall be made by certified mail and e-mail to the addresses of record. A copy of the Dean's decision shall be maintained by the School for six (6) years.

The Dean's decision concerning the appeal is final. No further challenges to the decision or action giving rise to the appeal will be permitted under these procedures.

## Alternate Appeal Procedure

If the student seeks to challenge a decision or action that **does not** have significant academic consequence (such as a grade dispute that does not result in probation, suspension, dismissal or other significant change in academic status), and remains unsatisfied after completing the above informal steps, then he/she may file a formal appeal by submitting a written complaint to the Chair of Department in which the subject decision or action occurred within fifteen (15) working days of the decision or action that he/she seeks to challenge. Regardless of the outcome of the informal resolution process set forth above, the written complaint must be filed within fifteen (15) working days, otherwise it is untimely and will not be accepted or considered. Upon receipt of a formal appeal, the Chair shall provide a copy of the written complaint to the Appeal Officer.

If the Chair of the Department was directly involved in the decision being appealed by the student, then the written complaint shall be filed with, and subject to review and determination by, the Chair of a different department acting as an alternate, as designated by the Dean.

The written complaint must state the specific violation of Department policy, rule or direction which is complained of. The complaint, plus any supporting documents, shall supply full detail regarding this alleged violation and the remedy sought. The complaint shall indicate the dates on which attempts at informal resolution took place. The faculty member or committee against whom the complaint has been filed will be notified within five (5) working days of the filing of the complaint.

In cases involving allegations of improper academic evaluation (such as a grade), the student must demonstrate clearly and convincingly that the faculty member did not comply with the syllabus or other stated requirements of the course.

The complaint shall be evaluated after the student and the faculty member are provided the opportunity to make a statement to the Chair of the Department (either in writing or at a meeting, if a meeting is deemed necessary by the Chair) and submit supporting documents. There shall be an audio recording of any meetings held by the Department Chair with the student concerning the appeal. Records related to the appeal shall be maintained by the School for six (6) years.

Following evaluation of the statements and supporting documentation, a written determination of the appeal will be issued by the Department Chair, which sets forth the rationale for the determination.

Normally, no more than twenty (20) working days should elapse between the filing of an appeal with the Department Chair and the issuance of the written determination. If, because of the absence of key persons from the campus or other circumstances or exigencies (including those due to breaks in the academic calendar), the Department Chair decides that disposition on that schedule is not possible, the Department Chair shall notify the Appeal Officer who will make a determination if an extension shall be granted. Delivery of the written determination of the Department Chair shall be made by certified mail and email to the addresses of record. A copy of the written determination shall be maintained by the School for six (6) years.

The determination issued by the Department Chair is final. No further challenges to the decision or action giving rise to the appeal will be permitted under these procedures.

## Complaints of Discrimination or Harassment

D'Youville University provides equal opportunity to all students. The University does not discriminate on the basis of race, color, national origin, sex, disability, age, or any other protected status with respect to its academic programs, policies and practices.

Should a student advance an appeal under the above procedures that alleges discrimination or harassment on the basis of race, color, national origin, sex, disability, age, or any other protected status, the appropriate School or Department will immediately notify the Dean of Students and Title IX Coordinator. Students are also encouraged to directly consult with the Dean of Students and/or the Coordinator of Disability Services in the event they are seeking to file an appeal related to discrimination or harassment.

Further, if a student's appeal relates to Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, or the obligations of the University, School or Department under those laws, the appropriate School or Department will immediately notify, and the student filing the appeal is encouraged to consult, the Coordinator of Disability Services.

## School of Health Professions

The School of Health Professions provides a Formal Appeal Procedure for students who wish to appeal academic evaluations or evaluations of misconduct that have a significant academic consequence (resulting in probation, suspension, dismissal or other significant change in academic status). A separate appeal process ("Alternate Appeal Procedure," below) is provided for appeals of decisions that have a less serious academic consequence.

When a student seeks to challenge a decision that has serious academic consequence, he/she must first attempt to informally resolve the situation as described below and then, if such informal attempts fail, he/she may file an appeal pursuant to the Formal Appeal Procedure described below.

When a student seeks to challenge a decision or action under these procedures that does not have a significant academic consequence (such as a grade dispute not resulting in probation, suspension, dismissal or other significant change in academic status), he/she must still, as an initial step, attempt to informally resolve the situation and then, if such informal attempts fail, he/she may file an appeal pursuant to the Alternate Appeal Procedure described below.

Jurisdiction over the appeal resides in the School or Department in which the subject decision or action occurred.

## Appeal Officer

The appeal officer shall act as the coordinator of the appeal process. Should a student or faculty member have any questions concerning the appeal process (including how to file an appeal), he/she is encouraged to contact the appeal officer. Further, the appeal officer is empowered to make adjustments/decisions to the time schedule or other technical requirements of the appeal process in order to fulfill its purpose in a comprehensive manner. Of particular importance is the need to expedite decisions that have direct and immediate consequences upon the academic status of a student. Any adjustments/decisions related to the time schedule or other technical requirements will be made with communication to all parties to ensure their awareness and cooperation. If the appeal officer is involved in the decision subject to appeal, then an

alternate appeal officer will be made available to the student filing the appeal.

## Informal Resolution

Wherever and whenever possible, the student should first attempt to rectify the situation by dealing directly with the faculty member who made the decision. This should be done within five (5) working days of the decision or action in question, and the informal resolution process shall not exceed ten (10) working days from that decision or action. Regardless of the outcome of this informal resolution process, to the extent the student seeks to file a complaint under the Formal or Alternate Appeal Procedure, such complaint must be filed by the deadlines set forth below.

## Formal Appeal Procedure

- a. If the student seeks to challenge a decision or action that has a significant academic consequence (i.e. probation, suspension, dismissal or other significant change in academic status) and remains unsatisfied after completing the above informal steps, then he/she may file a formal appeal by submitting a written complaint to the Chair/Director of the Department in which the subject decision or action occurred within fifteen (15) working days of the decision or action that he/she seeks to challenge. Regardless of the outcome of the informal resolution process set forth above, the written complaint must be filed within fifteen (15) working days, otherwise it is untimely and will not be accepted or considered. Upon receipt of a formal appeal, the Chair/Director shall provide a copy of the written complaint to the Appeal Officer.

If the Chair/Director of the Department was directly involved in the decision being appealed by the student, then the written complaint shall be filed with, and subject to review and determination by, an alternate designated by the Dean in consultation with Department faculty.

The student's written complaint must state the specific violation of Department policy, rule or direction being challenged. The complaint, plus any supporting documents, shall supply full detail regarding this alleged violation and the remedy sought. The complaint shall indicate the dates on which attempts at informal resolution took place. The faculty member or committee against whom the complaint has been filed will be notified within five (5) working days of receipt by the Chair/Director.

In cases involving allegations of improper academic evaluation (such as a grade), the student must demonstrate clearly and convincingly that the faculty member did not comply with the syllabus or other stated requirements of the course.

The Department Chair/Director has responsibility for reviewing and rendering a determination regarding the appeal. The procedures used by the Department Chair/Director shall include, at a minimum, the opportunity for the student and the relevant faculty to: meet with the Department Chair/Director and make a statement; submit other supporting statements; submit documents; and submit other information to support his/her position. The student may be accompanied by a member of the D'Youville University community acting as a support person at any meetings held by the Department Chair/Director with the student concerning the appeal. This support

person cannot be a parent or guardian of the student. Further, because the purpose of the appeal process is to provide a fair review rather than a formal legal proceeding, participation of attorneys in the appeal process is not permitted. A support person may not speak for the student. The student is responsible for speaking, submitting statements, and presenting other information on his/her own behalf. There shall be an audio recording of any meetings held by the Department Chair/Director with the student concerning the appeal. The audio recording, as well as any meeting notes, statements or other information submitted or collected, shall be maintained by the School for six (6) years.

A written determination of the appeal will be issued by the Department Chair/Director, which sets forth the rationale for the determination, following the submission and collection of all relevant documents, statements, and other information.

Normally, no more than twenty (20) working days should elapse between the filing of an appeal with the Department Chair/Director and the issuance of the written determination. If, because of the absence of key persons from the campus or other circumstances or exigencies (including those due to breaks in the academic calendar), the Department Chair/Director decides that disposition on that schedule is not possible, the Department Chair/Director shall notify the Appeal Officer who will make a determination if an extension shall be granted. Delivery of the written determination of the Department Chair/Director shall be made by certified mail and email to the addresses of record. A copy of the written determination shall be maintained by the School for six (6) years.

- b. Further Appeal. The student has the right to appeal the Department Chair/Director's determination to the Dean. If no timely appeal to the Dean is made, then the determination of the Department Chair/Director is final and no further challenges to the decision or action giving rise to the appeal will be permitted under these procedures.

Appeals to the Dean can be made on the following four grounds only, which must be stated in writing and submitted to the Dean within five (5) working days of the student's receipt of the written determination from the Department Chair/Director:

- i. The decision of the Department Chair/Director is contrary to policy, rules or written directives of the School and/or Department.
- ii. The decision of the Department Chair/Director violated stated procedural guarantees and that alleged violation prevented fundamental fairness. A determination that a material error has occurred may result in reconsideration of the case using correct procedures, either by the Dean or by remand to the Department Chair/Director, in the discretion of the Dean. Immaterial procedural errors will not support an appeal.
- iii. The decision of the Department Chair/Director was rendered without the benefit of significant new factual material not available at the time of that decision; however, information knowingly withheld from the prior proceeding by the appealing student will not support an appeal.
- iv. Significant mitigating circumstances exist which may warrant modification of the decision reached by the Department Chair/Director.

Following receipt of an appeal of the decision by the Department Chair/Director, the Dean will review the written determination of the Department Chair/Director as well as all materials in the appeal file, including, but not limited to, the statements, documents and other information submitted in connection with the appeal. The Dean may, but is not required to, hold further meetings regarding the appeal.

The Dean's decision concerning the appeal will be issued within ten (10) working days of the student's submission of the appeal to the Dean. Delivery of the Dean's decision shall be made by certified mail and e-mail to the addresses of record. A copy of the Dean's decision shall be maintained by the School for six (6) years.

The Dean's decision concerning the appeal is final. No further challenges to the decision or action giving rise to the appeal will be permitted under these procedures.

### Alternate Appeal Procedure

If the student seeks to challenge a decision or action that does not have significant academic consequence (such as a grade dispute that does not result in probation, suspension, dismissal or other significant change in academic status), and remains unsatisfied after completing the above informal steps, then he/she may file a formal appeal by submitting a written complaint to the Chair/Director of the Department in which the subject decision or action occurred within fifteen (15) working days of the decision or action that he/she seeks to challenge. Regardless of the outcome of the informal resolution process set forth above, the written complaint must be filed within fifteen (15) working days, otherwise it is untimely and will not be accepted or considered. Upon receipt of a formal appeal, the Chair/Director shall provide a copy of the written complaint to the Appeal Officer.

If the Chair/Director of the Department was directly involved in the decision being appealed by the student, then the written complaint shall be filed with, and subject to review and determination by, an alternate designated by the Dean in consultation with Department faculty.

The written complaint must state the specific violation of Department policy, rule or direction which is complained of. The complaint, plus any supporting documents, shall supply full detail regarding this alleged violation and the remedy sought. The complaint shall indicate the dates on which attempts at informal resolution took place. The faculty member or committee against whom the complaint has been filed will be notified within five (5) working days of the filing of the complaint.

In cases involving allegations of improper academic evaluation (such as a grade), the student must demonstrate clearly and convincingly that the faculty member did not comply with the syllabus or other stated requirements of the course.

The complaint shall be evaluated after the student and the faculty member are provided the opportunity to make a statement to the Chair/Director of the Department (either in writing or at a meeting, if a meeting is deemed necessary by the Chair/Director) and submit supporting documents. There shall be an audio recording of any meetings held by the Department Chair/Director with the student concerning the appeal. Records related to the appeal shall be maintained by the School for six (6) years.

Following evaluation of the statements and supporting documentation, a written determination of the appeal will be issued by the Department Chair/Director, which sets forth the rationale for the determination.

Normally, no more than twenty (20) working days should elapse between the filing of an appeal with the Department Chair/Director and the issuance of the written determination. If, because of the absence of key persons from the campus or other circumstances or exigencies (including those due to breaks in the academic calendar), the Department Chair/Director decides that disposition on that schedule is not possible, the Department Chair/Director shall notify the Appeal Officer who will make a determination if an extension shall be granted. Delivery of the written determination of the Department Chair/Director shall be made by certified mail and email to the addresses of record. A copy of the written determination shall be maintained by the School for six (6) years.

The determination issued by the Department Chair/Director is final. No further challenges to the decision or action giving rise to the appeal will be permitted under these procedures.

## Complaints of Discrimination or Harassment

D'Youville University provides equal opportunity to all students. The College does not discriminate on the basis of race, color, national origin, sex, disability, age, or any other protected status with respect to its academic programs, policies and practices.

Should a student advance an appeal under the above procedures that alleges discrimination or harassment on the basis of race, color, national origin, sex, disability, age, or any other protected status, the appropriate School or Department will immediately notify the Dean of Students and Title IX Coordinator and/or the Coordinator of Disability Services. Students are also encouraged to directly consult with the Dean of Students and/or the Coordinator of Disability Services in the event they are seeking to file an appeal related to discrimination or harassment.

Further, if a student's appeal relates to Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, or the obligations of the University, School or Department under those laws, the appropriate School or Department will immediately notify, and the student filing the appeal is encouraged to consult, the Coordinator of Disability Services

## School of Nursing

### School of Nursing – Academic Appeals Procedure

The School of Nursing provides a Formal Appeal Procedure for students who wish to appeal academic evaluations or evaluations of misconduct that have a significant academic consequence (resulting in probation, suspension, dismissal or other significant change in academic status). A separate appeal process ("Alternate Appeal Procedure," below) is provided for appeals of decisions that have a less serious academic consequence.

When a student seeks to challenge a decision that has serious academic consequence, he/she must first attempt to informally resolve the situation as described below and then, if such informal attempts fail, he/she may file an appeal pursuant to the Formal Appeal Procedure described below.

When a student seeks to challenge a decision or action under these procedures that **does not** have a significant academic consequence (such as a grade dispute not resulting in probation, suspension, dismissal or other significant change in academic status), he/she must still, as an initial step, attempt to informally resolve the situation and then, if such informal attempts fail, he/she may file an appeal pursuant to the Alternate Appeal Procedure described below.

Jurisdiction over the appeal resides in the School or Department in which the subject decision or action occurred.

## Appeal Officer

The appeal officer shall act as the coordinator of the appeal process. Should a student or faculty member have any questions concerning the appeal process (including how to file an appeal), he/she is encouraged to contact the appeal officer. Further, the appeal officer is empowered to make adjustments/decisions related to the time schedule or other technical requirements of the appeal process in order to fulfill its purpose in a comprehensive manner. Of particular importance is the need to expedite decisions that have direct and immediate consequences upon the academic status of a student. Any adjustments/decisions related to the time schedule or other technical requirements will be made with communication to all parties to insure their awareness and cooperation. The current appeal officer for the School of Nursing is the Administrative Assistant to the Dean. If the appeal officer is involved in the decision subject to appeal, then an alternate appeal officer will be made available to the student filing the appeal.

## Informal Resolution

Wherever and whenever possible, the student should first attempt to rectify the situation by dealing directly with the faculty member or committee who made the decision. This should be done within two (2) working days of the incident in question, and the informal resolution process shall not exceed five (5) working days from the incident.

If no direct resolution is reached, the student may request consultation and mediation by the Chair or his/her designee.

If the process of consultation and informal resolution fails, then the formal or alternate appeal process may begin.

## Formal Appeal Procedure

- a. If the student seeks to challenge a decision or action that has a significant academic consequence (i.e. probation, suspension, dismissal or other significant change in academic status) and remains unsatisfied after completing the above informal steps, then he/she may file a formal appeal by submitting a written complaint to the Chair within five (5) working days of the decision or action that he/she seeks to challenge. Regardless of the outcome of the informal resolution process set forth above, the written complaint must be filed within five (5) working days, otherwise it is untimely and will not be accepted or considered. Upon receipt of a formal appeal, the Chair shall provide a copy of the written complaint to the Appeal Officer.

The written complaint must state the specific violation of Department policy, rule or direction being challenged. The complaint, plus any supporting documents, shall supply full detail regarding this alleged violation and the remedy sought. The complaint shall indicate the dates on which attempts at informal resolution took place. The faculty member or committee against whom the complaint has been filed will be notified within two (2) working days of the filing of the complaint.

In cases involving allegations of improper academic evaluation (such as a grade), the student must demonstrate clearly and convincingly that the faculty member did not comply with the syllabus or other stated requirements of the course.

After receiving the written appeal, the Chair shall call a special meeting of the Appeals Committee, which will be responsible for reviewing and rendering a determination regarding the appeal. If a member of the Appeals Committee was directly involved in the decision being appealed by the student, then he/she shall be replaced by an alternate, as designated by the Dean.

The procedures used by the Appeals Committee shall include, at a minimum, the opportunity for the student and the relevant faculty to: meet with the Appeals Committee and make a statement; submit other supporting statements; submit documents; and submit other information to support his/her position. The student may be accompanied by a member of the D'Youville University community acting as a support person at any meetings held by the Appeals Committee with the student concerning the appeal. This support person cannot be a parent or guardian of the student. Further, because the purpose of the appeal process is to provide a fair review rather than a formal legal proceeding, participation of attorneys in the appeal process is not permitted. A support person may not speak for the student. The student is responsible for speaking, submitting statements, and presenting other information on his/her own behalf. There shall be an audio recording of any meetings held by the Appeals Committee with the student concerning the appeal. The audio recording, as well as any meeting notes, statements or other information submitted or collected, shall be maintained by the School for six (6) years.

A written determination of the appeal will be issued by the Appeals Committee, which sets forth the rationale for the determination, following the submission and collection of all relevant documents, statements, and other information. The Appeals Committee shall have the authority to uphold the decision being challenged or send the decision back to the faculty member or committee for reconsideration.

Normally, no more than five (5) working days should elapse between the filing of an appeal and the issuance of the written determination. If, because of the absence of key persons from the campus or other circumstances or exigencies (including those due to breaks in the academic calendar), the Appeals Committee decides that disposition on that schedule is not possible, the Appeals Committee shall notify the Appeal Officer who will make a determination if an extension shall be granted. Delivery of the written determination of the Appeals Officer shall be made by certified mail and email to the addresses of record. A copy of the written determination shall be maintained by the School for six (6) years.

- b. Further Appeal. The student has the right to appeal the Appeals Committee's determination to the Dean. If the student has previously appealed a decision and that decision was sent for reconsideration by the Appeals Committee, then any further appeal by the student of the decision following reconsideration may be made directly to the Dean.

Appeals to the Dean can be made on four grounds only, which must be stated in writing and submitted to the Dean within five (5) working days of the student's receipt of the Appeals Committee's written determination:

- i. The Appeals Committee's decision is contrary to policy, rules or written directives of the School.
- ii. The Appeals Committee's decision violated stated procedural guarantees and that alleged violation prevented fundamental fairness. A determination that a material error has occurred may result in reconsideration of the case using correct procedures, either by the Dean or by remand to the Appeals Committee, in the discretion of the Dean. Immaterial procedural errors will not support an appeal.
- iii. The Appeals Committee's decision was rendered without the benefit of significant new factual material not available at the time of that decision; however, information knowingly withheld from the prior proceeding by the appealing student will not support an appeal.
- iv. Significant mitigating circumstances exist which may warrant modification of the decision reached by the Appeals Committee.

Following receipt of an appeal, the Dean will review the written determination of the Appeals Committee as well as all materials in the appeal file, including, but not limited to, the statements, documents and other information submitted in connection with the appeal. The Dean may, but is not required to, hold further meetings regarding the appeal.

The Dean shall have the authority to uphold the decision being appealed, reverse the decision, or send the decision for further consideration by the appropriate faculty member or committee.

The Dean's decision concerning the appeal will be issued within ten (10) working days of the student's submission of the appeal to the Dean. Delivery of the Dean's decision shall be made by certified mail and e-mail to the addresses of record. A copy of the Dean's decision shall be maintained by the School for six (6) years.

The Dean's decision concerning the appeal is final.

### Alternate Appeal Procedure

If the student seeks to challenge a decision or action that **does not** have significant academic consequence (such as a grade dispute that does not result in probation, suspension, dismissal or other significant change in academic status), and remains unsatisfied after completing the above informal steps, then he/she may file a formal appeal by submitting a written complaint to the Chair within five (5) working days of the decision or action that he/she seeks to challenge. Regardless of the outcome of the informal resolution process set forth above, the written complaint must be filed within five (5) working days, otherwise it is untimely and will not be accepted or considered. Upon receipt of a formal appeal, the Chair shall provide a copy of the written complaint to the Appeal Officer.

The written complaint must state the specific violation of Department policy, rule or direction which is complained of. The complaint, plus any supporting documents, shall supply full detail regarding this alleged violation and the remedy sought. The complaint shall indicate the dates on which attempts at informal resolution took place. The faculty member or committee against whom the complaint has been filed will be notified within two (2) working days of the filing of the complaint.

In cases involving allegations of improper academic evaluation (such as a grade), the student must demonstrate clearly and convincingly that the faculty member did not comply with the syllabus or other stated requirements of the course.

After receiving the written appeal, the Chair shall call a special meeting of the Appeals Committee, which will be responsible for reviewing

and rendering a determination regarding the appeal. If a member of the Appeals Committee was directly involved in the decision being appealed by the student, then he/she shall be replaced by an alternate, as designated by the Dean.

The complaint shall be evaluated after the student and the faculty member are provided the opportunity to make a statement to the Appeals Committee (either in writing or at a meeting, if a meeting is deemed necessary by the Appeals Committee) and submit supporting documents. There shall be an audio recording of any meetings held by the Appeals Committee with the student concerning the appeal. Records related to the appeal shall be maintained by the School for six (6) years.

Following evaluation of the statements and supporting documentation, a written determination of the appeal will be issued by the Appeals Committee, which sets forth the rationale for the determination.

Normally, no more than ten (10) working days should elapse between the filing of an appeal and the issuance of the written determination. If, because of the absence of key persons from the campus or other circumstances or exigencies (including those due to breaks in the academic calendar), the Appeals Committee decides that disposition on that schedule is not possible, the Appeals Committee shall notify the Appeal Officer who will make a determination if an extension shall be granted. Delivery of the written determination of the Appeals Committee shall be made by certified mail and email to the addresses of record. A copy of the written determination shall be maintained by the School for six (6) years.

The determination issued by the Appeals Committee is final.

## Complaints of Discrimination or Harassment

D'Youville University provides equal opportunity to all students. The College does not discriminate on the basis of race, color, national origin, sex, disability, age, or any other protected status with respect to its academic programs, policies and practices.

Should a student advance an appeal under the above procedures that alleges discrimination or harassment on the basis of race, color, national origin, sex, disability, age, or any other protected status, the appropriate School or Department will immediately notify the Dean of Students and Title IX Coordinator and/or the Coordinator of Disability Services. Students are also encouraged to directly consult with the Dean of Students and/or the Coordinator of Disability Services in the event they are seeking to file an appeal related to discrimination or harassment.

Further, if a student's appeal relates to Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, or the obligations of the University, School or Department under those laws, the appropriate School or Department will immediately notify, and the student filing the appeal is encouraged to consult, the Coordinator of Disability Services

## School of Pharmacy

The School of Pharmacy provides the following appeal process for students who wish to appeal academic evaluations or evaluations of misconduct that have a significant academic consequence (resulting in probation, suspension, dismissal or other significant change in academic status) as well as those that do not have a significant academic consequence (such as a grade dispute not resulting in probation, suspension, dismissal or other significant change in academic status).

When a student seeks to challenge a decision other than a dismissal, he/she must first attempt to informally resolve the situation as described

below and then, if such informal attempts fail, he/she may file an appeal pursuant to the Formal Appeal Procedure set forth below.

Jurisdiction over the appeal resides in the School or Department in which the subject decision or action occurred.

## APPEAL OFFICER

The appeal officer shall act as the coordinator of the appeal process. Should a student or faculty member have any questions concerning the appeal process and procedures (including how to file an appeal), he/she is encouraged to contact the appeal officer. Further, the appeal officer is empowered to make adjustments to the appeals schedule in order to fulfill its purpose in a comprehensive manner. Of particular importance is the need to expedite decisions that have direct and immediate consequences upon the academic status of a student. Any adjustments to the appeals schedule will be communicated to all parties to ensure their awareness and cooperation. The current appeal officer for the School of Pharmacy is Beverly Taggart, Assistant Director of Pharmacy Student Services. If the appeal officer is temporarily unable to fulfill their obligations (e.g. conflict of interest, schedule conflict, temporary absence), the School will name a temporary designee.

## INFORMAL RESOLUTION (FACULTY/STUDENT CONFERENCE):

A student wishing to appeal an academic evaluation or evaluation of misconduct **other than a dismissal** shall confer with the faculty member or preceptor who made the decision in question, and also inform the appropriate Department Chair in writing.

## FOR DIDACTIC COURSES:

- The student/faculty member conference shall take place within ten (10) business days after the student receives official notification of the decision in question.
- If either the student or faculty member wants the conference to take place in the presence of a third party, a request will be submitted to the Department Chair for another member of the School to sit in on the conference.
- The student shall explain the reasons for appealing and the faculty member shall explain the reasons for his/her decision or action.
- If the faculty member believes the decision or action should not be changed, the student shall be notified in writing (with a copy to the Department Chair) within five business days after the conference has occurred.

## EXPERIENTIAL PRACTICE EXPERIENCES (INTRODUCTORY OR ADVANCED):

- The Director of Experiential Education will consider all the facts presented by the student and preceptor and will make a decision regarding any changes based on this information.
- Upon receipt of information from both parties, the student shall be notified in writing of the Director of Experiential Education's decision within five business days.

## FORMAL APPEAL PROCEDURE:

- If the student seeks to challenge a dismissal decision or another decision/action and remains unsatisfied with the outcome of the above Informal Resolution Process (if applicable), then he/she may file a formal appeal.

A student seeking to challenge a dismissal decision must submit a written complaint to the Chairperson of the Academic Performance and

Integrity Committee within ten (10) business days following notification of the dismissal decision.

A student seeking to challenge an academic evaluation other than a dismissal (such as a grade dispute) must submit a written complaint to the Chairperson of the Academic Performance and Integrity Committee within ten (10) business days following receipt of written notification at the conclusion of the Informal Resolution Process set forth above.

A student seeking to challenge a decision imposing sanctions for a violation of the School's Professional Code of Conduct must submit a written complaint to the Chairperson of the Academic Performance and Integrity Committee within ten (10) working days following receipt of written notification at the conclusion of the Informal Resolution Process set forth above.

For didactic courses: While under appeal a student will be allowed to continue to attend all classes until a final decision is rendered.

For experiential practice experiences: The Director of Experiential Education, in certain circumstances, may withhold a student from clinical rotations until the appeals process is resolved.

#### **Contents of Written Complaint**

The written complaint must state the specific violation of School or Department policy, rule or direction being challenged. The complaint, plus any supporting documents, shall supply full detail regarding this alleged violation and the remedy sought. The complaint shall indicate the dates on which attempts at informal resolution, including any faculty/student conference, took place. The faculty member or committee against whom the complaint has been filed will be notified within five (5) business days of the filing of the complaint.

In order to appeal a final grade, a student must offer convincing arguments that good cause exists for mandating a change of grade. Each of the following reasons, if supported by sufficient evidence, shall constitute "good cause":

- Assessment of a grade that is malicious and/or discriminatory: i.e., in determining the grade, the Course Coordinator clearly did not apply the same standards he/she used for grading other members of the class whose work and behavior were similar to those of the appealing student.
- Assignment of a grade that is arbitrary and/or capricious: i.e., the Course Coordinator had apparently no discernible rationale for arriving at the grade given.
- Assignment of a grade that has resulted from human error: i.e., the Course Coordinator reported an incorrect grade as the consequence of a mistake in computation, in recording, or in some other mechanical aspect of the grading process. In such instances, it is assumed that the error will be corrected as a result of the Informal Resolution Process described above.

**The following reasons do not constitute "good cause" for the purposes of appealing a grade:**

- Disagreement with the course requirements established by the Course Coordinator.
- Disagreement with the grading standards established by the Course Coordinator.
- Disagreement with the judgment of the Course Coordinator in applying his/her grading standards so long as he/she has made a

reasonable effort in good faith to be fair and consistent in exercising that judgment. Good faith on the Course Coordinator's part shall be presumed unless the student can offer convincing arguments to the contrary.

- The student's desire or "need" for a particular grade, while compelling to the individual on a personal level, shall not be considered "good cause" for purposes of appeal.

#### **Committee Review and Determination**

For appeals challenging a dismissal decision or academic evaluation (such as a grade dispute), the Academic Performance and Integrity Committee has responsibility for reviewing and rendering a determination regarding the appeal. For appeals challenging a decision imposing sanctions for a violation of the School's Professional Code of Conduct, the Academic Performance and Integrity Committee has responsibility for reviewing and rendering a determination regarding the appeal.

The procedures used by the Academic Performance and Integrity Committee in reviewing an appeal shall include, at a minimum, the opportunity for the student and the relevant faculty to: meet with the Committee and make a statement; submit other supporting statements; submit documents; and submit other information to support his/her position. The student may be accompanied by a member of the D'Youville University community acting as a support person at any meetings held by the Committee with the student concerning the appeal. This support person cannot be a parent or guardian of the student. Further, because the purpose of the appeal process is to provide a fair review rather than a formal legal proceeding, participation of attorneys in the appeal process is not permitted. A support person may not speak for the student. The student is responsible for speaking, submitting statements, and presenting other information on his/her own behalf. There shall be an audio recording of any meetings held by the Committee with the student concerning the appeal. The audio recording, as well as any meeting notes, statements or other information submitted or collected, shall be maintained by the School for six (6) years.

A written determination of the appeal will be issued by the Committee, which sets forth the rationale for the determination, following the submission and collection of all relevant documents, statements, and other information. In the event a student is reinstated by the Committee following appeal of a dismissal decision, the determination may outline conditions for reinstatement, which the student will be required to satisfy.

No more than twenty (20) business days should elapse between the filing of an appeal with the Chairperson of the Committee and the issuance of the Committee's written determination. If, because of the absence of key persons from the campus or other circumstances or exigencies (including those due to breaks in the academic calendar), the Chairperson of the Committee decides that disposition on that schedule is not possible, the Chairperson shall notify the Appeal Officer who will make a determination if an extension shall be granted.

Delivery of the Committee's written determination shall be made by certified mail and email to the addresses of record. A copy of the written determination shall be maintained by the School for six (6) years.

- a. Further Appeal. The student has the right to appeal the determination of the Academic Performance and Integrity Committee to the Dean. Appeals to the Dean can be made on four grounds only, which must be stated in writing and submitted to the Dean within five (5) business days of the student's receipt of the written determination from the Academic Performance and Integrity Committee:



- i. The decision below is contrary to policy, rules or written directives of the School.
- ii. The decision below violated stated procedural guarantees and that alleged violation prevented fundamental fairness. A determination that a material error has occurred may result in reconsideration of the case using correct procedures, either by the Dean or by remand to the relevant Committee, in the discretion of the Dean. Immaterial procedural errors will not support an appeal.
- iii. The Committee's decision was rendered without the benefit of significant new factual material not available at the time of that decision; however, information knowingly withheld from the prior proceeding by the appealing student will not support an appeal.
- iv. Significant mitigating circumstances exist which may Affect the nature of the sanction

Following receipt of an appeal, the Dean will review the written determination of the Academic Performance and Integrity Committee as well as all materials in the appeal file, including, but not limited to, the statements, documents and other information submitted in connection with the appeal. The Dean may, but is not required to, hold further meetings regarding the appeal.

The Dean's decision concerning the appeal will be issued within fifteen (15) business days of the student's submission of the appeal to the Dean. Delivery of the Dean's decision shall be made by certified mail and e-mail to the addresses of record. A copy of the Dean's decision shall be maintained by the School for six (6) years.

The Dean's decision concerning the appeal is final.

## **COMPLAINTS OF DISCRIMINATION AND/OR HARASSMENT:**

D'Youville University provides equal opportunity to all students. The College does not discriminate on the basis of race, color, national origin, sex, disability, age, or any other protected status with respect to its academic programs, policies and practices.

Should a student advance an appeal under the above procedures that alleges discrimination or harassment on the basis of race, color, national origin, sex, disability, age, or any other protected status, the appropriate School or Department will immediately notify the Dean of Students and Title IX Coordinator and/or the Coordinator of Disability Services. Students are also encouraged to directly consult with the Dean of Students and/or the Coordinator of Disability Services in the event they are seeking to file an appeal related to discrimination or harassment.

Further, if a student's appeal relates to Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, or the obligations of the University, School or Department under those laws, the appropriate School or Department will immediately notify, and the student filing the appeal is encouraged to consult, the Coordinator of Disability Services

## **PROCEDURE FOR SECTION 504**

Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance. For students/employees wishing to file a grievance in relation to Section 504, it is recommended that they consult with the Section 504 coordinator to assist with the processing of the complaint. The current Section 504 coordinator is Isabelle Vecchio, Coordinator of Disability Services.