Graduate Student Appeals

13. Graduate Student Appeals

This policy covers academic policy appeals. For assistantship termination appeals, please refer to the Assistantship Termination Appeals Process (https://catalog.ndsu.edu/graduate/assistantship-fellowship/termination-appeal/).

13.1. Overview (p. 1)

13.2. Equal Opportunity (p. 1)

13.3. Academic Evaluation (p. 1)

13.4. Academic Dishonesty (p. 2)

13.5. Appeal of Activities Intrinsic to Acquisition of Graduate Degree (https://catalog.ndsu.edu/graduate-student-appeals/#onethreefiveappealofactivitiesintrinsictoacquisitionofgraduatedegreetext)

13.6. Appeal Procedure (p. 3)

13.7. Graduate Student Appeals Committee (p. 3)

13.1. Overview

The Graduate College at North Dakota State University encourages resolution of problems at the level most closely related to the origin of the specific disputes. Students may seek advice regarding their situation from a neutral party, such as the University Ombudsperson (https://www.ndsu.edu/ombud/). Though this may be done at any point, it might be most helpful early in the process.

In order to resolve an issue, the following steps should be taken:

1. the student is to first discuss the problem(s) with the person(s) directly involved;
2. if the student is not satisfied after discussing the problem with the person(s) directly involved or if discussion of the problem(s) seems inappropriate because of the nature of the student's complaint, the student should seek advice from the administrator of the program; and
3. depending on the nature of the problem(s), the program administrator or student's supervisory committee chair may deal with the situation directly, advise the student to discuss the problem(s) with the appropriate academic dean and/or the Dean of the Graduate College, or advise the student of the appropriate grievance procedure to pursue as the procedure varies depending on the specific nature of the problem.

Areas of possible graduate student appeal include equal opportunity, dismissal from an academic program or the Graduate College, sanctions for academic dishonesty, and degree-acquisition processes that are unique to graduate education. The appropriate procedures/offices for these types of appeals are outlined below. The burden of proof by a preponderance of the evidence is on the graduate student making the appeal.

13.2. Equal Opportunity

North Dakota State University's general and specific commitment (https://www.ndsu.edu/equity/statement_from_the_president/) to being an equal opportunity institution is expressed elsewhere in this bulletin. In short, NDSU prohibits discrimination and harassment on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, status as a U.S. veteran, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer. Title IX specifically prohibits discrimination based on sex in education programs or activities, including, but not limited to, gender-based discrimination, pregnancy discrimination, sexual harassment, or sexual assault. NDSU also prohibits retaliation based on protected activity, including, but not limited to, reporting alleged discrimination, or providing information during a discrimination investigation.

Inquiries concerning compliance with NDSU Equal Opportunity policy may be directed to the Vice Provost and Title IX Coordinator (201 Old Main, 701-231-7708, ndsu.eoaa@ndsu.edu) or to the Office for Civil Rights, U.S. Department of Education, 10220 N. Executive Hills Blvd., 8th Floor, 07-6010, Kansas City, MO 64153-1367.

13.3. Academic Evaluation

The University Senate Grade Appeals Board (https://catalog.ndsu.edu/academic-policies/grades/#gradechangestext) has the authority to hear charges of inequitable or biased academic evaluations and to provide redress for any improper evaluations it may find to have taken place. This process is for course grades assigned by the instructors of the courses, including grades for independent study, thesis, and dissertation credits. Policy 337 (https://www.ndsu.edu/fileadmin/policy/337.pdf) has the procedural details. Salient points repeated here are that the student must initiate a request for a change of grade with the instructor within 15 instructional days of the first day of the semester immediately following the semester in which the grade was awarded. During an appeal, the burden of proof is on the student.

13.4. Academic Dishonesty

Procedures dealing with issues of academic dishonesty in meeting course requirements, such as cheating, plagiarism, or other academic improprieties brought by instructors against students enrolled in their course(s) or other NDSU course(s) or persons not enrolled at NDSU but viewed by the instructor as involved in the academic dishonesty are detailed in both the "Rights & Responsibilities of Community: A Code of Student Behavior (https://www.ndsu.edu/fileadmin/policy/601.pdf)" and Section 335 (https://www.ndsu.edu/fileadmin/policy/335.pdf) of the NDSU Policy Manual. A substantial range of penalties to the student(s) is available to the instructor(s) and academic dean(s) of the college(s) involved, i.e., the college offering the course(s) and the college of which the student(s) is (are) a member. One option available to the deans is to recommend to the Dean of the Graduate College that the student be suspended or expelled from the university. A student may choose to appeal the assignment of a grade in a course in which academic misconduct has occurred to the Grade Appeals Board. (https://catalog.ndsu.edu/academic-policies/grades/#gradechangestext) The decision to impose any **additional penalty or disciplinary sanction** for prohibited academic conduct against a graduate student in meeting the requirements of either an undergraduate or graduate course may be appealed by the graduate student following the procedures outlined in Appeals Process. (https://catalog.ndsu.edu/graduate/graduate-student-appeals/process/)

13.5. Appeal of Activities Intrinsic to Acquisition of a Graduate Degree

All other appeals are addressed through the Graduate College appeal process. The burden of proof lies with the graduate student. These appeals may address dismissal from a graduate program or the Graduate College, sanctions beyond the course grade for academic misconduct or dishonesty, and degree-acquisition processes that are unique to graduate education. The processes intrinsic to graduate education include specification of degree requirements, preliminary and qualifying examinations, disquisition writing and approval, and possible dismissal from the program.

Appeals of processes intrinsic to graduate students are complicated in that there may be different levels of individuals and committees involved depending on the nature of the specific grievance. An additional complication is that for some complaints, levels prior to the Graduate Dean are advisory in nature and cannot supersede a decision of the Graduate Dean. The steps outlined below will vary in number depending on the nature of the grievance as no relevant level may be skipped. The first step begins with the person/committee most closely related to the grievance. Additional steps are added with each level of reporting above the initial level. The table below indicates which individuals/committees should be included for specific issues. If there is an issue that a student wishes to appeal that is not included in the table and is not covered by another policy and appeal process, the student should consult with the Graduate School regarding the steps to take. This consultation should be documented in writing and the resolution signed by the Graduate Dean.

Topic of Grievance	Levels of Appeal	Decisions Prior to Graduate Dean are Only Advisory
Preliminary/comprehensive exam or final defense	Supervisory Committee Graduate Program Committee Dept Head/Chair Academic Dean Graduate Appeals Committee	No
Disquisition writing and approval	Supervisory Committee Graduate Program Committee Dept Head/Chair Academic Dean Graduate Appeals Committee	No
Degree requirements	Supervisory Committee Graduate Program Committee Dept Head/Chair Graduate Appeals Committee	Program Specific Requirements - No Requirements in Graduate Bulletin -Yes
Dismissal	Supervisory Committee Graduate Program Committee Dept Head/Chair Academic Dean Graduate Appeals Committee	Yes
Additional Penalties for Academic Misconduct Beyond Course Grade (Not including Suspension/Expulsion)	Supervisory Committee Graduate Program Committee Dept Head/Chair Academic Dean Graduate Appeals Committee	No
Research in which the student is involved	PI Dept Head/Chair Academic Dean Graduate Appeals Committee	No

Note. For the Supervisory Committee level, appeals should be submitted to the chair of the student's supervisory committee (i.e., the student's advisor). For the Graduate Program level, the appeal should be submitted to the Graduate Program Coordinator. If the program does not have a

coordinator, the head or chair of the department should receive the appeal. For the Graduate Appeals Committee, the appeal should be submitted to the Graduate Dean. In each case the person receiving the appeal has the responsibility to consult with the other members of the committee or program regarding the appeal.

13.6. Appeal Procedure

Step 1: Initiating an Appeal: Within 30 calendar days of the date of the aggrieved action, the graduate student requesting consideration of a grievance must complete the Graduate Student Appeals form and provide a written memorandum stating the nature of the grievance, parties involved and requested remedy. The student should include relevant supplementary material that will support their grievance. The student then submits the appeal form and supplementary material to the first level indicated on the table above. Once submitted, the only materials that can be added to the appeal are documents that are requested by any level of reviewers.

Step 2: Initial Response to Appeal: Within 10 business days, the respondent to the appeal (in consultation with the relevant committee if applicable) shall record their decision to support or not support the appeal on the appeals form and attach a written memorandum explaining the basis for the decision. If the respondent at this level supports the appeal and has the ability to reverse the decision being appealed, they will implement that decision and the appeals process will be concluded. If the respondent does not have the ability to reverse the decision, the response will be considered advisory to the level that does have this ability.

Steps 3+: If the student is unsatisfied with the decision at the previous level, the student may move their appeal forward to the next level within 10 business days of the respondent's response by submitting all materials accumulated to date regarding the appeal, including the Graduate Student Appeals Form, the student's memorandum, and the respondant(s)' memo(s). At each step, the respondent will, within 10 business days, record their decision to support or not support the appeal on the appeals form and attach a written memorandum explaining the basis for the decision. If the respondent at this level supports the student's appeal and has the ability to reverse the decision being appealed, they will implement that decision and the appeals process will be concluded. If the respondent does not have the ability to reverse the decision, the response will be considered advisory to the level that does have this ability.

13.7. Graduate Student Appeals Committee

If the student is not satisfied with the outcome at prior levels, the student may bring the appeal to the Graduate Student Appeals committee by submitting the appeals form and all documentation generated in the prior steps to the Graduate Dean within 10 business days of the most recent date on the documentation. The dean, in turn, informs the committee of the appeal and provides them with all documentation.

The graduate student appeals committee has five members and is constituted by the Graduate Dean each academic year to handle all appeals for that year. Four of the members must be graduate faculty who are members of the Graduate Council. A graduate student member of the committee will be selected from a pool of graduate students that includes the student members of the Graduate Council and four students nominated by the Graduate Student Council. Two additional graduate faculty members of the Graduate Council and one graduate student from the pool must be designated as alternates when the committee is formed. Any member of the appeals committee who had a role in a previous level of the appeals process must recuse themselves from the committee for that appeal. They must be replaced by an alternate member for that appeal. The graduate student and the party or parties against whom the complaint has been brought each have the right to challenge, with cause, to the Dean of the Graduate College one member of the graduate student appeals committee. If a challenge is deemed to have merit, that member is replaced by an alternate for that appeal. The five committee members elect the chair of the committee from its membership.

The burden of proof shall be with the appealing graduate student. The appealing graduate student has the right to 1) be given due notice by the Dean of the Graduate College in sufficient detail that the accusation is clear and the circumstances of the accusation are detailed enough for meaningful response by the accused and 2) be heard by an impartial body. Each contending party may, if it wishes, be accompanied by one counsel, but any counseling is restricted to 1) what to ask, 2) when not to respond to a question, and 3) how to answer a question. Counsel may not intrude on the hearing. The appeals committee is not bound by rules of legal evidence or procedure and may develop procedures that its members consider to be fair and equitable to the particular circumstance(s).

The chair of the committee will preside over the hearing. The hearing will include an opening statement by both the student and the party or parties against whom the complaint has been brought, questioning by the appeals committee, and brief closing statements by the student and the party or parties against whom the complaint has been brought.

Committee members make decisions on available information; non-response to questions is available information, i.e., a negative inference can be drawn from the lack of a response. The hearing will be closed unless the student signs a release waiving their rights to a closed hearing. The hearing, but not the appeals committee's deliberations, will be audio recorded.

The decisions and recommendations of the appeals committee shall be by majority vote. Depending on the type of grievance (see table), the committee's decision is either final or is advisory to the Dean of the Graduate College. In either case, the Dean is responsible for taking appropriate action to implement the decision. Any further appeal shall be directed to the Provost of the University.