

# Graduate Student Appeals

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The philosophy of the Graduate School at North Dakota State University is to encourage and seek resolution of problems at the level most closely related to the origin of the specific disputes. This means:

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 School, or advise the student of the appropriate grievance procedure to pursue. Areas of possible graduate student appeal include equal opportunity, academic evaluation via assignment of course grades, suspension or dismissal from an academic program or the Graduate School, sanctions for academic dishonesty, and degree-acquisition processes that are unique to graduate education. The burden of proof by a preponderance of the evidence is on the graduate student making the appeal.

## Equal Opportunity

North Dakota State University's general and specific commitment to being an equal opportunity institution is expressed elsewhere in this bulletin. As stated there, inquiries concerning compliance may be directed to the Vice President of the Division of Equity, Diversity and Global Outreach (102 Putnam, 701-231-7703) 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.

## Academic Evaluation

The University Senate Grade Appeals Board has the authority to hear charges of inequitable or biased academic evaluations and to provide redress for any improper evaluations as it may find to have actually taken place. This is for course grades assigned by instructors in charge of the courses. This includes grades of disquisition courses. Both the "Rights & Responsibilities of Community: A Code of Student Behavior," which is available from the Office of Vice President for Student Affairs, and Section 337 of the NDSU Policy Manual have 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 actual appeal, the burden of proof is on the student. The Grade Appeals Board procedures are for student grievances against instructors over course grades assigned.

## Academic Dishonesty

All other appeals are addressed through the Graduate School appeal process. These appeals may address suspension or dismissal from a graduate program or the Graduate School, sanctions for academic

misconduct or dishonesty, and degree-acquisition processes that are unique to graduate education.

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" and Section 335 of the NDSU Policy Manual referenced in the preceding paragraph. 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 suspension or expulsion 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. 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 said graduate student to a graduate student appeals committee, provided there is documentation in writing of consultation with instructor(s), program administrator(s), and dean(s), in sequence, to resolve the conflict. This appeal starts with a written notice to the Dean of the Graduate School. The written notice must be accompanied by the aforementioned documentation and must be received by the Dean of the Graduate School within two weeks of the most recent date on the documentation.

There are processes and activities that are intrinsic to the acquisition of a graduate degree. The processes include specification of degree requirements, preliminary and qualifying examinations, disquisition writing and approval, and possible suspension or dismissal from the program or the Graduate School. The activities for which faculty have primary responsibility include instructing students enrolled in courses; mentoring students; collecting, analyzing, and presenting for public consumption the sequent results and conclusions; and possibly working with proprietary information. Problems in these areas are to be discussed with the chair of the graduate student supervisory committee and administrator of the program, in that order. Normally, these faculty members will attempt to work out a resolution of any problem by bringing the parties involved together in an informal, non-adversarial manner. Inquiry at this stage is usually limited to a determination of 1) whether the graduate student has been treated in an arbitrary or capricious manner or in some way not consistent with previously announced policy guidelines or 2) whether the graduate student has acted in a manner inconsistent with formal or traditional standards of academic conduct.

Conflicts not satisfactorily resolved at the program level are to be brought to the academic dean who will discuss the problem(s) with all interested parties. If resolution does not result at the academic dean level, an appeal can be brought to a graduate student appeals committee, as long as there is documentation in writing that the graduate student has consulted the graduate student's supervisory committee chair, the program administrator, and the academic dean in attempts to resolve the conflict. This appeal starts with a written notice to the Dean of the Graduate School. This written notice must be accompanied by the aforementioned documentation and must be received by the Dean of the Graduate School within six weeks of the most recent date on the documentation.

## Graduate Student Appeals Committee

The Dean of the Graduate School is responsible for forming graduate student appeals committees and informing the committee members of their duties. The Dean of the Graduate School will serve as an ex-officio and nonvoting member. A graduate student appeals committee has five members, all of whom must be graduate faculty or currently enrolled graduate students. Four graduate faculty members will be selected at random from the membership of the Graduate Council. A graduate student member of the committee will be selected from a pool of graduate students that include the student members of the Graduate Council and four students nominated by the Graduate Student Council (this pool will be created at the start of each academic year). The administrator(s) and dean(s) of the program(s) and college(s) involved cannot be members of the committee. The five committee members elect the chair of the committee from its membership. 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 School one member of the graduate student appeals committee.

The burden of proof shall be with the appealing graduate student. The appealing graduate student has the right to 1) be given due notice 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 his or her rights to a closed hearing. The hearing, but not the appeals committee's deliberations, will be tape-recorded.

The decisions and recommendations of the appeals committee shall be by majority vote and will be advisory to the Dean of the Graduate School, who will then be responsible for taking appropriate action(s). Any further appeal shall be directed to the President of the University.