

Graduate Program Academic Appeals Procedures
(Adopted by a vote of the Graduate Council on March 19, 2013)

1. **Purpose and Scope:** This procedure enables current and former graduate students to appeal academic decisions including outcomes of comprehensive and qualifying exams. Applicants denied admission to the Program may not use this procedure and instead will be referred to the admissions office of the Graduate Division. This procedure excludes complaints regarding grades, academic integrity and discipline, accommodations for disabilities, employment, benefits, auxiliary student services (such as housing and child care) and whistleblower complaints. This procedure may be used to address complaints regarding violations of campus non-discrimination policies, pursuant to 4.e.2 below, to the extent that a documented discriminatory act has affected a student's academic progress (for details, see http://graduate.ucr.edu/dispute_resolution.html).
 - a. Any appeal based on sex discrimination or sexual harassment must be referred directly to the Title IX office for initial review (<http://www.titleix.ucr.edu/>). If the appeal remains active after the conclusion of the Title IX investigation then the appeal will be governed under the procedures described in the campus-wide Graduate Appeal Procedure.
 - b. Grade disputes must be appealed under the Academic Senate Bylaw R5, Procedures for the Appeal of Grades (http://senate.ucr.edu/bylaws/?action=read_bylaws&code=r§ion=05).
 - c. For academic integrity disputes involving graduate students, see the Academic Senate Bylaw 6 (http://senate.ucr.edu/bylaws/?action=read_bylaws&code=app§ion=06)
 - d. For disputes involving graduate student academic employment, see the Employment Issues section of http://graduate.ucr.edu/dispute_resolution.html
 - e. For disputes regarding disability accommodations, inquire with the [Services for Student with Disabilities \(SSD\) Administrative Office](#) (<http://www.specialservices.ucr.edu/disabilities/Pages/permanentDisabilities.aspx>)
 - f. For disputes regarding whistleblower complaints, including complaints for retaliation, see the University of California Whistleblower policy (<http://www.ucop.edu/uc-whistleblower/>)
 - g. For all other non-academic issues, the student may be referred to the campus Ombuds (<http://ombudsperson.ucr.edu/>) and/or the Office of Administrative Resolution (<http://conflictresolution.ucr.edu/>).
2. **Access to Academic Records and to Evaluation Review:** Pursuant to FERPA requirements, students are entitled to timely access to academic records stored in his or her academic file. In addition to access to their academic records, students may request that the relevant faculty members review qualifying examination or other evaluation outcomes with them, if such review was not provided as part of the exam or evaluation process.
3. **Informal and Formal Resolution:** As a first step in an appeals procedure, students are strongly encouraged to pursue informal resolution of disputes over academic decisions before resorting to a formal appeal. Informal resolution involves further oral communication among the affected parties (e.g., a student and the chair of his/her exam committee), perhaps in the presence of a third party if desired. Absent an informal resolution, a formal complaint must be initiated in writing.
4. **Formal Appeal Initiation:** The formal appeals procedure defines what constitutes a valid appeal.
 - a. Only current, returning and former graduate students and faculty members in the Program may use this procedure. A student may bring a complaint individually or may file a

complaint jointly with other students when each claims injury as a result of the same alleged action(s).

- b. The formal appeal should be addressed in writing to the Graduate Advisor. Alternatively, the appeal may be addressed to the Department Chair or Program Director. The appeal must be addressed to one of these Program officers.
- c. The appeal must include a written statement that lays out the grounds for the appeal, and any supporting documentation.
- d. The appeal must be initiated within 30 calendar days from the day the student knew or reasonably should have known about the action generating the complaint, excluding campus holidays, intersession periods, and summer session.
- e. The valid grounds on which a student may base an appeal are confined to three areas: (1) evidence of procedural error committed intentionally or inadvertently by the Program faculty or staff and/or (2) evidence of non-academic criteria being used to evaluate academic work, including personal bias and violations of the campus nondiscrimination policy and/or (3) special mitigating circumstances beyond the student's control (such as documented severe illness to self or immediate family, or death in the family) not properly taken into account in a decision affecting the student's academic progress. In order to seek relief under 4.e(3), "special mitigating circumstances," the student must have raised the issue with the program contemporaneous with the mitigating circumstances, or as soon as possible and no later. For example, if a documented medical condition impairs the student's ability to pass an exam, the student must notify the exam committee prior to the exam's administration.

5. **Investigation and Record Keeping:**

- a. The **Graduate Advisor** shall determine the validity of an appeal with respect to whether it meets the criteria set out in 4.a.-e. or whether additional material should be provided by appellant in order to make that determination under 4.c. Also, the Graduate Advisor shall forward a copy of the complaint to the individual(s) complained of and ask them to provide written responses within twenty days of receipt. Should the Graduate Advisor have a conflict of interest, the determination of validity shall be made by the Department Chair or his/her designate in the case that the Department Chair also has a conflict of interest. The appellant shall be notified as to the determination as to validity within 30 days of the submission of an appeal. Failure of the Graduate Advisor or Department Chair or his/her designate to identify to appellant the outcome as to the validity of the appeal within 30 days shall result in referral of the appeal directly to the Graduate Division.
- b. The Graduate Division will be notified as to who determines the validity of appeals both as a matter of course and in instances where substitutions are necessary to avoid conflicts of interest.
- c. Appeals procedures will be published in the Graduate Student Handbook and on the Program's website.
- d. A panel of faculty appointed by the Graduate Advisor (such as the program's graduate committee) will serve as the Faculty Hearing Panel (the "Panel"). Only faculty who were not involved in making the decision under appeal may sit on this panel. The Panel will make a decision on the merits of the appeal as well as a remedy, if any.
- e. The Panel will review the written complaint, response from the individual(s) complained of, and submitted materials; afford the opportunity for the affected parties to meet separately with the Panel; and make any appropriate efforts to interview witnesses or other parties and discover information relevant to the decisions.

- f. The Panel may not change an exam result, though it may be allowed to deem the result invalid.
 - g. The Panel will make a decision and notify the appellant of the outcome within 60 days of the initiation of the formal complaint. If determination is not made within the 60-day timeframe, the appeal is deemed denied. Further, if determination by the Panel is not made within the 60 day timeframe, the matter is automatically referred to Graduate Division.
 - h. When a determination as to validity has not been determined within the 30-day timeframe or where a determination as to the merits/remedy have not been determined within the 60-day timeframe, or if the appellant is notified after the 30-day or 60-day timeframes identified above, the outcome will be forwarded to Graduate Division as part of the file.
 - i. A written summary of the appeal and the conclusions reached will be kept in the student's academic file. If the appeal is supported, Graduate Division will ensure that prompt corrective action is taken.
6. **Notice to Parties:** The appellant and any parties complained of will be promptly informed in writing of the outcome of the appeal and any corrective action taken.
7. **Appeal Procedure:** All affected parties have the opportunity to appeal determinations by the Graduate Advisor/Department Chair or his/her designee as to validity of an appeal or determinations by the Panel as to the merits of the appeal and any remedy to the Graduate Dean (http://graduate.ucr.edu/dispute_resolution.html).
8. **Timeframes:** All timeframes are defined in terms of calendar days, excluding campus holidays, inter-session, and summer session, starting on the day the student either knew or reasonably should have known of the actions leading to the complaint.
9. **Standards of Review:**
 - a. **Program level:** The standard of review to be employed by the Panel shall be the "clearly erroneous" standard. Under the clearly erroneous standard, academic outcomes will not be disturbed unless the Panel is left with a "definite and firm conviction that a mistake has been committed" by the instructor(s).
 - b. **Graduate Division level:** The standard of review to be employed by the Graduate Dean shall be under an "arbitrary and capricious" standard as to determinations of the Panel and under the "abuse of discretion" standard as to determinations regarding validity of an appeal. Under the arbitrary and capricious standard, academic outcomes will not be disturbed unless the Graduate Dean determines that a previous determination is invalid because it was made on unreasonable grounds or without any proper consideration of circumstances. Determinations regarding appeal validity will not be reversed unless The Graduate Dean determines that there was no reasonable basis at all for the decision. Any valid pertinent reason stated will be sufficient to uphold the validity determination.