

UC Riverside
Graduate Appeal Procedure
(Approved by the Graduate Council, March 19, 2013)

PURPOSE AND SCOPE

The purpose of this procedure is to afford UCR graduate students an opportunity to resolve complaints involving academic or administrative decisions that interfere with the graduate student's academic progress, such as adverse outcomes on qualifying exams, dismissal from graduate standing, placement on probationary status, denial of readmission to the same program (if the student was previously in good standing), disputes over joint authorship of research in accordance with joint authorship policies of campus departments or units, revocation of campus fellowships, and other administrative or academic decisions that terminate or otherwise impede progress toward academic or professional degree goals (see section II.F of this procedure). This procedure is not available to appeal denial of admission to any program.

This procedure also governs the Graduate Division review of decisions made at the program level regarding appeals of actions originating in a program. A student must exhaust program level review procedures when a complaint centers on departmental actions. When a complaint centers on actions originating in the Graduate Division, a student must submit the appeal to the Graduate Council of the UCR Academic Senate, as described below. In this procedure, "program" refers to degree granting programs at UCR, including academic departments, which are subject to Graduate Division oversight, and only to those programs.

The scope of this procedure is limited to the matters listed above, and excludes complaints regarding student records, grades in courses of instruction, student employment, student discipline, and auxiliary student services (such as housing, child care, etc.). This procedure may not be used for complaints regarding actions based on faculty evaluation of the academic quality of a student's performance in cases such as those enumerated in section II.F, or decanal evaluations of a student's appropriate academic progress, unless the complaint alleges that the actions may have been influenced by non-academic criteria as identified in section II.B.2 of this procedure.

This procedure is provided for continuing, former and returning graduate students in the Graduate Division on the UCR campus that file an appeal within the given timelines. Applicants for admission may not use this procedure. This procedure also may not be used to appeal any alleged action or inaction by the School of Medicine or University Extension. 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).

Graduate students may contact the Office of the Ombuds for informal and confidential assistance with complaint resolution. The Associate Deans of the Graduate Division also may be consulted for

informal resolution at any stage of the process. Civil law remedies, including injunctions, restraining or other court orders, and monetary damages also may be available to complainants.

THE APPEAL PROCESS

I. DEPARTMENTAL LEVEL RESOLUTION PROCEDURES

A. Department Level Complaints

For complaints regarding actions originating within the student's graduate department or program, the student must first attempt resolution at the program level by following the Graduate Program Academic Appeals Procedures. The Program level procedures may include informal and formal complaint resolution processes. Copies of the unit Program level complaint resolution procedures may be obtained from the Chair or Graduate Adviser(s) in each unit. If a mutually satisfactory resolution cannot be reached at the Program level, the complaint may be brought to the Graduate Division under the Formal Appeal Procedures outlined below, provided the student has exhausted the remedies afforded under the Program complaint resolution procedures.

Note that most actions related to a student's academic progress originate in his or her department or program, not in the Graduate Division. For example, if a student is dismissed by the Graduate Division this is done at the request of the department or program and hence is not an action originating in the Graduate Division.

B. Division Level Complaints—Informal Resolution

For complaints regarding actions originating within the Graduate Division or with the Graduate Council, the student may first initiate informal resolution with the Dean or an Associate Dean of the Graduate Division. If a mutually satisfactory resolution cannot be reached through informal resolution, the complaint may be brought under the Formal Appeal Procedures outlined below.

Time Limits: Attempts at program level resolution or informal resolution with the Graduate Division must be initiated within thirty days from the time at which the student knew or could reasonably be expected to have known of the action being appealed. The program level or Graduate Division informal procedures should normally be concluded within 60 days of the date resolution was initiated.

C. Complaints Involving Sex Discrimination or Sexual Harassment

Students with complaints involving allegations of sex discrimination or sexual harassment, that would otherwise fall under the jurisdiction of the Graduate Appeals Procedure must attempt resolution under the UCR campus office for Title IX sex discrimination or sexual harassment complaints (<http://www.titleix.ucr.edu/>) prior to bringing their complaint under the Graduate Appeals Procedure. Any Title IX allegations must be submitted directly to this office.

If the complainant is not satisfied with the resolution provided by the sexual harassment complaint resolution procedures regarding academic outcomes, the complainant may proceed

directly to the Formal Appeal Procedure outlined below. In such cases, any allegations of sexual harassment investigated under the Title IX procedure will not be reinvestigated in the Formal Appeal. The individual or committee in charge of the investigation pursuant to a Formal Appeal will rely on the fact-finding report made pursuant to the Title IX sexual harassment complaint resolution procedure.

Complaints involving sexual harassment that are brought pursuant to the sexual harassment complaint resolution procedures must be brought within the time frames indicated in those procedures.

II. FORMAL APPEAL PROCEDURE

A. Time Frames for Formal Appeal

A student may appeal a decision rendered under the Graduate Program Academic Appeals Procedure or the lack of a timely decision, provided the formal written appeal is received in the Office of the Dean of the Graduate Division within 21 days of the notification of the result of the Departmental Academic Appeal Decision, or within 21 days of the expiration of the deadline for rendering a decision (in which case the Graduate Program Academic Appeal is deemed denied).

If the action being appealed originated with the Graduate Division or the Graduate Council or under paragraph II.C.1.-3. herein, the formal written appeal must be received in the Office of the Dean of the Graduate Division within 30 days from the time the student knew or could reasonably be expected to have known of the action being appealed, or within 21 days of the notification of the result of the informal resolution process if the student attempted informal resolution through the Graduate Division.

If the action being appealed was investigated pursuant to the campus sex discrimination or sexual harassment complaint resolution procedures (see section 1.C), the formal written appeal must be received in the Office of the Dean of the Graduate Division within 21 days of the notification of the result of the sexual harassment complaint resolution process.

The formal written appeal should generally be concluded within sixty days of the date it was received by the Office of the Dean of the Graduate Division.

For purposes of this section, all days are measured as calendar days, excluding campus holidays, inter-session periods, and summer session.

B. Content of the Formal Appeal

Complaints under the Formal Appeals Procedure must be initiated by a written statement indicating the action(s) being appealed and the date(s) the action(s) occurred, the grounds upon which the appeal is based, and the relief requested. The written statement may include a request for a personal appearance before the investigative officer, if desired, and notice to the Graduate Division if the student bringing the appeal will be represented by counsel or other representative.

The written statement should also include a description of the results of the program level resolution process, and any background information that the student deems pertinent to the case. *All written material must be submitted prior to the deadlines stated in section II.A.* Material submitted after that date might not be considered in the investigation, unless new material or information emerges that was not available prior to the deadline.

C. Grounds for Formal Appeal

A formal appeal may be brought if based upon one or more of the following grounds which had material impact on the student's academic standing or credit for research:

1. Procedural error or violation of official policy by academic or administrative personnel;
2. Judgments improperly based upon non-academic criteria including, but not limited to, discrimination or harassment on the basis of race, color, national origin, religion, sex, disability, age, medical condition, ancestry, marital status, citizenship, sexual orientation, or military service, veteran status, or special disabled veteran;
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 given "special mitigating circumstances," the student must have raised the issue with the program contemporaneous with the mitigating event. 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.

D. Procedure for Processing Formal Appeals

For complaints regarding actions originating within the student's major department, school, college, or graduate group, the Dean of the Graduate Division may:

1. conduct the investigation and make a decision for final action; or,
2. assign an Associate Dean, an ad hoc committee or another campus official to conduct the investigation and make a recommendation to the Dean for final action.

For complaints regarding actions originating with the Graduate Division, or the Dean of the Graduate Division, the appeal will be referred to the Graduate Council for final action in all matters. The Chair of the Graduate Council, or another member of the Council he or she designates, will be in charge of the Council's investigation and final action.

The Graduate Division will notify the student regarding which individual or committee will be in charge of processing the Formal Appeal within 15 days of the receipt of the written statement initiating the Formal Appeal.

E. Investigation of Formal Appeals

All Formal Appeals will be investigated according to the following procedures. Nothing in these procedures shall be interpreted as precluding further attempts at informal resolution before a final decision is made.

The individual or committee in charge of the investigation will:

1. consult with the appropriate campus compliance officer regarding all complaints that include allegations of discrimination or harassment on the basis of sex, race, national origin, color, age, religion, sexual orientation, or disability (see section IV.C.);
2. forward a copy of the complaint to the individual(s) complained of and ask them to provide written responses within twenty days of receipt (the written responses should include notice to the University if the respondents wish to be represented by counsel or other representative);
3. forward a copy of the responses to the student bringing the complaint;
4. arrange for a personal appearance by the student if the student requested a personal appearance in the written statement initiating the complaint;
5. obtain any other relevant information from other individuals or sources available, including arranging for personal appearances of witnesses as necessary;
6. prepare a written report setting forth the factual findings of the investigation, and either the final decision made, or the recommendation for the final decision to be made.

The Dean of the Graduate Division or the Administrative Committee of the Graduate Council shall notify the student of the final decision on the Formal Appeal within sixty days of the receipt of the written statement initiating the complaint.

F. Final Decision

1. Decisions by the Graduate Dean.

The decision of the Dean of the Graduate Division is final in all complaints that pertain to the provisions of section II.C (“Grounds for Formal Appeal”) of this procedure, with respect to the following where the complaint originated within the student’s major department, school, college, or graduate group:

- Readmission to graduate standing
- Petition for change of major
- Changes in program
- Academic probation
- Academic dismissal
- Composition of written and oral exam committees

- Results of examinations for higher degrees (including special departmental examinations and Master's projects submitted in lieu of the comprehensive examination)
- Acceptability of dissertations and theses
- Actions to lapse or terminate candidacy
- Revocation of campus fellowship
- Other academic decisions that ordinarily or routinely fall under Graduate Division purview.

2. Decisions by the Graduate Council

The decision of the Graduate Council is final in all complaints concerning the following:

- Complaints under this procedure regarding actions originating with the Graduate Division
- All other matters pertaining to the formal requirements for advancement to candidacy and the award of higher degrees except those enumerated above as falling under the Dean's jurisdiction.

Decisions by the Graduate Council are not, however, meant to limit the Dean of the Graduate Division's ability to take additional appropriate action within decanal authority (except in cases regarding actions originating with the Dean). For example, the Dean could readmit or allow a change of major to a student whose failure on a qualifying examination had been upheld by the Graduate Council.

G. Standards of Review:

1. **Actions originating within the Graduate Division/Graduate Council and Under Paragraph II.C.1.-3.:** The standard of review to be employed for actions originating within the Graduate Division or with the Graduate Council and Under Paragraph II.C.1.-3, shall be the "clearly erroneous" standard. Under the clearly erroneous standard, outcomes will not be disturbed unless the deciding official/body is left with a "definite and firm conviction that a mistake has been committed" by the Graduate Division/Graduate Council.
2. **Graduate Division level Review of Departmental Appeal Decision:** The standard of review to be employed by the Graduate Dean (or Graduate Council in the event the Graduate Dean has recused himself/herself) shall be under an "arbitrary and capricious" standard as to decisions on the merits rendered under the Departmental Academic Appeals Procedure and under the "abuse of discretion" standard as to determinations regarding validity of an appeal rendered under the Departmental Academic Appeals Procedure. Under the arbitrary and capricious standard, outcomes of comprehensive and qualifying exams will not be disturbed unless the Graduate Dean (or Graduate Council in the event the Graduate Dean has recused himself/herself) determines that a previous determination is invalid because it was made on unreasonable grounds or without any proper consideration of circumstances. As to determinations of appeal validity where a lower body has made a discretionary ruling (such as whether to allow a party claiming a hardship to file an appeal after the deadline), that decision will be reviewed for abuse of discretion. It will not be reversed

unless based upon improper criteria or incorrect assumptions. Any valid pertinent reason stated will be sufficient to uphold the validity determination.

III. RECONSIDERATION

A. Grounds

Students may request reconsideration of a decision made by the Dean of the Graduate Division or the Graduate Council on the following grounds only:

1. New evidence is discovered which was not available by duly diligent effort at the time the decision was made and which materially affects the outcome of the case; or,
2. There is evidence that the Graduate Appeal Procedures described herein were not followed and the failure to follow the procedures resulted in a decision adverse to the student.

B. Procedure and Time Frame for Reconsideration

Students must submit their request for reconsideration in writing to the Office of the Dean of the Graduate Division. The request must be received within thirty days following the date of the notification to the student of the final decision on the Formal Appeal. The Dean or Administrative Committee will notify the student of the final decision concerning the request for reconsideration within thirty days after the request is received.

IV. OTHER INFORMATION

A. Personal Appearance

1. Scope.

Students bringing complaints under the Formal Appeal process have the right to a personal appearance before the individual or committee in charge of the investigation. The scope of the personal appearance shall be limited to matters that were raised by the written complaint or the responses that are within the jurisdiction of this procedure.

2. Notice.

The Graduate Division shall provide the student with fifteen days' notice of the time and place of the personal appearance. If the student wishes to be represented by counsel or other representative, the student must notify the Graduate Division in writing at least ten days prior to the date of the personal appearance. The notice should include the name, title of, and contact information for the counsel or representative. This notice will constitute an

authorization for the Graduate Division to send the representative copies of relevant student records.

B. Time Frames

All time frames referred to in this procedure refer to calendar days. Summer and inter-session recesses are not included within these time frames. The Graduate Dean may extend time limits for good cause upon notice to all parties involved in the appeal.

C. Campus Compliance Officers

The campus compliance officers to be consulted pursuant to section II.C.2 are listed below. The names, phone numbers, and campus addresses of these individuals are listed in various campus publications and may be obtained from the Office of the Dean of the Graduate Division or the campus Office of the Ombuds.

- ° Academic Compliance Affairs Officer - should be consulted for complaints alleging discrimination or harassment on the basis of race and sexual orientation.

- <http://affirmativeaction.ucr.edu/>

- ° Title IX Compliance Officer - should be consulted for complaints alleging sexual harassment or discrimination on the basis of sex. <http://www.titleix.ucr.edu/>

- ° ADA/504 Compliance Officer - should be consulted for complaints alleging discrimination or harassment on the basis of disability, or cases involving reasonable accommodations for students with disabilities. <http://www.specialservices.ucr.edu/Pages/default.aspx>

- ° Age Discrimination Act Coordinator - should be consulted for complaints alleging discrimination on the basis of age. <http://hr.ucr.edu/>

V. OTHER COMPLAINT PROCEDURES

A. Informal Resolution

The Office of the Ombuds (<http://ombudsperson.ucr.edu/resources/resources.html>) may be able to provide confidential, informal assistance, as a neutral party, toward the resolution of the problem. The Associate Deans of the Graduate Division also may be consulted for non-confidential, informal resolution at any stage of the process.

B. Articulation with Other Campus Procedures

1. Guidelines.

All graduate student complaints that include allegations of interference with academic progress must be brought under the Graduate Appeals Procedure. Once a graduate student has brought a

complaint under the Graduate Appeals Procedure, he or she may not bring the same complaint under any other campus appeal or grievance procedure, unless there has been a determination on the Graduate Appeal that the complaint is outside the scope of the Graduate Appeals Procedure. The only exception to this guideline is for complaints including allegations of sex discrimination or sexual harassment, which may be pursued through the Title IX office (<http://www.titleix.ucr.edu/>) prior to initiating the Graduate Appeals Procedure.

Graduate students may have complaints regarding University actions that do not fall within the jurisdiction of the Graduate Appeals Procedure. The list below indicates other complaint procedures available to graduate students for issues that are outside the scope of this procedure.

If a graduate student brings a complaint under a procedure other than the Graduate Appeals Procedure, and the complaint is investigated and a decision is made, a complaint regarding the same facts may not be brought again under the Graduate Appeals Procedure unless there are subsequent events that give rise to allegations of interference with academic progress, or unless the complaint was pursued through the Title IX office.

For these limited situations where a complaint may be brought under the Graduate Appeals Procedure after it was brought under another campus complaint procedure, the issues investigated in the first procedure will not be reinvestigated pursuant to the Graduate Appeals Procedure. Rather, the Graduate Appeals Procedure will provide a decision with regard to the allegations of interference with academic progress based on the factual findings of the prior procedure.

2. Other Campus Complaint Procedures.

This procedure excludes complaints regarding grades, academic integrity and discipline, employment, benefits, and auxiliary student services (such as housing and child care). In some circumstances, this procedure may be used to address complaints regarding violations of campus non-discrimination policies, 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).

1. 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).
2. 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)
3. For disputes involving graduate student academic employment, see the Employment Issues section of http://graduate.ucr.edu/dispute_resolution.html
4. 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>)
5. For disputes regarding whistleblower complaints, including complaints for retaliation, see the University of California Whistleblower policy (<http://www.ucop.edu/uc-whistleblower/>)

6. For other non-academic issues, the student may refer to the campus Ombuds (<http://ombudsperson.ucr.edu/>) and/or the Office of Administrative Resolution (<http://conflictresolution.ucr.edu/>) and/or the Office of Labor Relations (<http://hr.ucr.edu/supervisor/labor.html>)

Complaints brought under the Graduate Appeals Procedure may include allegations of serious misconduct by University students, staff, or faculty. Neither the Dean of the Graduate Division nor the Graduate Council has jurisdiction under these procedures to impose discipline in cases of alleged misconduct. In such cases, the aspects of the case that fall within this procedure will be resolved. Any allegations of student, staff, or faculty misconduct will be referred to the appropriate disciplinary procedure for investigation and action where warranted.

VI. OTHER CAMPUS POLICIES

A. *UCR Campus Policy on Sex Discrimination and Sexual Harassment:* the Title IX office should be used for graduate student complaints of sex discrimination or sexual harassment where the complaint does not allege interference with academic progress. This office may attempt informal resolution of sex discrimination or sexual harassment complaints prior to bringing the complaint under the Graduate Appeals Procedure in cases where the complaint does include allegations of interference with academic progress. (<http://www.titleix.ucr.edu/>).

B. *UCR Campus Policy Governing Disclosure of Information from Student Records:* Complaints regarding access to student records and for complaints alleging that student records are inaccurate, misleading, inappropriate or otherwise maintained in violation of student rights to privacy should be referred to the registrar's office (<http://www.registrar.ucr.edu/Pages/default.aspx>).

C. *UCR Campus Policy Governing Faculty Conduct:* For disputes regarding faculty conduct, students may contact the Office of Administrative Resolution (<http://conflictresolution.ucr.edu/>).