Graduate Student Appeals Process

I. Rationale

The purpose of this document is to outline procedures for an appeal and to specify recourse available to graduate students who believe that decisions <u>on matters covered by 3. below</u> have adversely influenced their progress in graduate school. It is the intent of Ball State University to address fairly and expeditiously and to resolve appeals of graduate students. Students should refer to the *Code of Student Rights and Responsibilities* for more information.

II. Parties in the Appeal

The two parties in the appeal process shall include the appellant and the decision makers representing the unit having made the original adverse decision to be appealed, hereafter referred to as the "decision makers."

III. Basis for an Appeal

Graduate students may appeal adverse decisions impacting their progress toward a graduate degree. There are three permissible reasons to request an appeal:

- a) Allegation of violation of approved departmental, collegiate, and/or University policies, including those set forth in the *Graduate Catalog*.
- b) Allegation of unfair treatment on the part of the decision makers.
- c) Allegation of discriminatory treatment on the part of the decision makers.

Grade appeals should be conducted according to the process outlined in Section 6.5 of the *Code* of *Student Rights and Responsibilities*.

When an appellant alleges violation of approved departmental, collegiate, or University policies, including those set forth in the *Graduate Catalog*, then he or she must cite the specific policies which the decision makers failed to follow. When filing an appeal, the appellant must also provide a summary of the way(s) in which the policies were violated and how such violation(s) adversely affected the appellant.

Unfair treatment is defined as decisions which are arbitrary or capricious or which are *clearly* not supported by the evidence. When an appellant alleges unfair treatment on the part of the decision makers, then he or she must cite the specific treatment engaged in by the decision maker. When filing an appeal, the appellant must also provide a summary of the reasons why the decision in question was clearly not merited by the evidence available to the decision makers and must also attach to the summary specific and detailed evidence in support of the reasons listed in the summary.

When a request for reconsideration or appeal is filed which alleges discriminatory treatment on the part of the decision makers, the University's Director of Equal Opportunity and Affirmative Action, or her or his designee, shall serve in an advisory capacity to the committee or hearing panel at each level of appeal. Discriminatory treatment is defined as decisions based upon constitutionally or statutorily prohibited reasons, including unlawful discrimination. When an appellant alleges discriminatory treatment on the part of the decision makers, then he or she must cite the specific treatment engaged in by a decision maker. When requesting an appeal, the appellant must also provide a summary of the prohibited reasons upon which he or she believes the decision was based. These prohibited reasons are contained within the Ball State University Anti-discrimination policy. The appellant must provide a detailed summary of the evidence which supports the appellant's allegation.

IV. Actions of the Appellant

Appeals should be considered first at the program, departmental and college levels before being forwarded to the Graduate Education Committee (GEC). Graduate students should initiate an appeal by submitting a formal written appeal according to the established policy of their Program, Department and/or College.

Following an adverse decision at the college level, a graduate student may appeal adverse decisions to the GEC within ten (10) working days of the adverse decision. The burden of proof is upon the appellant.

V. Actions of the Graduate Education Committee

Upon receipt of a formal appeal, the Executive Committee of the GEC will appoint a Graduate Appeals Panel and establish an appeals file. The stakeholders, including the appellant, at least one Department and one College representative, and the members of the Graduate Appeals Panel, must be given at least ten (10) working days notice of the hearing date, time, and place.

VI. Graduate Appeals Panel

The Graduate Appeals Panel shall consist of three (3) graduate faculty members and two (2) graduate students. A designee of the Dean of the Graduate School shall serve as a non-voting ex officio member.

The members of the panel shall elect one of the three graduate faculty members as the Panel chair. The graduate faculty members and graduate students serving on the Panel shall not be members of the departments or colleges from which the appeal originates, nor shall they have a demonstrated conflict of interest in regards to the appeal.

VII. Graduate Appeals Hearing

Within fifteen (15) working days of receipt of a valid written appeal, a hearing will be conducted with the Graduate Appeals Panel, the appellant, witnesses for the appellant, representative(s) of the decision makers and other witnesses with direct information about the appeal (unless an extension is granted by the Executive Committee of the GEC). The chairperson of the Graduate Appeals Panel shall conduct the hearing with a view for generating a complete understanding of the circumstances surrounding the appeal. As such, each party shall be granted up to thirty (30) minutes of testimony to present relevant information to the Panel. The chairperson may disallow documentation or witnesses. The student shall be given the option of presenting first or second. Following the presentations, each party may request an additional five-minute rebuttal. Following the rebuttal, members of the Panel may question the parties and witnesses to clarify relevant details. The hearing may not be audiotaped or videotaped. The Chair of the Graduate Appeals Panel will designate a Secretary from the panel to keep minutes of the proceedings.

Immediately following the hearing, the Graduate Appeals Panel will consider the evidence and judge whether additional information is needed to inform their recommendation. Within five (5) working days of the hearing, the Panel must offer a written recommendation to the Dean of the Graduate School whether to grant or deny the appeal. Copies of the recommendation must also be provided to the appellant, the decision makers, the Dean of the College, and the Chairperson of the Graduate Education Committee. The Graduate Dean must specify a recommended course of action to the appropriate parties.

VIII. Attendance at Hearing

In addition to the appealing party, the decision makers, and the members of the Graduate Appeals Panel, the following persons and no others will be permitted to attend the hearing: one current student or one full-time University employee invited by the appellant and one full-time University employee invited by the decision makers to assist the respective parties. Both parties may also invite witnesses to the hearing. Other University-affiliated person(s) whose presence is required for the hearing may also be approved by the Graduate Appeals Panel.

IX. Use of Witnesses for the Hearing

The appealing party or the decision makers may call witnesses as necessary. Witnesses must be affiliated with the University. The time used by the witness in her/his initial testimony shall be counted as part of the allotted time of the person who calls that witness. Time spent answering any questions by the other party or the Graduate Appeals Panel shall not be counted as part of the time allotted to the person who calls the witness.

The Graduate Appeals Panel may call or recall persons to give additional testimony concerning the issues involved in the case.

X. Materials Used in Hearing

The appellant must provide copies of any previous departmental and college rulings. The student must also provide a written statement outlining the basis of the appeal and provide any supporting documentation not to exceed a total of twenty (20) pages.

The decision makers may present materials, not to exceed a total of twenty (20) pages, no less than five (5) days prior to the hearing. All records and decisions generated by the appeal shall be retained in the appeals file which shall reside in the office of the Graduate Dean.

XI. Confidentiality of Appeal Hearing

The Graduate Student Appeals Panel members shall not retain in their possession any personal files, materials received during the appeal procedure, or notes taken during the meetings of the Graduate Student Appeals Panel.

No party, Graduate Student Appeals Panel member, or other participant or observer in the appeal procedure shall reveal any facts, documents, or testimony gained through participating in or observing the hearing to any other person, unless required by a court of law to do so or upon the advice of the University's legal counsel.

XII. Additional Procedures

The Chair of the Graduate Student Appeals Panel, in consultation with the Chair of the Graduate Education Committee or his/her designee and under specific, compelling facts, may modify procedures or establish additional procedures for the conduct of hearings in order to ensure that they are conducted in a fair and orderly manner provided that such procedures shall not be inconsistent with the procedures stated herein. Whenever possible, all parties must be notified of any modifications and additions to procedures in advance of the hearing.