

**UNIVERSITY OF WYOMING
OFFICE OF ACADEMIC AFFAIRS**

Guide to:

GRADUATE STUDENT APPEALS

I. GRADUATE STUDENT APPEALS BOARD (GSAB)

A. Purpose:

The purpose of the GSAB is to review appeals by graduate students (the appellant) and decisions made by university representatives (the appellee) concerning:

1. retention in graduate programs,
2. employment as graduate assistants,
3. charges of academic dishonesty or scientific misconduct, unless extramural funding is involved, and
4. selected other issues related to graduate education as deemed appropriate to forward to the GSAB by the chair of the board, associate provost for graduate studies, provost, or president of the university.

The GSAB will not, however, hear appeals of course grades or charges of academic dishonesty associated with a course other than a research course, e.g. thesis, non-thesis, or dissertation research (see Sections II and III).

B. Composition:

The GSAB will consist of the chair of the Graduate Council and three faculty members and two graduate students chosen from the membership of the Graduate Council. The GSAB will be chaired by the chair of the Graduate Council (or other designee chosen by of the associate provost for graduate studies). The chair of the GSAB may vote only in case of a tie vote on the findings and recommendations of the GSAB.

Members of the GSAB will be appointed by the chair of the Graduate Council at the first meeting of the Graduate Council each fall semester. The associate provost for graduate studies may appoint the members of the GSAB if the chair of the Graduate Council is not available. To the extent possible, GSAB membership will not change during a student's appeal process; if a case is not resolved until after the end of an academic year, the members may be asked by the Chair to continue to serve on the GSAB until the findings and recommendations are approved by the GSAB and forwarded to the associate provost for graduate studies. Members of the GSAB may be re-appointed annually provided they continue to serve on the Graduate Council.

In addition to the appointed members of the GSAB, the chair of the Graduate Council will designate two alternate faculty members and two alternate graduate student members. The alternate student members will be designated following consultation with the two regular student members of the Graduate Council.

The associate provost for graduate studies cannot serve as a member of the GSAB and will not attend a “hearing” unless invited to testify, only then participating during that testimony. If the associate provost for graduate studies must testify, then he/she should not hear the case and the appeal will be forwarded to the provost or his/her designee. The Office of Academic Affairs will provide a recording secretary who serves without vote.

C. Meetings:

When notified by the chair of the GSAB that an appeal is pending, the GSAB will meet as soon as possible, but no longer than ten (10) calendar days after notification. The GSAB requires a quorum for a meeting of at least three persons: two faculty members and at least one graduate student member. Any member of the GSAB may disqualify him/herself or be disqualified for cause determined by a simple majority vote of the GSAB, excluding the vote by the challenged member. If the disqualification results in absence of a quorum, the meeting or hearing will be adjourned until an appropriate alternate member is designated by the Chair and a quorum is present. The recording secretary will compile the minutes of each hearing and the decision reached and/or recommendations advanced by the GSAB.

D. Notification:

The chair of the GSAB will be involved in all phases of an appeal including the hearing. He/she will notify the appellant and the appellee of whether an appeal will be heard by the GSAB (see Section III.A). If a hearing is to be held, the Chair will notify the appellant and the appellee of the date, time, and place for the hearing. The Chair will schedule the hearing within ten (10) calendar days of the decision to hear the appeal.

The chair of the GSAB is responsible for notification of the associate provost for graduate studies of the findings and recommendations reached by the GSAB after the hearing. The associate provost for graduate studies, upon review of the findings and recommendations of the GSAB, will notify the appellant and the appellee of his/her action.

II. JURISDICTION OF THE GRADUATE STUDENT APPEALS BOARD

A. General jurisdiction:

The GSAB has jurisdiction to receive the written appeal of any graduate student for review of decisions or actions of university administrative officials, faculty, staff, or academic units concerning all aspects of retention in a graduate program, employment as a graduate assistant, charges of academic or scientific misconduct or dishonesty (unless extramural funding is involved), or other issues involved in graduate education. The GSAB will hear appeals concerning thesis or dissertation research even though these two activities are designated by course numbers. In addition, the GSAB shall accept any case referred to it by the associate provost for graduate studies, the provost, or president of the university, for review, hearing, or other action as may be directed.

B. Limitations:

The GSAB will not review:

1. Appeals of course grades except thesis and dissertation research courses. These appeals will be heard via the prescribed procedures for the college in which the course was offered.
2. Appeals of decisions concerning academic coursework dishonesty. These appeals will be heard via the prescribed procedures for the college in which the course was offered.

3. Appeals of decisions concerning academic or scientific misconduct where extramural funding is involved. If such funding is involved, the procedures and processes prescribed by the vice president for research and economic development will be followed.
4. Appeals for which the appellant has not fully utilized all other applicable appeal or review processes (see Section V.A.1).
5. Appeals filed more than 21 calendar days from the date of a prior review or 21 calendar days from the date of receiving notification of an action or decision.

III. GROUNDS FOR APPEAL

- A. The GSAB will respond to a request for an appeal on the grounds of:
 1. Adverse academic evaluation: Appeals involving an academic evaluation of a graduate student's performance, including appeals of decisions regarding reinstatement of students into graduate programs, are restricted to prejudice toward the graduate student, capricious evaluation, or capricious treatment.
 2. Graduate assistants: A graduate assistant may appeal a decision by his/her department, division or unit to terminate his/her employment as a graduate assistant. A graduate assistant may not appeal a decision to terminate his/her employment as a graduate assistant if that decision is the result of the graduate assistant being on academic probation or suspension or of lack of finances of the institution.
 3. Academic or scientific misconduct: The GSAB will hear allegations of academic or scientific misconduct directed toward graduate students unless extramural funding is involved.
 4. Issues forwarded to the GSAB by the associate provost for graduate studies, provost, or president of the university.
- B. The GSAB will respond to a request for an appeal only if:
 1. All other remedies open to the appellant have been exhausted (at the department and the college level).
 2. The appellant can show grounds that he/she was previously denied a fair hearing. A fair hearing shall be deemed to include notice of the alleged cause prior to the time of the hearing, notice of the sanction that may be imposed for the alleged cause and an opportunity to present evidence.
 3. The decision being appealed is not supported by substantial evidence.
 4. The sanction being imposed is beyond the authority of the personnel involved or is unduly severe or disproportionate to the conduct by the graduate student.

IV. AUTHORITY

The GSAB may recommend affirming or reversing the decision being appealed and make such recommendations for further actions as deemed appropriate. In the course of any hearing, the GSAB is authorized to request the appearance of any student, faculty or staff member, or other employee of the university, or other individual as a witness. The GSAB is also authorized to request that additional evidence be provided. The GSAB shall have final authority in procedural matters.

The GSAB will forward recommendations to the associate provost for graduate studies along with a record of the hearing proceedings. The associate provost for graduate studies will make a final independent decision within fourteen (14) calendar days of the GSAB's forwarding its recommendations, taking into account the findings and recommendations of the GSAB and the record of the hearing. The associate provost for graduate studies will inform the appellant, the appellee and the GSAB of the decision in writing.

V. PROCEDURES

A. Filing an appeal:

1. Before a request for an appeal is accepted by the GSAB, the normal channels for resolving disputes must have been consulted. The appellant should first consult with the professor or professors involved. If the issue is not resolved at that level, the appellant should seek out the department head/chair or designee for resolution. In some cases, it may be appropriate to pursue the issue with the academic college dean. If the concern has not been resolved at any one of these levels, an appeal to the GSAB may be pursued.
2. All requests for appeals must be submitted to the GSAB in writing, along with supporting documents, list of witnesses and any other pertinent evidence. The written appeal must specify the grounds for the appeal. Only such grounds for appeal as listed in Section III of this document will be considered. The appellant student has the burden of demonstrating to the GSAB that grounds for the appeal exist.
3. The GSAB will notify the appropriate university representative (the appellee) and request, in writing, information from the appellee related to the case. The appeal, information from the appellant and the appellee, lists of witnesses and any supporting documents by either party constitute the written evidence in the case. All such evidence will be transmitted to both parties and to all members of the GSAB as soon as the evidence is available but not less than five (5) business days before the hearing. Any additional evidence brought to the hearing is subject to acceptance or rejection by the GSAB. All information submitted becomes part of the permanent record of the GSAB hearing record maintained by the Office of Academic Affairs.

B. Initial review of appeals:

1. The GSAB will conduct an initial review of the appeal to determine whether the appeal is subject to dismissal or if further action by the GSAB is warranted.
2. Appeals which fail to set forth grounds for an appeal as described in Section III shall be dismissed.
3. When the GSAB determines that a graduate student should be afforded a hearing on an appeal, the chair of the GSAB shall give written notice to all parties involved in the appeal. The notice will include the time, date, and location of the appeal hearing, which shall be set within ten (10) calendar days of the decision to afford a hearing.

C. Hearings:

All hearings by the GSAB shall be conducted in accordance with the following requirements:

1. Any additional materials requested by the GSAB at the time of the initial review to be considered at the hearing shall be made available to all parties no less than five (5) days prior to the hearing.

2. Parties to the appeal have the right to:
 - a. be present and hear all arguments and oral statements made to the board; and
 - b. make arguments, present oral statements and written documents, and call witnesses with regard to any issues of fact relevant to the grounds for appeal.
 3. Hearings shall not be adversarial in nature and shall be conducted in a manner conducive to ascertaining the facts of the case upon appeal.
 - a. Parties (appellant and/or appellee) have the right to an adviser or legal counsel at the party's expense.
 - b. If appellant decides to be accompanied by an adviser or counsel, he/she must inform the chair of the GSAB in writing at least five (5) calendar days before the hearing. The function of an adviser or counsel shall be exclusively to consult with the party. The presentation of the case is the role of the appellant and/or appellee.
 4. The GSAB may request assistance of counsel (independent from University counsel), call witnesses, or introduce matters and information deemed relevant to the appeal.
 5. The GSAB may establish time limitations for the presentation of oral rebuttals and arguments by the parties.
 6. Hearings shall be closed to the public. At the request of the appellant, and subject to the discretion of the GSAB, the hearing may be open. If the GSAB elects to conduct an open hearing, however, it may close the hearing to the public at any time if it determines the functions of the GSAB are being hindered.
 7. At any time prior to the final decision of the GSAB, the parties shall be free to settle or otherwise informally dispose of the appeal.
 8. Formal rules of evidence do not apply. All evidence, including hearsay evidence, not repetitious or irrelevant shall be admissible.
 9. GSAB members may address questions to any person giving testimony before the board.
 10. The appellant or appellee shall be permitted to ask questions of the other party or any witness, after the individual gives his/her testimony.
 11. Both the appellant and the appellee shall have the right to remain silent, but either may be questioned if he/she testifies in his/her own behalf. The decision of an individual to remain silent shall not be used in itself as a factor against him/her.
 12. If the appeal involves more than one student, a single hearing will be scheduled for each of the appellants.
 13. The Chair is responsible for the maintenance of the rules and procedures for the GSAB during a hearing.
 14. The Chair is responsible, together with the recording secretary, to maintain the integrity of the record. The hearing will be recorded for the purpose of accurate reporting of the record.
 15. The Chair shall preside and rule on matters of procedure and evidence not specified herein.
 16. The Chair shall have the right to dismiss anyone from the hearing should his/her conduct become disorderly during the proceedings.
- D. Findings, decisions and recommendations of the GSAB:
Upon completion of hearings, the GSAB shall meet in closed session for deliberations [see Section VI.B.]. A simple majority vote of the GSAB is required for all findings and recommendations. The Chair will vote only in the case of a tie.

1. The GSAB shall prepare:
 - a. written findings addressing all issues presented in the appeal;
 - b. a recommendation which indicates whether the appealed decision or sanction should be affirmed, set aside, or modified; and
 - c. recommendations, if appropriate, for further actions by university authorities.
2. The chair of the Graduate Council shall provide the associate provost for graduate studies with a copy of the findings and recommendations of the GSAB and a copy of the record. Copies of the findings and recommendations will be sent to all parties involved in the appeal. Notice shall again be given that the findings and recommendations are subject to review by the associate provost for graduate studies.
3. The associate provost for graduate studies has fourteen (14) calendar days to act upon the findings and recommendations of the GSAB. If no action is taken within the fourteen (14) days, except when extenuating circumstances justifying a delay are involved, the findings and recommendations of the GSAB will be final. The associate provost's decision is final.

VI. APPEALS HEARING - ORDER OF THE PROCEEDING

- A. The Chair shall call the meeting to order and introduce the GSAB members. Both the appellant and appellee shall be allowed to present their cases orally. The order of presentations shall be:
 1. Appellant's statement
 2. Appellee's statement
 3. Appellant's rebuttal, including witnesses
 4. Appellee's rebuttal, including witnesses
 5. Appellant's summary
 6. Appellee's summary
- B. All persons other than the members of the GSAB and the recording secretary shall then retire from the room to allow the GSAB to determine the findings and recommendations. If the GSAB's discussion, including review of the provided documentation requires more time than scheduled, the board may suspend its discussion, convening at a later, specified and announced date. The appellant and the appellee will be notified in writing of the GSAB's decision. The standard of proof shall be "by a preponderance of the evidence" which shall mean the evidence as a whole shows that the fact sought to be proved is more probable than not.