

**UNIVERSITY OF WYOMING
OFFICE OF ACADEMIC AFFAIRS**

GRADUATE STUDENT APPEALS POLICY

GRADUATE STUDENT APPEALS BOARD (GSAB) INTENT: The University provides a venue for graduate students to appeal decisions influencing their program after all other appeal attempts fail. The formal appeal process should be reserved for rare occasions when the student has reason to challenge the process of obtaining decisions of dismissal and retention in graduate programs. The appeal must be based on the failure of a faculty, unit, department, or program to adhere to their own guidelines or the University's published policy and regulations. In general, *professional and scholarly assessments made by faculty and advisory committees are not appealable*. Decisions related to discrimination, sexual harassment, student code of conduct, or grades are heard elsewhere and not by the GSAB. It is the responsibility of prospective and current students to read and understand the procedures and policies related to their program. Entry into a graduate degree or certificate program implies the student's consent to abide by documented program procedures. There is no intent for the GSAB to make legal determinations. Instead, the intent of a GSAB is solely to facilitate resolution by providing an impartial university venue for open discussion.

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

1. retention in graduate programs (when not related to academic standing due to grades or reasonable progress to degree);
2. retention in employment as graduate assistants that is not related to loss or expiration of funding sources, or inadequate performance review;
3. decisions related to a student's graduate program when they appear to diverge from documented program guidelines
4. cases referred to the GSAB by the AVP for Graduate Education, the Provost or the President of the University.

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 based on process and procedural issues. *The appeal should be considered a review of the decision-making process and its compliance with documented procedures to resolve miscommunications.*

Student Responsibilities Prior to Initiating an Appeal: Before a request for an appeal is accepted by the GSAB, the normal channels for resolving disputes must have been fully exhausted. The appellant should first attempt resolution with the decision-maker involved. The student's Outside Committee member should serve as the impartial representative and act as a mediator on behalf of the student. If the issue is not resolved within the graduate student's advisory committee, the student may seek out the department head/chair or their designee for resolution. In some cases, failing such resolution in the committee, it may be appropriate to appeal within the college; a college appeal must be finalized before a GSAB appeal is pursued.

Composition of the GSAB: The membership of each GSAB will be assembled following submission of an appeal request. The GSAB will consist of membership selected from the current Graduate Council membership or from the faculty and student body at large (as needed) to include:

- the chair of the Graduate Council (who serves as the chair of the GSAB),
- three faculty members and
- two graduate students.
- New GSAB members may be appointed for subsequent appeals, should more than one request be submitted within an academic year.

The AVP for Graduate Education and other ex-officio members of the Graduate Council may not serve as members of the GSAB and will not attend a hearing unless invited by the GSAB to provide information. If

called to provide information, the AVP for Graduate Education and other ex-officio members of Graduate Council should not hear the case proceedings. Meetings of the GSAB require the presence of a minimum of four persons: two faculty members, at least one graduate student member, and the GSAB Chair.

Graduate Student Appeal Procedures:

Filing an appeal: Should resolution within the College not occur, the student may request an appeal to the GSAB following the instructions from Academic

Affairs: www.uwyo.edu/uwgrad/files/docs/graduate_appeal_instructions.pdf. The student **must submit an appeal request within 10 working days** of the College decision under appeal.

1. **Prior to submitting the appeal**, the student will meet with the AVP for Graduate Education to discuss their issue and the potential for an appeal hearing. This step is intended to clarify the process for the student and to limit the number of unwarranted appeals.
2. **After meeting with the AVP for Graduate Education**, the student may elect to prepare a request document. The appeal documentation is submitted to the chair of the Graduate Council. It must demonstrate that all attempts to resolve the issue in the college have been exhausted AND that there are grounds to support a hearing. Submission of the required documentation to the Chair starts the clock on the GSAB appeal process.

Initial review of appeals: When notified by the Chair that an appeal has been received, the GSAB will meet as soon as possible, but no longer than ten (10) working days after receipt of the request from the student. The initial GSAB meeting is convened to determine one of four potential paths for the appeal.

- 1) **Not warranted.** Appeals which fail to set forth grounds for an appeal will be dismissed.
- 2) **Additional evidence is needed.** Additional evidence may be collected at the discretion of the GSAB prior to determining whether the appeal is warranted.
- 3) **Warranted, with intervention.** The GSAB may choose to pursue an informal discussion of the issue amongst parties, to collect information that may facilitate an attempt to resolve the issue. Expedited resolution may be attempted and may include a university mediator or conciliator.
- 4) **Warranted, with hearing.** If the appeal is warranted, and expedited resolution seems unlikely, a finding of warranted appeal will be communicated to all parties and hearing will be scheduled.

In all cases when additional evidence is collected, all evidence will be transmitted to both parties (appellant and appellee) and to all members of the GSAB at least ten (10) business days before a hearing or resolution attempt. All evidence becomes part of the permanent appeal record. All warranted appeals will move to hearing or resolution **within 30 calendar days**.

Formal Hearings: Once a determination that an appeal is warranted, the Chair of the GSAB will notify the appellant and the appellee and the AVP for Graduate Education that 1) the appeal is warranted and 2) a hearing will be held, and 3) will provide details of the hearing/meeting time and location. The **GSAB is authorized to notify and request the appearance for questioning** of any student, faculty or staff member, or other employee of the university pertinent to the appeal. The GSAB is also authorized to request additional evidence be provided. The GSAB holds final authority in procedural matters of the hearing.

The GSAB will give written notice to all parties of the intent to convene a hearing before a group of faculty and graduate students knowledgeable of university graduate policies within 30 calendar days of the determination that the appeal is warranted. The chair of the GSAB is at liberty to negotiate the hearing date to reasonably accommodate the schedules of all parties. The formal hearing process is organized to facilitate resolution of issues via disclosure of the facts, and discussion of alternatives. The hearing process should not be considered a legal forum but a process to find resolutions and to mitigate negative impacts on a graduate student when a decision appears to have deviated from published program or university guidelines.

The GSAB may request assistance for the hearing from the AVP of Graduate Education, who will provide staff assistance to the chair of the GSAB for purposes of arranging and documenting formal hearings proceedings. **All hearings conducted by the GSAB will follow the guidelines below.**

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 ten (10) business days prior to the hearing.
2. Parties (appellant and/or appellee) have the right to be present and hear all statements made to the board; and to make arguments, present written documents, and call witnesses relevant to the appeal.
3. Parties have the right to an adviser or legal counsel at their own expense.
 - a. Oral presentation at the hearing is delivered only by the appellant and appellee.
 - b. Although legal counsel may be present in an advisory capacity, they will not provide oral presentations to the GSAB. If appellant decides to be accompanied by an adviser or counsel (exclusively for consultation), he/she must inform the chair of the GSAB in writing at the time of submission of the Request for Appeal document.
 - c. The GSAB itself may request assistance of counsel (independent from University counsel) from the AVP for Graduate Education, in Academic Affairs.
4. The GSAB may establish time limits for oral presentations and rebuttals, order of presentations and admitted documents. GSAB members may address questions to any person giving testimony before the board.
5. Hearings will be closed to the public.
6. 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 by notifying the Chair of the GSAB.
7. The appellant or appellee shall be permitted to ask questions of the other party or any witness, after the individual provides testimony.
8. Both the appellant and the appellee may elect to remain silent, but either may be questioned if they testify. The decision of an individual to remain silent shall not be used in itself as a factor against their case.
9. If the appeal involves more than one student, a single hearing can be scheduled to hear a group appeal at the discretion of the GSAB. Otherwise separate hearings will be scheduled for each of the appellants.
10. The Chair shall preside to maintain the rules and procedures for the GSAB during a hearing and may dismiss anyone from the hearing whose conduct becomes disorderly during the proceedings.

Decisions following the hearing: Following the hearing, the GSAB will meet to agree upon a decision within ten (10) working days of the conclusion of the hearing. GSAB members' decision should be *based upon the conformance of the appealed decision(s) with unit and university procedures and guidelines*. Judgement should derive from the *preponderance of the documented evidence and verified evidence presented within the hearing testimony*. Ideally, the decision should be unanimous, but in less clear cases, the GSAB may use a simple *majority vote* of the GSAB members. Considerations by the members will be recorded although votes by individual members will not be recorded. The Chair of the GSAB may vote to decide a tie vote.

Outcomes: Within 10 working days of their decision, the Chair of the GSAB shall prepare and convey written findings and recommendations to all parties and the AVP for Graduate Education. The GSAB may affirm or reverse the decision under appeal, including recommendation to reinstate a student. Further they may recommend to the AVP for Graduate Education, appropriate policy actions to remedy procedural discrepancies leading to the appeal. Findings and decisions of the GSAB are final unless the AVP or the President intervene.

The GSAB document will provide to all parties:

- a. written findings addressing all issues presented in the appeal;
- b. recommendations related to the decision under appeal; and
- c. recommendations of other actions by university leadership to remedy procedural issues.
- d. notification that the findings and recommendations are *subject to a 14-calendar day review by the AVP for Graduate Education and the Provost*. The findings and recommendations of the GSAB (or the Provost, if rendered), are final.