

REGENTS' POLICY
PART IX – STUDENT AFFAIRS
Chapter 09.03 - Student Dispute Resolution

P09.03.010. General Statement: Student Dispute Resolution.

The university will provide fair and expeditious procedures for students to contest actions or decisions that adversely affect them. These procedures will be published in student catalogs or handbooks. Students may direct a complaint to the MAU senior student services officer, the chief academic officer, the chief administrative services officer, or designee. This official will initiate action to resolve the complaint or will inform the student of the appropriate procedure, if any, for review of the action or decision in dispute. Actions or decisions of the board or the substance of Regents' Policy, University Regulation, and MAU rules and procedures are not subject to review pursuant to the provisions of this policy.

(11-20-98)

P09.03.020. Informal Dispute Resolution Procedures.

Unless specified to the contrary, the first step for a student to challenge a university action or decision will be to seek an informal resolution with the person responsible for the decision or action, or with the person's immediate supervisor.

(11-20-98)

P09.03.022. Formal Review Procedures.

If the matter is not resolved informally, a student may submit a written statement to initiate one of the following formal review procedures. A request for formal dispute resolution may not be filed under more than one procedure, or more than once on an issue. Each procedure will include at least one level of review prior to the final decision, and will provide due process appropriate to the issue.

(11-20-98)

P09.03.023. Review of Student Employment Decisions or Actions.

Issues related to student employment will be reviewed in accordance with the grievance procedure specified in Regents' Policy on human resources, except as specifically modified by Regents' Policy on employment of students.

(11-20-98)

P09.03.024. Review of Academic Decisions or Actions.

Challenges to academic decisions or actions of the faculty or academic administration will be reviewed in accordance with the procedures set forth in the accompanying University Regulation and in MAU rules and procedures. Appropriate issues for this procedure include such things as alleged arbitrary or capricious dismissal from or denial of admission to an academic program based upon academic considerations, or assignment of final grades. Only the course instructor or

a review body, which will be composed of faculty and a non-voting student representative, may authorize a change in the assignment of a final grade.

(11-20-98)

P09.03.025. Review of University Student Conduct Decisions or Disciplinary Sanctions.

Challenges of university student conduct decisions or disciplinary sanctions related to behavioral or academic misconduct will be reviewed in accordance with procedures set forth in University Regulation on student rights and responsibilities and in MAU rules and procedures.

(06-01-17)

P09.03.026. Review of Administrative Decisions or Actions.

Chancellors will be responsible for providing and promulgating MAU rules and procedures that provide a mechanism for students to challenge certain administrative decisions or actions not otherwise covered in this policy. Not all administrative decisions and actions will be subject to challenge.

(11-20-98)

P09.03.028. Final Decision.

At the end of the review proceedings the university will issue a written decision, identified as the "final decision," after which point the matter under dispute will not be reviewed further by the university. Notification of the final decision will be made in accordance with Regents' Policy on student rights and responsibilities regarding seeking further redress in the court system to university decisions and actions. Where applicable, the notification of final decision will also state that further redress of a final decision may be had only by filing an appeal with the Superior Court of Alaska in accordance with Alaska Appellate Rule 602(a)(2) within thirty (30) days from the date of the final decision. See also P09.02.080.

(06-06-07)

P09.03.029. Eligibility for Services Pending Final Decision in the Review Process

Eligibility for services pending a final decision in the review process is contained in University Regulation.

(06-06-07)

P09.03.030. Confidentiality.

- A. Access to files pertaining to student disputes will be governed by state and federal laws and regulations, Regents' Policy, University Regulation, and MAU rules and procedures and may vary with the issue under review and the review process.
- B. The university cannot guarantee confidentiality but will make a reasonable effort to preserve the legitimate privacy interests of the persons involved. In order to preserve the legitimate privacy interests of the persons involved, all participants in the proceedings will be expected to maintain confidentiality.

- C. The person in charge of the review procedure may release information if appropriate permission from the parties is provided or if other applicable legal requirements are met. (11-20-98)

P09.03.040. Access to Formal Review Proceedings.

- A. Student dispute resolution proceedings will normally be closed. Requests for an open proceeding must be made by a party prior to the start of the proceeding. Such requests will be granted to the extent allowed by law unless the person in charge of the proceeding determines that all or part of a proceeding should be closed based upon considerations of fairness, justice, and other relevant factors. A party may choose an advocate to be present at all times during the proceedings.
- B. The person in charge of the proceeding may direct that witnesses, but not the parties or their advocate, be excluded from the proceedings except during their testimony. The deliberations of the hearing panel or administrator will be closed to the public and the parties.

(06-01-17)

UNIVERSITY REGULATION
PART IX – STUDENT AFFAIRS
Chapter 09.03 - Student Dispute Resolution

R09.03.023. Review of Student Employment Decisions or Actions

Issues related to student employment will be reviewed in accordance with the grievance procedure specified in Regents' Policy and University Regulation on human resources, except if specifically modified by Regents' Policy and University Regulation on employment of students.

(06-21-99)

R09.03.024. Review of Academic Decisions or Actions

Examples of academic actions or decisions subject to this regulation include, but are not limited to: assignment of final course grades, denial of admission to an academic program, and academic dismissal. Grades assigned prior to the final grade received in a course are not subject to review under this section.

A. Definitions Applicable to Academic Disputes

1. Academic Decision Review Committee

An academic decision review committee is an ad hoc committee composed of faculty and a non-voting student representative, appointed by the dean/director, and a nonvoting hearing officer, appointed according to MAU rules and procedures, to formally review a contested final grade assignment or other academic decision.

2. Academic Leader

The term "academic leader" is used to denote the administrative head of the academic unit offering the course or program from which the academic decision or action arose.

3. Academic Unit

The term "academic unit" generally refers to a department or other group with responsibility for academic decisions within a school, college, institute, or center. The term may refer to a school, college, institute or center in instances when a smaller unit is either of insufficient size for a given purpose or non-existent.

4. Arbitrary and Capricious Grading

Arbitrary and capricious grading means the assignment of a final course grade on a basis other than performance in the course; the use of standards different from

those applied to other students in the same course; or substantial, unreasonable and/or unannounced departure from the course instructor's previously articulated standards or criteria. (See also "grading error.")

5. Class Day

As used in the schedule for review of academic decisions, a class day is any day of scheduled instruction, excluding Saturday and Sunday, included on the academic calendar in effect at the time of a review. Final examination periods are counted as class days.

6. Dean/Director

The dean/director is the administrative head of the college or school offering the course or program from which the academic decision or action arises. For students at extended campuses the director of the campus may substitute for the dean/director of the unit offering the course or program.

7. Final Grade

The final grade is the grade assigned for a course upon its completion.

8. Grading Error

A grading error is a mathematical miscalculation of a final grade or an inaccurate recording of the final grade. (See also "arbitrary and capricious grading").

9. Next Regular Semester

The next regular semester is the fall or spring semester following that in which the disputed academic decision was made. For example, it would be the fall semester for a final grade issued for a course completed during the previous spring semester or summer session. The spring semester is the next regular semester for an academic decision made during the previous fall semester.

B. Procedure for Resolving Disputes Regarding Final Grade Assignment

Students may challenge a final grade assignment on the basis of alleged grading error or arbitrary and capricious grading.

Because grades can affect such things as a student's eligibility for continued financial aid, MAU publications must advise students to learn their final grades and initiate a review, where desired, as soon as possible. MAU rules and procedures must also stipulate other provisions that may be needed to expedite these reviews in the manner outlined in regulation below.

The time schedule outlined below will stipulate maximum time periods within which to complete stages of the review. However, permission for extensions of time may be

granted, in writing, by the dean/director of the academic unit offering the course or other officials that may be identified in MAU rules and procedures.

MAU rules and procedures will also outline alternative officials for those instances where the academic leader or the dean/director is the person who made the academic decision under review.

1. Informal Procedures

- a. Where possible, students will be expected to first request an informal resolution of the final grade assignment with the course instructor or academic leader. The process must be initiated by the 15th class day of the next regular semester of the MAU offering the course. The instructor or academic leader must respond to the request within 5 class days of receipt.
- b. If the instructor's decision is to change the final grade, the instructor must promptly initiate the process in accordance with MAU rules and procedures. If the instructor does not change the grade and the student's concerns remain unresolved, the student may, in accordance with MAU rules and procedures, notify the academic leader of the academic unit responsible for the course. Within 5 class days of such notification, the academic leader must either effect resolution of the issue with the instructor or inform the student of the process for formally appealing the final grade assignment.
- c. If the course instructor is no longer an employee of the university or is otherwise unavailable, the student must notify the academic leader by the 15th class day of the next regular semester. Within 5 class days of notification by the student, the academic leader must either effect resolution of the issue through contact with the course instructor or inform the student of the process for formally appealing the final grade assignment.

2. Formal Procedures

- a. A student formally requesting review of a final grade assignment must provide the dean/director of the academic unit offering the course a signed, written request for a formal review, indicating the basis for requesting a change of grade. The request must be filed by the 20th class day of the next regular semester or within 5 class days of receipt of notification of the process by the academic leader.
- b. In accordance with MAU rules and procedures, the dean/director will convene an academic decision review committee and forward to it the written request for formal review from the student. The committee must initiate proceedings within 10 class days of receipt of the student's request. The committee will first consider whether the facts submitted by the student warrant a formal hearing and, if so, conduct the hearing. The

student and the course instructor must be notified of the time and place the request will be considered and of the process to be followed.

- (1) If on initial review the academic decision review committee determines that the facts as presented would not constitute arbitrary or capricious grading or a grading error, the academic decision review committee will dismiss the case without a formal hearing. This decision will constitute the final decision of the university. The committee's decision will be provided in writing to the student, the course instructor, and the dean/director of the academic unit offering the course.
 - (2) If the academic decision review committee determines that the facts as presented might constitute arbitrary or capricious grading or a grading error, the academic decision review committee will, in accordance with MAU rules and procedures, proceed to a formal hearing. The committee will consider information provided by the student, the instructor if available, and others as it sees fit.
- c. The academic decision review committee proceedings will result in the preparation of written findings and conclusions. Conclusions will result in one of the following:
- (1) The request for a grade change is denied.
 - (2) The request for a grade change is upheld; the review committee requests the course instructor to change the grade; and the course instructor changes the grade in accordance with MAU rules and procedures.
 - (3) The request for a grade change is upheld; the course instructor is either unavailable to change the grade or refuses to, and the review committee directs the dean/director to initiate the process specified by MAU rules and procedures to change the grade to that specified by the review committee.
- d. The decision of the academic decision review committee constitutes the final decision of the university, and will be provided in writing to the student, the course instructor, and the dean/director. The hearing officer will be responsible for the preparation of a record of the hearing, in accordance with MAU rules and procedures.
- e. Unless an extension has been authorized by the dean/director, disputes concerning final grades must be completed by the end of the next regular semester following the assignment of the grade.

C. Review Procedures for Disputes Regarding Denial of Admission to or Dismissal from a Program of Study for Academic Reasons

MAU rules and procedures, in accordance with this regulation, will designate the formal and informal process(es) by which a student may initiate a review of an academic decision by that MAU of disputes regarding denial of admission to or dismissal from a program of study. The formal process must include the following elements.

1. A request for a formal review must be filed in writing by the 20th class day of the next regular semester of the MAU making the decision, or within 5 class days of receipt of notification of the process for filing a formal review after completion of any informal review, unless written permission for extension of time is granted.
2. Formal reviews of academic decisions will be conducted by an academic decision review committee convened in accordance with MAU rules and procedures.
3. MAU rules and procedures will specify under which circumstances the conclusions of the academic decision review committee will constitute the final decision of the university on the matter or be advisory to an academic officer making the final decision.
4. The final decision on the matter will be provided to the student in writing. A member of the review committee will be designated as responsible for preparation of the record.
5. Unless an extension has been authorized by the dean/director, disputes concerning academic decisions must be completed by the end of the next regular semester following the decision.

D. Other Academic Decisions

Review procedures for all other academic decisions will be outlined in MAU rules and procedures. This process will be published in MAU catalogs or student handbooks.

E. Students with Disabilities

Disputes regarding decisions associated with appropriate academic adjustments and programmatic accommodation for students with disabilities will be reviewed according to procedures set forth in University Regulation on students with disabilities.

(06-21-99)

R09.03.025. Review of University Student Conduct Decisions or Disciplinary Sanctions

Disputes regarding university student conduct decisions or resulting disciplinary sanctions will be reviewed according to procedures set forth in University Regulation on student rights and responsibilities.

(06-29-17)

R09.03.029. Eligibility for Services Pending Final Decision in the Review Process

During the review of an action or decision by the university, the action or decision being contested will remain in effect until the dispute is resolved. Should an academic action or decision affect the student's eligibility for financial aid, housing, or other university service, the student will be informed of the steps to be taken that may maintain or reinstate the affected service. The student will be responsible for initiating any necessary actions or procedures.

(06-21-99)