



POLICY STATEMENT 48 GENERAL APPEAL PROCEDURE AVAILABLE TO STUDENTS

POLICY DIGEST

Monitoring Unit:
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I. PURPOSE

To establish procedures that an individual student may use to question formally the application of any university regulation, rule, policy, requirement or procedure, not otherwise covered by an established procedure, as it applies to that individual student.

II. DEFINITIONS

Appeal. A request by a student for reconsideration of an action by a University employee, office, panel, or committee.

General Appeal. Any request by a student for reconsideration of an action by the University for which there is not an established procedure available in the office of primary responsibility.

Appeal Procedure. A process by which a student may request reconsideration of a specific decision by the University. The function of an appeal procedure is to determine if the appeal has merit, and, if so, to arrive at an appropriate action by the University to address the situation.

Advisor. An individual who accompanies the student or employee directly involved in the appeal to offer advice. The advisor shall not represent or speak for the advisee. In all cases the concerned parties are required to speak for themselves, in oral or written aspects of the appeal.

Hearing. A formal procedure in which a duly appointed individual or panel will consider evidence, facts, and arguments of both sides of an appeal in an effort to determine the facts of the case and make recommendations for appropriate action, if warranted. (See: *Use of Hearing Panels*.)

III. GENERAL POLICY

It is University policy to provide students with an appeal procedure for questioning the application of any regulation, rule, policy, requirement, or procedure as it applies to the individual student in his/her capacity as a student. It is the University's basic philosophy that student appeals should be settled at the lowest possible administrative level having the authority to act definitively as quickly as practicable. Recognizing that no single appeals process can serve the wide range of possible complaints, different units within the University have developed specific appeals processes. This policy mandates that individuals follow specific appeals procedures whenever available. (See examples listed under *Types of Appeals*.) Only appeals that are not otherwise covered by an established procedure would fall under this policy.

Provisions of the General Appeal Process

- A. All students have the right to make appeals without fear of coercion, harassment, intimidation, or reprisal from the University or its employees; however, it should be understood that capricious charges made by a student against a University employee may make that student liable to charges under the Code of Student Conduct or to action through the courts.
- B. Students and employees involved in the appeal shall both have the right to have an advisor.
- C. Confidentiality shall be maintained, where applicable, in all appeal proceedings in accordance with the provisions of the Family Educational Rights and Privacy Act of 1974 and of PS-30, *Student Privacy Rights*.

IV. TYPES OF APPEALS

Consistent with the general policy, the University provides specific guidelines for several different types of appeals. If a specific appeal policy exists, the student must contact the office of primary responsibility for specific procedural guidelines which govern that appeal process. However, if the area or function under question does **not** have specific procedures, the student should then follow the procedures outlined in this PS under *General Appeal Procedures*.

The following are examples of issues and sources of information on appeals procedures.

Admissions Decisions (Undergraduate). Office of Undergraduate Admissions.

Code of Student Conduct. Office of the Dean of Students.

Grade Appeals. *LSU General Catalog*.

Graduate Student Issues. LSU Graduate School.

Housing Contracts/Lease Terminations. Department of Residential Life

Library Appeals. Appropriate library department head.

Residency Appeals. *PM-31, Residence Regulations of the LSU System*.

Sexual Harassment. *PS-95, Sexual Harassment of Students*.

Student Aid and Scholarships. Office of Student Aid and Scholarship.

Student Employment. Office of Student Aid and Scholarships; *PS-33, Student Employment*.

Student Workers: Questions/Termination. Human Resource Management.

Traffic Citations. Office of Parking, Traffic, and Transportation.

V. GENERAL APPEAL PROCEDURES

Steps To Be Followed in Making a General Appeal.

There may be up to three steps in the general appeal process. In all cases, if the final decision requires changes in an official record of the University, the University employee must comply with all University regulations and procedures necessary to accomplish the change. **In appeals related to a student's role as an employee, the decision maker should consult the Office of Human Resource Management before a decision is reached or a meeting is held.**

A. *Step One*

The student should meet with the University employee concerned to discuss the problem and attempt to arrive at a solution. The student and/or the employee may each have an observer present, if either party wishes. Appeals are to be initiated no later than 30 calendar days after the occurrence of the action which resulted in the appeal.

B. *Step Two*

If the student wishes to appeal the findings of Step One, that student must, within 14 calendar days of the meeting in Step One, make a written request of appeal to the next level in the university's administrative structure, which will be at least at the level of unit head or designee in the administrative unit within which the appeal was initiated. The student should use the *Student Appeal Form* (attached) to identify the action or decision being appealed, the date of that action or decision, and the regulation, rule, policy, requirement or procedures at issue. The written appeal form and any addendum must be signed and dated by the student. The name and title of the person to whom the request should be addressed can be obtained from the employee in Step One.

For a Step Two appeal, the student requests a meeting with the administrator and the employee who heard the appeal at Step One. The written request must include:

1. student identification (name, student ID number, college, current address and telephone);
2. the purpose of the meeting (to consider an appeal);
3. a brief statement of the nature of the appeal; however, it need not go into detail as to justification for the appeal; and
4. the name of the employee involved in Step One. Upon receipt of a written request, the Step Two Administrator shall make a reasonable effort to arrange for such a meeting within 14 calendar days from the date that the request is received. If the stated deadline cannot be met, then all parties are to be notified in writing and a mutually agreeable time identified. The meeting should be informal, with a thorough and candid discussion of the problem in an attempt to arrive at a solution. Both the student and the employee may be accompanied by an advisor; however, in all cases, the concerned parties are required to speak for themselves in oral or written aspects of the appeal. The Step Two Administrator may render an oral decision at the close of the meeting, or s/he may take the matter under advisement. Ordinarily, a final decision will be rendered within 14 calendar days. All parties shall be

informed of the decision in writing.

C. *Step Three*

If the student or employee wishes to appeal the findings of Step Two, either may appeal to the dean or vice chancellor at the next level in the administrative structure of the University within 14 calendar days from the date of the written decision made after Step Two. The name and title of the person to whom the request should be addressed can be obtained from the employee in Step One or Step Two. Either the student or the University employee may request that the appeal be heard by a hearing panel. If either party requests a hearing panel, the Step Three administrator shall name a hearing panel as prescribed in *Use of Hearing Panels*.

The student's appeal must be in writing and should be on the *Student Appeal Form* (attached). Upon receipt of this appeal form, the Step Three administrator shall forward a copy of the written appeal to the employee and administrator involved in Step Two. They, in turn, shall reply with individual written statements supporting the action(s) taken in Step Two. Copies of their replies must be forwarded to the student.

Upon receipt of replies from the Step Two parties, unless a hearing panel has been requested, the Step Three administrator may take one of the following actions:

1. reach a decision on the basis of the written appeal and the replies;
2. hold a meeting with all parties present and, after discussions, reach a decision; or
3. refer the appeal to a hearing panel for its recommendation. If the student or University employee requested a hearing panel, the administrator must refer the appeal to a hearing panel for a recommendation.

In all cases, the student and employee may be accompanied by an advisor. Regardless of the method used, the Step Three administrator will make every reasonable effort to make a decision within 30 calendar days from the date of receipt of the student's written appeal. The decision will be in writing, with reasons supporting the decision, and copies must be given to all parties.

The decision of the administrator in Step Three concludes the appellate process. However, any party to the appeal believing that a serious *procedural* error or an abuse of discretionary authority occurred in the course of the review process may file a written petition for review of the process with the Executive Vice Chancellor and Provost.

Use of Hearing Panels

Step Three of the appeal procedure provides for the use of hearing panels upon request by any of the parties or at the discretion of the administrator hearing Step Three, except in cases alleging a violation of federal law.

Hearing panels will be appointed by the Step Three administrator. There will be not less than three nor more than seven members on the panel. The person appointing the panel will designate one member to serve as chairperson. Copies of the panel's recommendations and the administrator's final decision must be given to all of the parties.

Petition for Review

A student who wishes a review of the process or alleges serious abuse of discretionary authority must file a petition for review with the office of the Executive Vice Chancellor and Provost within seven calendar days after receiving the decision made at Step Three. The petition for review must contain a complete statement of the alleged serious procedural error, or examples of abuses of discretionary authority being appealed, and also must contain reasons for the relief sought. The petition must be accompanied by all documents produced at Step Three.

The Office of the Executive Vice Chancellor shall make every reasonable effort to decide within 14 calendar days whether further action should be taken, and in reaching this decision the reviewer may ask the other parties to make a written reply to the request for a review--or these parties, on their own, may make a written reply. If the decision is that a review is not justified, the student and all other parties will be so notified. If the decision is favorable to the petition for review, the Office of the Executive Vice Chancellor will hold a formal meeting with the parties and reach a decision on the basis of this meeting and on all written materials furnished. All parties will be notified of the final decision. The decision by the Executive Vice Chancellor and Provost shall conclude the matter, subject to the right of the Chancellor to review the case, at the Chancellor's discretion. The student does not have a right to review by the Chancellor.

General Student Appeal Procedure

Policy Statement (PS) 48 procedures are designed for students to question formally the application of any university regulation, rule, policy, requirements or procedure *not otherwise covered by an established procedure*. The process is summarized below. Refer to PS-48 for detail.

1. Contact the office primarily involved with the situation in question for specific procedural guidelines covering the desired appeal.
2. If the office has no specific procedure, then PS-48 outlines the following process.
 - a. Meet with the University employee concerned to discuss the problem and attempt to arrive at a solution. You have 30 days to initiate the appeal.
 - b. If not satisfied with the answer, make a written appeal to the next level (supervisor, chair, dean). You may use the PS-48 Student Appeal Form to outline the case. You have 14 days to initiate this appeal after the meeting in Step One. The administrator will attempt to arrange a meeting within 14 days of receiving the appeal and render a written decision within 14 days of the meeting.
 - c. If not satisfied with the answer, make a written appeal to the next level (chair, dean, Vice Chancellor). You should use the PS-48 Student Appeal Form to outline the case. You have 14 days to initiate this appeal after the meeting in Step Two. You may request a hearing panel for this review. The administrator will gather written records and statements and attempt to resolve the question within 30 days. The decision may be based on the written documentation, on a meeting of all parties, or on a hearing panel.
3. This concludes the appellate process.
4. If you have concerns warranting a *procedural review*, you may petition the Executive Vice Chancellor and Provost within 7 days for a review of the process followed by any party in the appeal.

The PS-48 Student Appeal Form is designed to assist you in summarizing the problem, requested remedy, and supporting arguments. LSU recommends that you attach documentation and/or further details, e.g., dates, circumstances, etc. to support your appeal. You may attach the form to a letter of appeal after completing the top portion which provides identification and contact information.

Louisiana State University and A&M College
Student Appeal Form

Name: _____ LSU
ID: _____
College: _____
Curriculum: _____
Names and Titles of University Employees consulted in Step One and/or Step Two:

Signature & Date _____
Mailing Address: _____
Telephone: _____ Email Address: _____

YOU MAY ATTACH ADDITIONAL PAPER TO THIS FORM AS REQUIRED. IF YOU USE THIS FORM AS A COVER SHEET, COMPLETE THE TOP PORTION SO WE MAY CONTACT YOU FOR FURTHER DISCUSSION.

Statement of Appeal. (Briefly describe the decision/action under appeal, and include the date the appealed action occurred.)

Requested Remedy. (Briefly describe the relief requested.)

Supporting Rationale. (State your specific argument/reasons why this appeal should be granted. You may attach supporting documentation.)