

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Student Appeals for Academic Affairs

NUMBER: 2.9.1

1. Purpose and Scope of Policy

- A. This policy governs academic disputes involving students. Such disputes most commonly arise as a result of student dissatisfaction with assigned grades, but students may also invoke the standards and procedures provided under this policy to challenge academic responses to instances involving alleged student academic misconduct or to challenge other decisions, justified on academic grounds, that affect their participation in or completion of university academic programs.
- 1) Students who wish to challenge disciplinary actions taken after findings of academic misconduct must proceed under Board Policy No. 3.4.1.
- B. The evaluation of students involves the exercise of professional judgment informed by prolonged and specialized training in an academic subject matter and by experience in presenting those techniques and knowledge to persons who may be unfamiliar with them. Deference should be given to judgments that reflect the academic standards accepted by the university as appropriate to the discipline involved in the dispute and for instruction in that discipline. No deference should be given to actions that do not embody accepted academic standards, particularly if the motive for such actions is unrelated to academic concerns.
- C. When a complaint presents facts that would suggest that the challenged action stemmed from conduct violating BOR Policy No. 1.4.3 or 1.4.4, which prohibit sexual harassment and other forms of discrimination, the matter will be referred under Board Policy No. 1:18 to the institutional Title IX/EEO coordinator for investigation and resolution under those policies. No further action will be taken under Board Policy No. 2:9 pending the completion of proceedings under Board Policy No. 1.4.3.
- 1) If the BOR Policy No. 1.4.3 proceedings result in findings that the academic action stemmed from prohibited discrimination, review under Board Policy No. 2:9 will resume to determine what remedial action is proper.
 - 2) If the BOR Policy No. 1.4.3 proceedings do not result in findings that the academic action stemmed from prohibited discrimination, the proceedings under BOR Policy 2.9.1 shall be dismissed, unless there are other factors that may have independently been subject to challenge under this policy.

2. Timing and Substantive Conditions on Appeals

- A. Academic appeals may be brought only by students who were registered during the term in which the disputed action was taken.
- B. Academic appeals may be brought only from final course grades or other actions that have similar finality, such as, without limitation, denial of admission to an undergraduate major or refusal to permit the continuation of an academic program.
- C. Academic appeals must be brought within thirty calendar days from the date that the student received notification of the action. If this action occurs within fifteen calendar days before the end of the term, the student must bring an appeal within fifteen calendar days after the beginning of the academic term (fall, spring, or summer) following the term in which the challenged action was taken. A student may petition the president or president's designee for an extension of this timeline if circumstances prevented a timely appeal.
- D. Academic appeals may be brought to challenge a grade or academic decision typically on one or more of three grounds:
 - 1) if an academic decision resulted from administrative error or from misapprehension of some material fact or circumstance, e.g., evaluation reflected an error in the examination or question itself or misread the student's written response;
 - 2) if an academic decision departs substantially from accepted academic standards for the discipline and the university; or
 - 3) if circumstances suggest that an academic decision reflected the prejudiced or capricious consideration of student opinions or conduct unrelated to academic standards, of student status protected under Board policy, state or federal civil rights law or of other considerations that are inconsistent with the bona fide exercise of academic judgment.

3. Appeals Procedure

- A. University presidents shall be responsible for establishing appeals procedures for their campuses.
- B. Appeals procedures shall provide that:
 - 1) A student who wishes to complain about a grade or academic decision shall discuss the matter first with the course instructor or the person(s) responsible for the decision.

- a. The instructor or academic decision-maker(s) shall listen to the student's concerns, shall provide explanation, and shall change the grade or reconsider the decision if the student provides convincing argument for doing so.
- 2) If, after the discussion with the instructor or academic decision-maker, the student's concerns remain unresolved, the student may appeal the matter to the appropriate immediate administrative superior. That person, if he or she believes that the complaint may have merit, shall discuss the matter with the instructor or decision-maker. If the matter still remains unresolved, the dispute shall be referred to the president or the president's designee.
- 3) The president or the president's designee shall make a final decision, which may include an administrative change in grade or academic status.
 - a. If resolution of the dispute requires the resolution of a question involving academic standards, the president or the president's designee may obtain expert recommendations concerning those standards, whether by convening a panel of faculty or by obtaining recommendations from experts from outside the university.

SOURCE: BOR, April 2007; BOR June 2008; October 2023 (Clerical).