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CWU Academic Affairs Committee Minutes - 04/ 08/10

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Minutes
Faculty Senate Academic Affairs Committee
April 8, 2010

Present: Joe Brooks, Tim Englund, Megan Hammond, Krystal Noga-Styron, Sura Rath, and Thomas Tenerelli.

Absent: Nathan Lehrman, Michael Whelan and Marla Wyatt

Guest(s): None

Meeting was called to order at 3:20 p.m.

Approval of minutes of February 4, 2010: Megan moved to approve and Sura seconded. Approved as presented.

Old Business

New Business

- A. Return of Second Baccalaureate Degree for different rationale
Remove last sentence of the rationale. The committee reviewed the language, but felt it needed some additional changes. The committee will review language prior to next week to discuss at the next meeting.
- B. Return of Board of Academic Appeals Procedure – invite Jack Baker and Jim Schwing to next meeting.
 - 1. Concerns: Use of the word discriminatory without any definition, correct the word affect to “effect”, look at changing chair response time to 15 days instead of 10.
- C. New Charge AAC09-10.06 Withdrawal from the University Due to Military Exigency – Megan said students in the National Guard get pulled out to do their two-week annual training during the quarter. They don’t have a lot of choice. Tim moved to approve the change in this language. Add information to the rationale about variable notice. Megan seconded. Change “policy also applies”. Approved.

Rationale: There are times when members of the National Guard or military reserve are required to attend their two-week annual training requirements during the quarter. The advance notice of annual training can be very short and the training can happen at anytime during the year. In addition, when individuals are attending their annual two-week training requirements, they are considered to be on active duty.

Meeting was adjourned at 4:15 pm

Next meeting date April 15, 3:15, Barge 410 (and telecon)

Motion No. 09-23: “Recommends that section CWUP 5-90-040(11) Second Baccalaureate Degree of the Academic Affairs policy manual be amended as outlined in Exhibit B.”

5-90-040 (11)

Second Baccalaureate Degree

- (A) Qualified students seeking second baccalaureate degrees are admitted to graduate status; this does not mean, however, that they are enrolled in an "advanced degree program."
- (B) To receive a second baccalaureate degree, students must complete:
 - 1. all degree requirements not satisfied by the previous degree, and
 - 2. a minimum of 45 quarter credits from Central.
- (C) Second baccalaureate students must be accepted into a degree or certificate program by the time they have earned 25 credits beyond their last degree. Once a degree objective has been declared, second baccalaureate students must develop graduation plans with academic advisors. Academic department chairs may grant extensions beyond the 25-credit limit.
- (D) Second baccalaureate degree students follow regulations applicable to undergraduates.
- (E) Second baccalaureate degree students may request from the department that the minor requirements be satisfied by the initial bachelor's degree earned, only if these requirements were completed in prior course work.

Rationale:

Students who are returning or entering Central with a baccalaureate degree awarded and is pursuing a major that requires a minor as part of the degree; are requesting the minor be waived. In most cases, the student has already earned a minor or corresponding major prior to being admitted to the second major/degree program. This causes the students who wish to receive the second major/degree to take additional 20-30 credits to achieve this minor. With the hardship of the economy and, in some cases, work-related pursuit of another degree; this causes undue burden to the student.

Exhibit C

CWUP 5-90-010-03 Academic Appeal Procedures

Policy

Students are responsible for achieving and maintaining the standards of academic performance and excellence which are established by their instructors and for complying with all relevant policies, standards, rules, and requirements which are formulated by the university and the university's academic units. At the same time, students **may seek the redress of have protection, through orderly procedures, against arbitrary, or capricious or discriminatory actions or decisions by academic offices. No individual student shall be penalized or retaliated against in any way by the university community for his or her participation in this ~~complaint~~ redress procedure.**

Purpose

The purpose of the Board of Academic Appeals (**Board**) and Academic Standing **Committee (ASC) is to provide for fair and impartial hearings of academic grievances.** ~~The purpose of the board of academic appeals and academic standing is to provide for fair and impartial hearings or academic grievances.~~ The Board serves as the final hearing body for the university in the matter of academic grievances. **The Board may direct the university to change an academic decision affecting the student and specify the content of that change. The decision of the Board of Academic Appeals and Academic Standards Committee is final.**

Academic Grievances

(A) Academic grievances are defined as the following:

1. A claim by the student that an assigned grade is the result of arbitrary, or capricious or discriminatory application of otherwise valid standards of academic evaluation; or
2. A claim by the student that the standards for evaluation are arbitrary, or capricious or discriminatory; or
3. A claim by the student that the instructor has taken an arbitrary, or capricious or discriminatory action which adversely affects the student's academic progress; or
4. A claim by the student that a university department, program, or office has made a decision not in keeping with university policy or taken an arbitrary, capricious, or discriminatory action which adversely affect the student's academic progress.

(B) A student wishing to pursue an academic grievance must ~~take the following steps to try to resolve the grievance prior to the filing of an official academic appeal~~ use the procedures outlined in this document once having received notice of an action or decision which gives rise to a grievance. The emphasis of the procedure is on informal resolution of the grievance.

1. The student shall first attempt to resolve the matter with the instructor.
2. If resolution is not achieved between the student and instructor, the student shall ask the department chair to resolve the grievance.
3. If resolution is not achieved at the department chair level, the chair shall forward a written summary to the dean of the college in a further effort to achieve resolution.
4. If resolution is not achieved at the dean's level, the student may petition for a hearing before the board of academic appeals and academic standing. (An appointment should be made to meet with the associate or assistant vice president for student affairs and enrollment management to obtain the necessary forms and information relative to filing the position.

(C) Rules Governing the Board of Academic Appeals and Academic Standing for Central Washington University

1. Policy—Students are responsible for achieving and maintaining the standards of academic performance and excellence which are established by their instructors and for complying with all relevant policies, standards, rules, and requirements which are formulated by the university and the university's academic units. At the same time, students have protection, through orderly procedures, against arbitrary or capricious actions or decisions by academic offices. No individual shall be penalized or retaliated against in any way by the university community for his or her participation in this complaint procedure.

2. Purpose of the Board of Academic Appeals (and Academic Standing)—The purpose of the board of academic appeals and academic standing is to provide for fair and impartial hearings or academic grievances. The board serves as the final hearing body for the university in the matter of academic grievances.

3. Academic Grievance—Academic grievances are defined as the following:

- a. A claim by the student that an assigned grade is the result of arbitrary and capricious application of otherwise valid standards of academic evaluation; or
- b. A claim by the student that the standards for evaluation are arbitrary or capricious; or
- c. A claim by the student that the instructor has taken an arbitrary or capricious action which adversely affects the student's academic progress; or
- d. A claim by the student that a university department, program, or office has made a decision not in keeping with university policy or taken an arbitrary, capricious, or discriminatory action which adversely affects the student's academic progress.

A student wishing to pursue an academic grievance must use the procedure outlined in this document once having received notice of an action or decision which gives rise to a grievance. The emphasis of the procedure is on informal resolution of the grievance. Grievances which call for a hearing before the board of academic appeals and academic standing should be rare.

4. Time Limit on Filing Complaint

a. The students must ask for a hearing of the grievance before the board of academic appeals ~~and academic standing~~ within one academic quarter after determination of the grade of the course in question, or within one quarter after completion of the incomplete work, or in cases involving administrative actions after the fact, such as removal of incompletes, etc., one academic quarter after the administrative deadline for completion of such actions (in the case of spring quarter, by the end of the following fall quarter). The board may suspend this rule in exceptional circumstances, such as, but not limited to, extended illness, sabbatical leave, etc., of one or both parties to the grievance.

b. When either any party to the grievance is no longer in residence at the university and does not expect to return, the board will provide reasonable opportunity to complete appeal procedures or reply to the charges before making a decision. **chooses to not attend the scheduled hearing, the Board will conduct the hearing with the resources available to it and render a decision resolving the grievance.**

5. Procedures Preliminary to Petitioning the Board of Academic Appeals (and Academic Standing) for a Hearing (PAC approved 6/26/03)

a. **The student will notify the Vice President for Student Affairs or his/her designee of their intention to petition the Board for an academic hearing. The student will be directed to meet with a faculty advisor appointed by the Vice President of Student Affairs or his/her designee within 10 working days.**

~~b. A~~ **The student with a grievance shall first attempt to resolve the matter grievance with the instructor. Within ten (10) working days of the contact by the student,** the instructor and the student shall make a good faith effort to resolve the grievance. Should the instructor be on extended leave or no longer employed by the university, the department chair (or **administrative superior** administrator in cases not involving academic departments) shall act for the instructor. The board may suspend this rule in the case of exceptional circumstances, e.g., extended illness, sabbatical leaves, etc., of one or both parties to the grievance.

c. If resolution is not achieved between the student and instructor, the student ~~may~~ **must** ask the department chair **or administrative superior** to resolve the grievance. Within ten (10) working days of the contact by the student, the department chair **or administrative superior** shall meet with both parties to clarify the grievance and attempt to resolve it. **If the grievance is not resolved to the satisfaction of both parties, the department chair or administrative superior shall forward a written statement of his or her reasoning in the matter to the dean of the college and to the student within ten (10) working days of that attempted resolution.**

d. If a resolution is not achieved at the department chair level, the student ~~may~~ **must** present the grievance to the dean of the college **or administrative supervisor, if the student wishes to continue the grievance process.**

1. Within ten (10) working days of contact by the student, the dean **or administrative supervisor** shall ~~hear the grievance~~ **investigate the grievance** and attempt to ~~effect~~ **affect** a mutually agreeable solution between instructor, or designee, and student. If such a solution cannot be reached, the dean shall weigh the facts and any evidence or testimony. The dean may request ~~or solicit~~ and make a recommendation **which states his/her reasoning in the matter** in writing to the student and instructor, or designee, within five (5) working days of having concluded the hearing. **Within five (5) working days,** both instructor, or designee, and student must, ~~in writing,~~ **notify the dean of the college or administrative supervisor in writing** of their acceptance or non-acceptance of the **dean's** recommendation ~~within five (5) working days of receipt of the dean's recommendation.~~

2. If the dean's recommendation is not acceptable to **both** the student **and the instructor,** the student may petition for a hearing of the grievance before the board of academic appeals ~~and academic standing~~. The **student's** petition must be filed with the vice president for student affairs ~~and enrollment management~~ within ten (10) working days of receipt of the recommendation of the dean **or administrative supervisor.**

6. Procedures for Petitioning the Board of Academic Appeals (~~and Academic Standing~~) for a Hearing (PAC approved 6/26/03)

- a. A grievance before the board is heard as if the matter has not been heard previously.
- b. A student may withdraw the petition for a hearing at any time by notifying the board in writing **through the office of the vice president for student affairs.**
- c. The parties to the grievance will be provided with a statement of the rules **governing the of the board of academic appeals** by the vice president for student affairs ~~and enrollment management.~~
- d. The **office of the vice president for student affairs and enrollment management** will provide the student with appropriate forms for filing a complaint, assign an advisor to the student, and accept the completed forms from the student after the student has consulted with the advisor. ~~Since forms must be notarized, a list of notaries can be made available.~~
- e. Within five (5) working days of the filing of the ~~complaint by the student's petition~~ **(after the student's non-acceptance of the dean's recommendation), the office of the vice president for student affairs will** ~~the board chair will~~ provide the instructor with a copy of forms and materials prepared by the students and the name of an advisor **for the instructor.**
- f. **Within ten (10) working days of their receiving the complaint,** the person against whom the complaint has been lodged must acknowledge, in writing, receipt of the complaint and within ten (10) working days, file with the board chair a reply to the complaint. **file a written response to the complaint with the board chair and the student through the office of the vice president for student affairs.**
- g. When steps C ~~through~~ F above have been completed, ~~the board chair~~ **the office of the vice president for student affairs** shall arrange for a hearing panel, ~~place the case on the board calendar,~~ and notify the parties involved of the time and place for the hearing.
- h. Other interested persons may, upon request of one of the parties to the grievance or upon the request of the hearing panel, submit in writing any observations or relevant information **to the instructor, student and hearing panel.**
- h. ~~When steps C-F above have been completed, the board chair shall arrange for a hearing panel, place the case on the board calendar, and notify the parties involved of the time and place for the hearing.~~
- i. If, without prior notice, either party to the grievance does not appear at the scheduled hearing and does not present evidence that uncontrollable circumstances have prevented an appearance, it will be assumed that the party has nothing to add to the evidence already made available to the board.

7. Board Proceedings

- a. The hearing is ~~shall be~~ closed to all but the members of the hearing panel, **the student, the instructor, the student's advisor, the instructor's advisor, witnesses and a representative from the office of the vice president for student affairs,** and the participants and their advisors in the hearing.
- b. All records of the hearing proceedings will be maintained.
The records shall include:
 1. ~~all documents, motions, and intermediate rulings;~~
 2. ~~evidence received or considered;~~
 3. ~~a statement of matters officially noticed;~~
 4. ~~questions and offers of proof, objections, and rulings thereon;~~
 5. ~~proposed findings and exceptions; and~~
 6. ~~any decisions, opinion, or report by the board chair.~~

The record will be retained for a period of three years, ~~and~~ The material will be regarded as confidential. Oral proceedings will be recorded on audiotape. Copies of the record or any part thereof will be made available to the parties to the grievance **by the records request process through the Business Services and Contracts office.** The cost will be borne by the party making the request.

- c. The board may:
 1. administer oaths and affirmations, examine witnesses, and receive evidence;
 2. ~~take or cause depositions to be taken;~~ **require witnesses to appear upon the request of any party to the grievance or upon its own motion;**
 3. take or cause depositions to be taken;
 4. regulate the course of the hearing;
 5. hold conferences for the settlement or simplification of the issues with the consent of the parties;
 6. dispose of procedural requests or similar matters;
 7. make decisions or proposals for decisions; and
 8. take any other action authorized by this policy.

~~d. The board may require witnesses to appear upon request of any party to the grievance or upon its own motion.~~

d. All testimony will be sworn.

e. Both parties to the grievance will have access to the written statements of the other, ~~prior the hearing or prior to any questioning by members of the board at the time of the hearing~~ **ten (10) working days prior to the hearing.**

f. Both parties to the grievance have the right to advice from a third party of his or her choosing during the hearing of the grievance. **Either party may ask for a recess.**

g. Both parties to the grievance have the right to question the other party as well as any witness involved in the hearing. ~~The board chair will rule on such matters.~~

~~h. Both parties to the grievance have the right to advice from a third party of his or her choosing during the hearing of the grievance.~~

h. Members of the hearing panel may question both parties and witnesses. Questions must be germane to the issues of the grievance. The board chair will rule on such matters.

i. The hearing will be held in a physical space that is isolated acoustically from its surroundings and large enough to comfortably accommodate all participants to the hearing. The student and instructor shall be seated across from the hearing panel and separated by the advisors and representative of the office of the vice president for student affairs. The student and the instructor shall not face each other.

j. The vice president for student affairs, or his/her designee, shall facilitate the hearing, take responsibility for electronically recording the hearing, and oversee the various stipulations contained in this document.

8. Decision of the Board

a. Decisions of the board are based on a majority vote of the hearing panel appointed for the hearing, and shall be based exclusively on the evidence and on matters officially noted.

b. The decision and reasons for the decision will be reported in writing to both parties involved in the matter, to the officials who reviewed the appeal, and to appropriate authorities mentioned in the disposition of the decision. Minority opinions may be included in the report.

c. Parties to the grievance will be notified **in writing** of the decision of the board no later than ~~one week~~ **five (5) working days** after conclusion of the hearing.

9. Power of the Board of Academic Appeals ~~and Academic Standing~~

a. The board may reject the grievance after due consideration.

b. In cases involving grade changes or change in class status, the board may order a grade changed or a change in class status.

c. In cases or aspects of cases determined by the board to involve procedural problems, the board may make recommendations for adjustments to any of the parties to the grievance and/or to the appropriate authority.

d. In cases involving conduct, the board may take one or more of the following actions depending on the seriousness of the case as determined by the board:

1. The board may issue a ~~restraining order~~ **no contact or no trespass order** to prevent continued or subsequent actions with respect to the specific situation in question.

2. The board may reprimand one or more of the parties to the grievance and/or lodge the reprimand with the appropriate authority.

3. The board may submit to the ~~authority governing the activities involved in the grievance~~ a recommendation or request **proper authority a recommendation** for disciplinary action for any party to the grievance in accordance with provisions of the ~~faculty code and/or code of student rights and responsibilities~~. **Central Washington University and United Faculty of Central Washington University Collective Bargaining Agreement and/or the Student Conduct Code (Chapter 106-120 WAC).**

10. Procedures for Implementing Grade Changes and Withholding Suspension

a. ~~In cases~~ **If** the board decides a grade should be changed, ~~the board chair~~ **the vice president for student affairs, or his/her designee,** will send to the registrar a copy of the decision authorizing and directing that the grade on the student's official record be changed. The student, the instructor, and the ~~board chair~~ **vice president for student affairs, or his/her designee,** will be notified by the registrar when the change has been accomplished.

b. If the grade in question has resulted in the suspension of the student the ~~board chair~~ **vice president for student affairs, or his/her designee,** will notify the ~~board of academic appeals and academic standing~~ **registrar** to withhold suspension

pending outcome of the hearing. If the board finds in favor of the student such that suspension is no longer a consideration, the ~~board chair~~ **vice president for student affairs, or his/her designee**, will notify the ~~board of academic appeals and academic standing registrar~~ in writing of the decision and the suspension will be withdrawn. If the board finds against the student, the ~~board chair~~ **vice president for student affairs, or his/her designee**, will notify the ~~board of academic appeals and academic standing registrar~~ accordingly in writing, and the student will be withdrawn from the university or be subject to such action as the ~~committee~~ **board** deems appropriate, and the student's fee will be returned according to university fee return policy.

11. Membership of the Board of Academic Appeals ~~and Academic Standing~~

- a. The board shall be made up of fifteen **(15)** members, seven **(7)** ~~of whom shall be~~ faculty and eight **(8)** ~~of whom shall be~~ students.
- b. Faculty members of the board will be chosen by the faculty senate from among faculty who are not members of the university's administration. **The definition of "faculty member" will be that which is used in the Central Washington University and United Faculty of Central Washington University Collective Bargaining Agreement.**
- c. Student members of the board will be chosen by the associated students of **CWU Central Washington University Board of Directors (ASCWU BOD)** from students who are not members of the ASCWU **BOD** board of directors. The definition of "student" will be ~~that~~ used in determining membership in the associated students of CWU as indicated by the constitution.
- d. The term of office for faculty members will be three years with staggered terms. Faculty members may be appointed to serve ~~a three year term again after a one year period of non-membership~~ **for subsequent three-year terms**. Students may serve up to three years at the discretion of the ~~ASCWU board of directors~~ **Associated Students of Central Washington University Board of Directors (ASCWU BOD)**.
- e. The board **of academic appeals** chair shall be ~~elected by members~~ **appointed yearly by the vice president for student affairs or his/her designee**. The chair shall preside at all meetings and hearings before the board and be responsible for all business of the board.
- f. Hearings before the board and judgments by the board will be conducted and rendered by the hearing panel made up of the board chair **or his/her designee**, plus ~~four members of the board to be selected two each by the parties to the grievance~~ **two faculty and two student members of the board**. ~~Should the chair so request, The board shall can elect a pro-tem chair from among the board members to act as a hearing panel chair. In the event that one or both parties to the grievance desires not to select members of the panel or fails to select members of the panel, the board chair will select members from the board as necessary.~~ **The student and instructor shall be notified about the content of the hearing panel five (5) working days before the hearing and may request a change in the panel within one (1) working day after that notification. The board chair shall decide if changes to the hearing panel are warranted and, if so, shall make those changes.**

12. Administrative Affairs of the Board of Academic Appeals ~~and Academic Standing~~

The vice president for student affairs ~~and enrollment management or the vice president's~~ **or his/her** designee, will be responsible for the administrative affairs of the board of academic appeals ~~and academic standing~~. The records of the board will be housed in the office of the vice president **for student affairs**. All requests for a formal hearing of academic grievances will be filed with the vice president for student affairs ~~and enrollment management~~ **or his/her** designee, and it will be the vice president's, **or his/her designee's** responsibility to advise students on the functioning of the board; to verify and insure that required procedures preliminary to, during, incidental to, and following formal hearings are adhered to; and to call the board into session ~~promptly until a board chair is elected~~. After a complaint has been filed and verified, **the vice president, or his/her designee, shall** ~~to~~ notify promptly, in writing, ~~at the request of the board chair,~~ all parties to the complaint; to call for evidence ~~promptly, in writing, as requested by the parties~~ and ~~to~~ insure safekeeping of said evidence; ~~to~~ keep and maintain the records of board correspondence, transactions, hearings, decisions, etc., and ~~to~~ implement the decisions and directives for the board.

13. Advisors for the Parties

- a. The vice president for student affairs ~~and enrollment management or the vice president's~~ **his/her** designee will appoint upon request advisors to both parties to assist them in filing and responding to a complaint.
- b. The responsibilities of the advisors are exclusively as follows:
 1. To ensure that all informal prerequisites as specified in Section V of rules governing the board of academic appeals ~~and academic standing~~ have been completed by the complaint;
 2. To assist the ~~individual~~ **complainant** in properly completing or replying to the complaint form; **and**
 3. To make recommendations concerning presentation of necessary information to the board of academic appeals ~~and academic standing~~ (i.e. Complaint form, letters of correspondence between parties, documents, witnesses, etc.).

14. Enabling and Amending

Operation of the board of academic appeals ~~and academic standing~~ will commence upon final approval of the board of trustees of ~~CWU~~ **Central Washington University**. The structure and procedures of the board of academic appeals ~~and academic standing~~ may be amended by the faculty senate at any time with the approval of the board of trustees.

~~Revised 6/82; faculty senate approval 6/2/82; board of trustees approved 6/18/82~~