



**POLICY STATEMENT 8
APPEAL PROCEDURES AVAILABLE TO STUDENTS**

POLICY DIGEST

Primary Monitoring Unit: Academic Affairs
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I. INTRODUCTION

Appeal Procedure

The functions of an appeal procedure are twofold: to determine if the appeal has merit, and, if so, to arrive at appropriate action by the University to remedy the situation.

Appeal Form

A printed form is provided by the University to be used by students in making appeals that reach the third step of the appeal procedure. (See Appendix to PS No. 8.)

Hearings

A duly constituted hearing panel (see section on The Use of Hearing Panels) will consider evidence, facts, and arguments on both sides of an appeal in an effort to determine the facts of the case and, after determining the facts, make recommendations for appropriate action. Hearings will be conducted in a manner consistent with procedural due process standards.

II. GENERAL POLICY

It is the University's policy to provide students with well established appeal procedures for questioning the validity of any regulation, rule, policy, requirement, or procedure as it applies to the individual student.

It is recognized that student dissatisfaction resulting in an appeal may range from a simple disagreement over the interpretation and application of a department rule, to a more severe dispute over the application of a particular University regulation to the student's own situation, to a very serious charge of improper discrimination or violation of constitutionally guaranteed rights. Although recognizing the wide range of possible complaints, and varying degrees of seriousness of complaints, the University has developed a uniform appeal procedure to be followed for all appeals, except those challenging traffic or parking summons or citations and grievances growing out of student employment.

It is the University's basic philosophy that student appeals can best be, and hence, should be,

38 settled at the lowest possible administrative level and settled as quickly as practicable.

39 General Provisions of the Appeal Program

- 40 A. The decision to utilize an appeal procedure shall be voluntary on the part of the
41 individual student. All students shall have the right to make appeals without fear of
42 coercion, harassment, intimidation, or reprisal from the University or its employees for
43 the act of utilizing an appeal procedure.
- 44 B. No University employee is to take reprisal action against a student for the act of making
45 an appeal. However, it should be understood that capricious charges made by a student
46 against a University employee may make that student liable to action through the courts.
- 47 C. The University recognizes the rights of all parties, the student filing an appeal, and
48 employees against whose action the appeal is filed, to impartial appeal decision-makers.
- 49 D. The student shall have the right to have an advisor, or advisors, present at all
50 discussions and hearings held as a part of an appeal; however, the advisor would not
51 normally be used at the initial discussion between the student and the University
52 employee, i.e., Step 1 in the General Appeal Procedure. The advisor(s) may be a friend,
53 a parent, a faculty member, an ombudsman, an attorney, or any other person chosen by
54 the student.
- 55 E. If an appeal alleges that the cause of the appeal grows out of an inappropriate action by
56 a particular employee or employees of the University, the employee or employees shall
57 also have the right to be present at all appeal meetings and/or hearings. The employee
58 may have an advisor present at all such meetings.
- 59 F. The confidentiality in all appeal proceedings shall be maintained in accordance with the
60 provisions of the Family Educational Rights and Privacy Act of 1974.

61 Types of Appeals

62 Consistent with the general policy statement above, the University provides the following types
63 of appeals.

- 64 A. **General Appeal.** A student may use the general appeal procedure to formally question
65 the validity of any University regulation, rule, policy, requirement, or procedure as it
66 applies to the student, except as listed in B and C below.
- 67 B. **Appeals of University Traffic Citations.** A special procedure is established whereby a
68 student may appeal any University traffic citation issued to a vehicle operated on
69 campus by a student or for the benefit of a student. Such appeal must be initiated within
70 7 business days of the date of issuance of the citation to the Dean of Student Affairs.
71 Instructions for initiating challenges of traffic citations are printed on the back of each
72 traffic citation. For this policy, a business day is defined as a day when administrative
73 offices are open for business.
- 74 C. **Grievances by Student Employees of the University.** Students who are also
75 employees of the University shall have the right of appeal when work rules and other
76 conditions of employment result in dissatisfaction.

77 D. **Title IX Offense, Complaint, or Disciplinary Action Arising from a Title IX Violation.**
78 The student has the right to appeal any decision of the Student Code of Conduct
79 Committee. Any such Title IX/AA/EEO violation/disciplinary appeal must be submitted in
80 writing to the LSUE campus Chancellor within 10 working days of the decision. The
81 Chancellor will submit the findings in writing within 15 working days to the party
82 requesting the appeal and any other party the decision effects. The Chancellor's
83 decision will be final.

84 III. OPERATING PROCEDURES

85 Steps to be Followed in Making an Appeal

86 Appeals of traffic citations, appeals relative to student conduct, and grievances growing out of
87 student employment, should be made in accordance with the special procedures established for
88 these appeals. All other appeals should be made in accordance with the following step-by-step
89 process.

90 **Step One** - The student should meet with the University employee whose action caused the
91 student's dissatisfaction to discuss the problem and to attempt to arrive at a solution. Although
92 the student and the University employee may each have an advisor present, it is believed that
93 under most circumstances, the meeting will be more productive if only the student and the
94 employee are present. With the exception of grade appeals, no specific time limit is set for
95 making an appeal; however, it is recommended that appeals be made as soon as possible after
96 the occurrence of the action which resulted in the appeal. The University employee must inform
97 the student of his/her decision within 7 business days after the meeting. Appeals of final grades
98 must be initiated by the student within 20 business days after the beginning of the next regular
99 semester. If the decision reached in this step requires changes in an official record of the
100 University, e.g., a grade change, or the release of the student from a specific obligation, the
101 University employee must comply with all University regulations and procedures necessary to
102 accomplish the change.

103 **Step Two** - If the matter is not resolved between the student and the employee in Step One,
104 and the student wishes to pursue the appeal, the student shall make a written request to the
105 head of the department asking for a meeting between the head of the department, the employee
106 who heard the appeal at Step One, and the student. The name and exact title of the person to
107 whom the request should be addressed can be obtained from the employee in Step One. The
108 written request should state that the purpose of the meeting is to consider an appeal and should
109 indicate the name of the employee involved in Step One; however, it need not go into detail as
110 to the justification for the appeal. For grade appeals, this request must be submitted within 30
111 business_days after the first day of classes of the next regular semester. Upon receipt of a
112 written request, the head of the department shall arrange for such a meeting within 10 business
113 days from the date that the request is received. The meeting should be an informal but thorough
114 and candid discussion of the problem in the hope of arriving at a solution. The student and the
115 employee may be accompanied by an advisor. The head of the department shall make the
116 decision at the close of the meeting, or within 5 business days thereafter, if the department head
117 wishes to take the matter under advisement. If a decision is made at the close of the meeting, it
118 is to be given orally to all present. If the matter is taken under advisement, the head of the
119 department shall inform all parties of his/her decision in writing. If the decision reached in this
120 step requires changes in an official record of the University, the University employee must
121 comply with all University regulations and procedures necessary to accomplish the change.

122 **Step Three** - If either the student or the University employee is not satisfied with the decision
123 reached in Step Two, an appeal may be made to the next level in the administrative structure of
124 the University, e.g., grade appeals and other academic appeals to the Vice Chancellor for
125 Academic Affairs and Provost, and all other appeals to the administrator to whom the employee
126 who heard the appeal in Step Two reports. The name and title of the person to whom the Step
127 Three appeal is to be made can be obtained from the administrator handling Step Two. The
128 appeal must be in writing on the form provided for this purpose in the Appendix to this policy by
129 the University and must be submitted within 10 business days after notification of the results of
130 Step Two. The form must contain the following: a statement of the action(s) complained of; the
131 relief requested (i.e. resolution); and a specific statement of the reasons supporting the relief
132 sought. The student or University employee may also request that a hearing panel be
133 established to assist in making the Step Three decision. In the case of a student's appeal, the
134 Step Three administrator must promptly forward a copy of the written appeal to the two
135 employees involved in Step Two. They, in turn, must promptly reply with individual written
136 statements supporting the action(s) taken in Step Two. Either of these employees may request
137 that a hearing panel be used in Step Three. Copies of their replies must be forwarded to the
138 student. Upon receipt of a written appeal, and appropriate replies from Step Two employees,
139 and unless a hearing panel has been requested, the Step Three administrator may take one of
140 the following actions:

- 141 A. Reach a decision on the basis of the written appeal and the replies.
- 142 B. Hold a meeting with all parties present, and after discussion, reach a decision.
- 143 C. Refer the appeal to a hearing panel for their recommendations. If the student or an
144 employee requests the use of a hearing panel, the administrator must refer the appeal to
145 a hearing panel for a recommendation. Additional information about the use of a hearing
146 panel is presented under the heading The Use of Hearing Panels.

147 If options A or C above are used, the student and employee may be accompanied by an
148 advisor. Though advisors may communicate freely to individuals they accompany, they will not
149 be permitted to speak on behalf of an individual, directly question other parties, engage in
150 statements or summations, or in any other way insert themselves directly into the hearing
151 process. Regardless of the method used, the Step Three administrator must make a decision
152 within 20 business days from the date of receipt of the student's appeal. The decision must be
153 in writing with the reasons supporting the decision, and copies must be given to all of the
154 parties. If the decision reached in this step requires changes in an official record of the
155 University, the University employee must comply with all University regulations and procedures
156 necessary to accomplish the change.

157 The decision of the administrator in Step Three concludes the appellate process; however, if
158 any party, student or employee, believes that a serious procedural error was committed in Step
159 Three, or that there was an abuse of discretionary authority in reaching a decision in Step
160 Three, a written request may be made to the Chancellor for further relief. This written request
161 shall take the form of a petition for review.

162 Petition for Review

163 The petition for review must be addressed to the Chancellor. It must be filed within 10 business
164 days after receiving the decision made on the appeal at Step Three. The petition for review
165 must contain a complete statement of the alleged serious procedural error, or examples of

166 abuses of discretionary authority complained of, and also must contain reasons for the relief
167 sought. The petition must also be accompanied by all documents produced at Step Three.

168 The Chancellor shall decide within 10 business days whether further action should be taken,
169 and in reaching this decision, may ask the other parties to make a written reply to the petition for
170 review, or these parties, on their own, may make a written statement. If the decision is reached
171 that a review is not justified, the student and all other parties will be so notified. If the Chancellor
172 decides to respond favorably to the petition for review, he/she will hold a formal meeting with the
173 parties and reach a decision on the basis of this meeting and all written materials furnished. The
174 Chancellor will notify all parties once a decision is reached.

175 **Maximum and Minimum Steps in Appeal Procedure**

176 The maximum number of steps in the student appeal procedure is three, and the minimum is
177 one. Initially, the appeal should be made to the employee who took the action which resulted in
178 the appeal. The place of the employee receiving the appeal in the University's table of
179 organization will determine if all three steps of the appeal procedure are necessary. Most
180 appeals, however, unless settled at an early step, will go through all three steps.

181 Because of the uniformity of the administrative structure of the academic divisions of the
182 University, the administrator charged with the responsibility for reaching Step Three decisions
183 for all grade appeals will be the Vice Chancellor for Academic Affairs and Provost, except in
184 cases in which the Vice Chancellor is also the instructor who gave the grade being appealed. In
185 such cases, the Chancellor (or Chancellor's designee) will preside.

186 In the interest of consistency and fairness to the student, and to give assurance that the person
187 responsible for Step Three has the necessary delegated authority required to make the
188 decision, Step Three appeals in all divisions of the University will be the responsibility of an
189 appropriate administrator in the table of organization who reports directly to the Chancellor.

190 **The Use of Hearing Panels**

191 Step Three of the appeal procedure provides for the use of hearing panels upon request by any
192 of the parties, or at the discretion of the administrator hearing Step Three.

193 Such hearing panels to hear grade appeals will be appointed by the Vice Chancellor for
194 Academic Affairs and Provost and shall be composed of three faculty members selected by the
195 Vice Chancellor, with no more than two from the same department, and two students appointed
196 by the SGA president. The Vice Chancellor will designate a committee chair. The panel shall
197 hold a hearing with the head of the department, the teacher, and the student, all of whom may
198 be accompanied by an advisor. After deliberation, the committee will make its recommendations
199 to the Vice Chancellor for Academic Affairs and Provost. Copies of these recommendations and
200 the final decision of the Vice Chancellor must be given to all of the parties and the Chancellor
201 for final disposition.

202 Some federal laws and administrative guidelines issued by the executive branch of the Federal
203 Government for the administration of these laws require the use of hearing panels as a part of
204 the student's appeal procedure. These laws include: Title VI and Title VII of the Civil Rights Act
205 of 1964; Title IX of the Educational Amendments of 1972; Section 503 and 504 of the
206 Rehabilitation Act of 1973; and the Family Educational Rights and Privacy Act of 1974 (The
207 Buckley Amendment). In all student appeals which allege a violation of these laws or guidelines

208 issued to implement these laws, a hearing panel will always be used at Step Three. This
209 hearing panel will be appointed by the Step Three administrator or, at his/her discretion, the
210 administrator may request the Chancellor to appoint the hearing panel. The membership of the
211 hearing panel will be not less than three nor more than seven. The person appointing the
212 committee will designate one member to serve as chair.

213 **IV. REFERENCES**

214 The following were used in preparing PS No. 8: The Constitution of the United States; Title VI
215 of the Civil Rights Act of 1964 and regulations and guidelines issued by the Department of
216 Health, Education and Welfare; Title IX of the Educational Amendments of 1972 and regulations
217 and guidelines issued by the Department of Health, Education and Welfare; The Family
218 Educational Rights and Privacy Act of 1974 (The Buckley Amendment) and regulations and
219 guidelines interpreting and implementing this act issued by the Department of Health, Education
220 and Welfare; Section 504 of the Rehabilitation Act of 1973 and regulations and guidelines
221 issued by the Department of Health, Education and Welfare; General Order on Judicial
222 Standards of Procedure and Substance in Review of Student Discipline in Tax Supported
223 Institutions in Higher Education issued by the United States District Court for the Western
224 District of Missouri, sitting en banc - this general order outlines the requirements for due process
225 in the student-university relationship; Title IX Grievance Procedures Introductory Manual -
226 issued by the Department of Health, Education and Welfare.

**Appendix
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STUDENT APPEAL FORM***

Name _____ Student No. _____

Division _____ Curriculum _____

Advisor (See Item II, D. under General Provisions of the Appeal Program on page 2):

Name _____

Title or Relationship _____

List name and title of the University employee to whom the appeal was made at Step One and Step Two:

Step One: Name _____

Title _____

Step Two: Name _____

Title _____

Name/title of person to whom the Step Three appeal is being filed:

Name _____

Title _____

Statement of Appeal
(Action complained of)**

Relief (Resolution) Requested

Reasons Supporting Relief Requested

Student Signature _____ Date _____

*This form should be used only for Step Three appeals.

**If sufficient space is not provided, write "see attached" and attach your appeal statement written on 8 1/2 x 11 paper in accordance with the provisions of Step Three of the appeal procedure.