

# **Student Academic Rights**

## **(Board of Governors Policy D-15)**

### **Section 1. General.**

- 1.1. Scope. — Policy regarding academic rights and responsibilities of students.
- 1.2. Authority. — W. Va. Code §18-26-8
- 1.3. Effective Date. – September 5, 2003

### **Section 2. Academic Rights and Responsibilities of Students.**

- 2.1. The institutions and their constituent academic units shall define and promulgate the academic requirements for admission to the institution, for admission to limited enrollment programs and for admission to professional and graduate degree programs (where offered); the criteria for maintenance of satisfactory academic progress, for the successful completion of the program, for the award of a degree or certification, for graduation; the requirements or criteria for any other academic endeavor; and the requirements for student honesty and originality of expression.
- 2.2. A student, by voluntarily accepting admission to the institution or enrolling in a class or course of study offered by the institution, accepts the academic requirements and criteria of the institution. It is the student's responsibility to fulfill course work and degree or certificate requirements and to know and meet criteria for satisfactory academic progress and completion of the program.

### **Section 3. Academic Rights.**

- 3.1. Concomitant with the academic standards and responsibilities established pursuant to Section 3 of these rules, each student shall have the following academic rights:
  - 3.1.1. The student shall be graded or have his/her performance evaluated solely upon performance in the course work as measured against academic standards. The student shall not be evaluated prejudicially, capriciously, or arbitrarily. The student shall not be graded nor shall his/her performance be evaluated on the basis of his/her race, color, creed, sex or national origin.
  - 3.1.2. Each student shall have the right to have any academic penalty, as set out in Section 4.2 of these rules below and more specifically defined by his/her institution, reviewed.
  - 3.1.3. Each student shall have access to a copy of the college or university catalog or program brochure in which current academic program requirements are described (e.g., required courses, total credit requirements, time in residence requirements, special program requirements, minimum grade point average, probation standards, professional standards, etc). Students have the right to receive from the instructor written descriptions of content and requirements for any course in which they are enrolled (e.g., attendance expectations, special requirements, laboratory requirements including time, field trips and costs, grading standards and procedures, professional standards, etc.).
  - 3.1.4. The instructor of each course is responsible for assigning grades to students enrolled in the course, consistent with the academic rights set out in the preceding sections.

### **Section 4. Application of Policy to Students.**

- 4.1. Student — any person who has been admitted to an institution to pursue a course of study, research, or service, who is currently engaged in an institutionally sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or who yet has some right or privilege to receive some benefit or recognition or certification from the institution, under the Rules, Regulations, or policies of the Board of Governors or the institution.

- 4.2. A student, as defined in this policy, shall be subject to any applicable penalties for failure to comply with the academic requirements and standards promulgated by the institution and/or its constituent academic units according to Section 2.1 of these rules. Students are expected to adhere to these academic standards in all academic settings, classrooms, laboratories, clinics and any other activities which are part of academic requirements.

### **Section 5. Academic Requirements and Consequences of Failure to Meet Requirements.**

- 5.1. The institution and its constituent academic units shall define and promulgate the academic requirements, criteria and standards as set out in Section 2.1 of these rules above. Normally, students may finish a program of study according to the requirements under which they were admitted to the program. However, requirements are subject to change at any time, with reasonable notice provided to the students.
- 5.2. A student who fails to meet the academic requirements or standards, including those for academic honesty as defined by the institution and its constituent academic units according to Section 2.1 of these rules, may be subject to one or more of the following penalties:
- 5.2.1. A lower grade or failure of the course or exclusion from further participation in the class (including laboratories or clinical experiences), all of which may be imposed by the instructor.
  - 5.2.2. Academic probation as determined and defined by the institution and its constituent academic units.
  - 5.2.3. Academic suspension as determined and defined by the institution and its constituent academic units.
- 5.3. Academic dismissal is defined as termination of student status, including any right or privilege to receive some benefit or recognition or certification. A student may be academically dismissed from a limited enrollment program and remain eligible to enroll in courses in other programs at the institution, or a student may be academically dismissed from the institution and not remain eligible to enroll in other courses or programs at the institution.
- 5.4. A student may appeal any penalty according to the procedures in Section 6 of these rules below. Each institution and its constituent academic units shall determine and specify the point at which penalties, excluding those specified in Section 6.3.1 of these rules, may be imposed. Each instructor determines the point at which the penalties specified in Section 6.3.1 of these rules may be imposed. Each institution and its constituent academic units shall determine the method(s), if any, by which a student may correct the condition(s) leading to imposition of these penalties and thereby have them removed.

### **Section 6. Appeals.**

- 6.1. Each institution and its constituent academic units shall establish policies and procedures by which a student may appeal or challenge any academic penalties imposed by a faculty member or by the institution or one (1) of its constituent academic units, including those described in Section 5.2 of these rules above.
- 6.2. Additional procedures may include but not be limited to:
- 6.2.1. Appeals of a grade penalty or exclusion from class;
  - 6.2.2. Appeals of final course grades;
  - 6.2.3. Appeals of imposition of academic probation;
  - 6.2.4. Appeals of imposition of academic suspension;
  - 6.2.5. Appeals of dismissal from undergraduate programs;
  - 6.2.6. Appeals of dismissal from graduate programs;
  - 6.2.7. Appeals of dismissal from professional degree programs; and
  - 6.2.8. Appeals of dismissal from the institution.

- 6.3. Policies and procedures relating to appeals of academic penalties shall be governed by due process and shall include, as a minimum:
- 6.3.1. Written notice to the student (1) of his/her failure to meet or maintain an academic standard, (2) of the methods, if any, by which the student may correct the failure, and (3) of the penalty which may be imposed.
  - 6.3.2. An opportunity for the student to meet with the faculty member(s) or other individual(s) who have judged his/her performance to be deficient, to discuss with these faculty member(s) or other individual(s) the information forming the basis of the judgment or opinion of his/her performance, to present information or evidence on his/her behalf, and to be accompanied at any such meeting by an advisor of his/her choice from the institution. Such advisors may consult with but may not speak on behalf of their advisees or otherwise participate directly in the proceedings, unless they are given specific permission to do so by the individual or committee conducting the appeal.
  - 6.3.3. An opportunity for the student to appeal the decision or judgment of faculty members through the established institutional appeals procedure within thirty (30) calendar days after written notice of the decision or judgment.
  - 6.3.4. An opportunity to appeal to the president of the institution or his/her designee within thirty (30) calendar days after the receipt of written notice of the decision or judgment.
  - 6.3.5. The decision of the president or his/her designee regarding an academic appeal is final.

### **Section 7. Appeals Procedures for Academic Dismissal.**

- 7.1. The appeal will be subject to the following conditions:
- 7.1.1. The appeal must be filed within thirty (30) calendar days after written notice of the decision.
  - 7.1.2. The appeal to the appropriate academic officer or appeals committee is not adversarial in nature; the formal rules of evidence do not apply.
  - 7.1.3. The student may be advised by a person of his/her choice from the institution; likewise, the faculty member, academic officer, or committee recommending academic dismissal may have an advisor from the institution. Such advisors may consult with but may not speak on behalf of their advisees or otherwise participatedirectly in the proceedings, unless they are given specific permission to do so by the individual or committee conducting the appeal.
  - 7.1.4. Witnesses may be called by any of the parties involved.
  - 7.1.5. A record of the appeal shall be prepared in the form of summary minutes and relevant attachments and will be provided to the student upon request.
  - 7.1.6. The decision of the president or his/her designee regarding academic dismissal is final.

### **Section 8. Publication.**

- 8.1. All standards, criteria and procedures of the institution shall be published in one or more appropriate institutional publications such as catalogs, student handbooks, academic pamphlets, and handouts. Such requirements are subject to change with reasonable notice provided to the students.