

Retention and Termination Appeals Task Force

Draft of Recommendations

June 2021

Outline of this document

Background information [not to be included in the Graduate Catalog]

- Guiding Principles, included to enable consistent use of termination, retention, and appeal processes.
- Appendix B. Retention Policy Template
- Appendix C. Retention Appeal Form

Information

- Appendix A. Proposed Changes to Graduate Catalog of new Appeal Process [to be included in the Graduate Catalog and voted on by UCGS]

Guiding Principles

Principles of Termination

1. Given performance criteria differ by discipline, each program and/or college/school will establish its own termination policies.
 - a. Programs should accept responsibility for vetting applications to ensure the most due diligence in accepting the appropriate candidates into their programs then mentoring and coaching the students toward successful outcomes.
 - b. Programs will develop their own specific policies that should include essential functions (especially for professional programs) and grounds for dismissal. These standards must be made available to the students. Some programs may have more restrictive standards than others, and it is the student's responsibility to be aware of all policies.
 - c. We are providing a template of the process with minimum standards that must be used to help create consistency across UofM to support and ensure due process for students and programs (see below Appendix B). If your process deviates from this, share it with our legal department for review.
 - d. In setting your policies, consider the graduate definitions of termination for performance shown in the Graduate Catalog (see Appendix A).
 - e. All consideration should be given to clearly delineating performance expectations and documented routine performance reviews which allow a person not performing well to understand areas that require improvement.
 - f. Termination should be a last resort when other means of helping the student improve performance have failed.
 - g. Multiple levels of review of termination approvals are needed at the program/college level, which include a review by the student's advisor, department chair, and/or student review committees, ending with the college/school's Associate Dean (or Director) of Graduate Studies (depending on the appropriate position available within a given college or school), while also obtaining procedural input from the Associate Dean of the Graduate School.

Principles of Appeals

2. Given best practices and students' rights, students are provided an opportunity to appeal the termination decision.
 - a. Updates to the catalog include beginning the appeal process prior to termination itself being initiated. Thus an appeal should begin with the college/school's Dean or the Dean's designee because this starts the

process with someone who is close to the discipline and suggests that if s/he rejects the appeal, there was a basis for the rejection prior to the student appeal reaching the UCGS appeal committee.

- b. If there is no resolution after Dean or the Dean's designee level rejection of the appeal, the next level of appeal is to the UCGS Appeals Committee, whose decision is final.
- c. This process reduces the number of those making the termination decision from being party to the appeal process.
- d. The process proposed shortens the time a student will receive a final decision on their appeal outcome so they can move on with their future educational endeavors as appropriate.
- e. We propose updates to the Graduate Catalog that describe the new Student Termination and Retention Appeal process (see Appendix A).

Appendix A

<https://catalog.memphis.edu/content.php?catoid=23&navoid=1223&hl=appeal&returnto=search#appeals-procedures>

Students may be terminated from a graduate program based on: 1. academic or professional performance where termination from a graduate program does not terminate a student from the University and, therefore, students may be eligible to apply for alternative graduate programs; or 2. academic misconduct where students may be suspended or expelled from the University by virtue of an action of the Office of Student Accountability for conduct violations of the Student Code of Rights and Responsibilities. In such situations, suspension or expulsion from the University will result in automatic termination from the graduate program with no separate right of appeal. Please see the Office of Student Accountability website for more details.

Academic Performance Termination Procedures

Graduate Students may be terminated from a program for academic performance concerns such as a second comprehensive examination failure, unsuccessful defense of thesis or dissertation, grades below standard, or a second consecutive semester on academic probation. Students may also be terminated from a program by an action of a program retention committee or other program committee authorized to take action based on a student's failure to meet the program's published retention standards. All actions should be taken to assist the student to improve their performance before termination procedures are initiated. In the spirit of helping improve performance, the Advisor should inform the student of concerns about the student's performance prior to initiation of the internal review process.

If after following the internal process to improve performance and the college/school is progressing toward termination, the following procedures should be followed for notifying students of termination:

1. An internal group/panel should be assembled within a program to review the recommendation for termination. The internal group/panel may include, but is not limited to, the Advisor, Graduate Coordinator, Department Chair, and/or an existing Program Retention Committee who will review the recommendation for termination. The exact composition of the internal group/panel is to be decided by each program.
2. Programs/Colleges/Schools need to document the process using the Termination Form **currently being created** and retain supporting documentation that clearly demonstrates the need to terminate.
3. If approved by the internal group/panel in #1 above, the Associate Dean / Director for Graduate Studies for the student's College or School sends the completed Termination Form and supporting documentation to the Associate Dean of the Graduate School regarding the impending recommendation for termination.
4. For procedural guidance, the Associate Dean of the Graduate School or designee reviews the recommended request for termination (The Termination Form) and provides procedural and policy-related feedback as warranted.
5. The Dean of the School/College reviews and renders a final decision on the termination. If the decision is to terminate, the Dean of the School/College sends a letter of termination to the student and copies the Advisor, the Graduate Coordinator, Department Chair, Associate Dean / Director for Graduate Studies, Dean of the Graduate School, and any other relevant party.

6. If a student is dismissed from a graduate program, he or she may be considered for a non-degree graduate program or they may apply to a different graduate program. (If the student cannot maintain a 3.0 cumulative GPA the student is not eligible for non-degree. <https://catalog.memphis.edu/content.php?catoid=23&navoid=1215>)

Appeals Procedures for Academic Performance Terminations

Any graduate student has the right to **appeal** grade and retention decisions made by the academic department, program, or college/school in the implementation of University policy.

NOTES:

1. "Business days" excludes Saturday, Sunday, and administrative holidays.
2. The summer sessions are considered as one term for **appeal** purposes.
3. The Graduate **Appeals** Committee shall be composed of a chair (who is non-voting), seven members, and three alternates constituted as follows:

The chair is designated by the Dean of the Graduate School who is non-voting and selected from the graduate faculty; two committee member and one alternate are selected from the graduate faculty by the Dean of the Graduate School; two committee members and two alternates are selected from the graduate faculty by the University Council for Graduate Studies; three student members and one alternate are selected by the Dean of the Graduate School.

Requirements of being on graduate appeals committee:

1. Must be available during the Summer semester.
2. Those who are connected to the student's department must recuse themselves from participating in the appeals process.

Grade Appeals

[No changes proposed – this section intentionally removed for review purposes to focus on retention and termination topics]

Retention Appeals

Any action related to the retention standards of the program for which the student is terminated from their graduate program may be appealed by the student pursuant to this policy. Reasons for appealing include: (a) New information, not available at the time of termination recommendation, has become available which would substantially alter the outcome of the termination decision, (b) The academic department or college/school failed to conduct the termination process fairly or violated its procedures in such a way as to disadvantage the terminated student, (c) The decision of the academic department or college/ school is arbitrary in relation to academic and professional performance requirements of the student's academic program. **Appeals** and time limits below are to be followed, and hearings on **appeals** convened only during periods in which the academic units of the University are in session.

Step 1

- A. **Time Limitation:** Five (5) business days following the date the termination notice was received.
The student may file a written **appeal** with the Dean's office of the College/School in which the student is enrolled using the Retention Appeal Form provided by the Graduate School. In the written appeal statement, the student must clearly state the reasons why the decision is being appealed, the facts and circumstances supporting the appeal reason, and the remedy or remedies requested. This appeal statement will become the only basis for all further consideration of the appeal. See guidance on how students should document their appeal in the Retention Appeals Form.
- B. **Time Limitation:** Ten (10) business days following receipt of the **appeal**.
In considering the appeal, the Dean or Dean's designee of the College/School may meet with the graduate program director, the student's advisor, the Associate Dean / Director of Graduate Studies, and the student, as necessary. The Dean or Dean's designee of the College/School will notify the student in writing of the Dean's or

Dean's designee's decision and reasons supporting the decision. If the Dean or Dean's designee upholds the termination decision, the decision will become final unless the student appeals under the Step 2 provisions within the prescribed timeframe.

Step 2

- A. **Time Limitation:** Five (5) business days following Step 1.
The student may appeal the Dean's or Dean's designee decision by filing, with the Associate Dean of the Graduate School or designee, a request for a hearing before the University Graduate Appeals Committee. The written request for a hearing must state the reason why the student believes the Dean's decision was in error and provide a copy of all documents submitted to the Dean in Step 1. Upon receipt of a Step 2 appeal, the Associate Dean of the Graduate School or designee will notify the graduate program and request a response to the appeal, including copies of correspondence and any other supporting documentation that led to the dismissal, to be provided within five (5) days.
- B. **Time Limitation:** Five (5) business days following the receipt of the appeal materials by the Graduate School. The Associate Dean of the Graduate School or designee shall forward the appeal and all documentation to the chair of the Graduate Appeals Committee for distribution to the members of the Committee for consideration.
- C. **Time Limitation:** Five (5) business days following the receipt of the appeal materials by the Committee. If the Graduate Appeals Committee finds that the appeal does not merit a hearing, the student's appeal is denied, and all concerned parties shall be notified by the Associate Dean of the Graduate School or designee.
- D. **Time Limitation:** Twenty (20) business days following the receipt of the appeal materials by the Committee. If the Committee finds the appeal merits a hearing, the Committee shall notify the Associate Dean of the Graduate School or designee. The Associate Dean of the Graduate School or designee will then notify the student, department chair, and college Associate Dean / Director of Graduate Studies and will provide information regarding the hearing process, including the option of the student bringing an advisor to the hearing and the ability to meet online if remote access is needed. A hearing will be scheduled in which the student, department chair (or designee), and Associate Dean / Director of Graduate Studies (or their designees) are invited to present their cases before the Graduate Appeals Committee. All efforts will be made to schedule the hearing at a mutually agreeable time and within a reasonable time after receipt of the appeal, but no later than twenty (20) business days after receipt of the appeal absent extenuating circumstances.
- E. **Time Limitation:** Five (5) business days following the hearing. The Graduate Appeals Committee will report their decision to the Associate Dean of the Graduate School or designee who will notify the student, department chair, and Associate Dean / Director of Graduate Studies in writing.
- F. **Time Limitation:** Five (5) business days following the Committee's decision. If the Graduate Appeals Committee finds that the student should be reinstated, it shall be empowered to reinstate the student. The Associate Dean of the Graduate School or designee will notify all concerned parties, including the student, their department, and the Associate Dean / Director of Graduate Studies in writing of the decision and reasons supporting the decision. Reinstatements may be subject to conditions as imposed by the Graduate Appeals Committee, including participation in a remediation plan.
- G. If the student believes administrative or procedural oversights occurred during the appeal process that adversely affected the student's case, the student can consult the Dean of the Graduate School who will confer with the Graduate Appeals Committee prior to their making a final decision.

H. The decision of the Graduate Appeals Committee will be final.

Academic Misconduct

Graduate students at the University of Memphis are expected to observe the regulations and policies that govern the behavior of students as members of this academic community. These regulations and policies are published in the Code of Student Rights & Responsibilities. In particular, graduate students should become familiar with the University's policies on plagiarism in its various forms. Furthermore, term papers may not be used to meet the requirements of more than one course unless approved in advance by both instructors.

The University of Memphis Code of Student Rights & Responsibilities defines academic misconduct as all acts of cheating, plagiarism, forgery, and falsification.



The term plagiarism includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full or clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

Academic misconduct also includes furnishing false information to a University official, faculty member, or office; or the forgery, alteration, or misuse of any University document, record, or instrument of identification. The Office of Student Accountability addresses allegations of academic misconduct.

Academic Probation

A graduate student whose cumulative grade point average drops below 3.00 will be placed on probation. A second consecutive semester on probation can result in suspension. Conditions under which continuation in the Graduate School beyond two consecutive semesters on probation will be granted must be recommended by the academic unit program directors/ coordinator of the program and approved by the director of graduate studies in the student's college and the Dean of Graduate School.

If, in the opinion of the academic unit, and the Graduate School, a degree-seeking student is not making satisfactory progress toward degree completion, the student may be dismissed from the degree program. If, in the opinion of the academic unit in which the student is enrolled in coursework, and the Graduate School, a non-degree-seeking student is not making satisfactory progress toward licensure, certification, or program admission, the student may be dismissed from their graduate program.

Text Color Coding Key

Red: Required language for all retention policies

Blue: Language and/or titles to be determined by the program

Brackets: [sample language]

Appendix B

Retention Policy Template

The [name of program] endeavors to admit qualified students and foster their development, assisting all admitted students with becoming high performing students and eventually [degree program outcome, e.g. ethical social workers, qualified psychologists]. However, the program also has a responsibility to balance the program faculty's commitment to student development with the [name of program] professional and academic standards. Therefore, student retention is based upon the academic and professional judgement of the program faculty responsible for the evaluation of the student's performance. In accordance with the provisions of the Graduate Catalog, the Program has developed retention standards to address students who may be struggling with academic, ethical or non-academic development and/or behavior challenges that impedes professional performance. In addition to the bases for dismissal listed in the Graduate Catalog, students may be considered in violation of the program retention standards and subject to dismissal for the following non-exhaustive list of reasons:

1. Failure to maintain a minimum academic grade point requirement of [program requirement].
2. Failure to adhere to the professional and/or ethical standards of [name of ethical code or accrediting body professional standards].
3. Failure to possess the necessary clinical ability to perform adequately in the profession.
4. Failure to meet established [technical standards/professional dispositions].
5. Failure to make continuous progress toward degree completion including insufficient progress toward the goal of attaining necessary [clinical/professional] ability.
6. [Any other applicable criteria, e.g. HIPAA.]

RETENTION EVALUATION AND DISMISSAL PROCESS

Evaluation:

Each program will have a written process for evaluating students for adherence/compliance to the retention standards. Programs with existing evaluation forms, remediation plans, or disposition tools should detail that information here. Sample language is provided if the program doesn't currently have a written process.

[Simple language: Students who fail to meet retention standard(s) will typically be notified of the violation(s), if feasible, and provided an opportunity to address the violation.]

[Advising language: Advisors will monitor each student's adherence to the retention standards and will discuss with the student any failure to meet or attain satisfactorily progress toward meeting the standards. Program faculty are responsible for notifying advisors of any issues related to the Program retention standards. [describe your program's process for advising meetings, e.g. end of semester meeting with students not meeting standards, quarterly check ins, etc.]]

Dismissal

If there are other internal processes for review of the dismissal prior to the appeal level, then programs should detail them here. **However, please note that no further process is required as long as the program has followed the evaluation process and if applicable, given the student the opportunity to improve.** Following is sample language.

If a student fails to improve, remediate or otherwise satisfactorily address the violation(s), [program faculty/the student's advisor] may make a recommendation for dismissal from the program to the [Program Coordinator/Chair or other person

in department responsible for receiving the recommendation]. A student will be given written notice of dismissal by [Dean of the College/School or designee] which shall state the reason(s) for dismissal and will include any supporting documentation.

[Meeting/hearing with the student: Within five (5) class days of the notice of dismissal, a student who disputes the reason for the dismissal must contact the [responsible party] to request a meeting with [Committee Chair/Name of Committee] to contest the reasons for dismissal. A meeting will be scheduled with the student within a reasonable time period, but no later than fifteen (15) class days after receipt of the dispute, to allow the student to dispute the dismissal. The student may be accompanied at the meeting by a non-participatory advisor of their choosing. A student's failure to dispute the dismissal within the fifteen-day timeframe will result in the decision becoming final with no further program review. Students may then exercise any rights available to them by the Graduate Catalog appeals provisions.

Note: Departments choosing to convene committees and meeting with students in the form of a "hearing" should employ the following practices. It should be ensured that any information to be reviewed at the hearing is provided to the student in advance and a record maintained of what was provided. The department should be clear about who is allowed to attend the hearing and maintain a roster/record of those attending. Students should be allowed to bring a non-advocate advisor – who can sit quietly and advise the student but not participate. Departments should be able to articulate their method for decision making – majority vote, unanimous vote, etc.]

[No meeting/hearing with student: A student who disputes the dismissal may submit a request for review to [Committee Chair/Name of Committee] within five (5) class days of receiving the notice of dismissal. The request for review must be in writing and contain the reasons why the student believes the decision was unwarranted. The [Committee Chair/Name of Committee] will provide a response to the student within fifteen (15) class days of receipt detailing whether the decision to dismiss is supported or has been referred for alternative action. If the [Committee Chair/Name of Committee] supports the decision of dismissal, then the student may exercise his/her rights under the Graduate Catalog appeals provisions.]

Appendix C

Retention Appeal Form

THE UNIVERSITY OF MEMPHIS Graduate School Graduate School FedEx Institute of Technology Building, Suite 201 The University of Memphis Memphis, TN 38152 Phone: (901) 678-3685	GRADUATE SCHOOL GRADUATE STUDENT RETENTION APPEAL FORM
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Name:

UID:

PhoneNumber:

Email:

Any graduate student has the right to appeal termination decisions made by the academic department or college/school. A student may appeal on the following grounds: (a) New information, not available at the time of termination advising, has become available which would substantially alter the outcome of the termination decision. (b) The academic department or college/school failed to conduct the termination process fairly or violated its procedures in such a way as to disadvantage the terminated student. (c) The decision of the academic department or college/school is arbitrary in relation to academic performance requirements of the student's academic program.

The following information is required:

a) Is your appeal based on new information (Y/N)?

What new information, not available at the time of your termination, has become available which would substantially alter the outcome of the termination decision?

b) Are you appealing on the basis that the academic department or college/school failed to conduct the disciplinary process fairly, or violated its procedures in such a way as to disadvantage you (Y/N)?

How did the academic department or college/school fail to conduct the disciplinary process fairly, or violated its procedures in such a way as to disadvantage you? Please explain.

c) Are you appealing on the basis that the decision of your academic department and college/school is arbitrary in relation to your academic performance (Y/N)?

How, specifically, was the academic department or college/school arbitrary in relation to your academic performance? Please explain.

Please attach any documentation that can support your appeal.