



The College at
BROCKPORT
STATE UNIVERSITY OF NEW YORK

POLICY TITLE: Attendance Policy Appeal Process

OVERVIEW: Under certain conditions, students can appeal a faculty decision on enforcement of the attendance policy.

OFFICE/DEPARTMENT RESPONSIBLE: Vice Provost for Academic Affairs

DATE UPDATED: Spring 2007

Attendance Policy Appeal Process

The student shall discuss the attendance issue informally with the instructor who enforced the attendance policy. The student must confer with the chair of the department if the instructor is off campus or otherwise unavailable. The department chair will attempt to contact the instructor, or, failing that, to ascertain the facts of the case.

I. Step 1

By mid-semester of the next regular semester, the student, after having conferred with the instructor and not receiving satisfaction, shall initiate the Attendance Policy Appeal Process by preparing a written statement, which shall meet the following criteria:

- A. It sets forth the student's case in detail.
- B. It indicates the date on which the student conferred with the instructor.
- C. It sets forth the reasons why the student believes the attendance policy was unfairly enforced.
- D. It includes all relevant supporting materials, documents, evidence, etc., identified and listed in an index.

The student shall submit complete copies of the written statement and all attachments to the chair of the department that offered the course in question and to the instructor. In an effort to resolve the matter, the chairperson shall carefully review the student's written statement and confer with the student and the instructor, individually, and/or together. The chairperson will review the material provided by the student and may also employ other means to review and investigate the matter.

II. Step 2

- A. If the matter is not resolved to the student's satisfaction in Step 1, the student may write the vice president for academic affairs and request a hearing, forwarding the documentation as outlined above. The vice president for academic affairs shall assign a dean to convene a hearing by a panel of three faculty members. These three faculty members must be acceptable to the student, the instructor and the dean. If an acceptable

panel cannot be agreed upon, then the dean and the president of the College Senate or their designee shall prepare a list of seven faculty members and the student and the instructor shall alternately strike names until three names are left.

- B. The panel shall meet and solicit a response from the instructor regarding her/his application of her/his attendance policy and the student's case against her/his attendance policy. The panel members will familiarize themselves with the attendance policy for the course. Their concern shall be limited to consideration of the fairness of the application of the attendance policy and whether the attendance policy was known to the student in a reasonable manner and as required by the College policy. The burden of proof shall be on the student, who may be asked to appear before the panel.
- C. If, in the opinion of a majority of the panel members, no case can be made, the original application of the attendance policy will remain in effect. If they find the attendance policy was not made known to the student as required by College policy or was unfairly applied, they may recommend a different outcome and give their reasons for so recommending. The panel shall report its findings in writing to the student, the instructor, the dean and the vice president for academic affairs.
- D. If the panel recommends a different outcome, the instructor shall have ten (10) working days from the receipt of the panel's report to implement the recommendation of the panel or appeal the decision to the vice president for academic affairs.
- E. Either the student or the instructor may appeal to the vice president for academic affairs when:
 - 1. There is substantial new evidence;
 - 2. There is clear evidence of substantial irregularity on the part of the panel.

If the vice president for academic affairs supports the appeal, s/he will convene a new panel, whose decisions are final.

- F. If the panel recommends an alternative solution and the instructor does not appeal, or, upon appeal, is denied, the vice president for academic affairs will instruct the appropriate administrative office to implement the recommendation of the panel.