

Council on Postsecondary Education
September 14, 2012

Statewide General Education Transfer Appeals Process

<p>ACTION: The staff recommends that the Council approve the Statewide General Education Transfer appeals process as required by KRS 164.2951.</p>

KRS 164.2951 (2 (m)) authorizes the Council on Postsecondary Education, in collaboration with the public universities and community and technical colleges, to establish an appeals process to resolve disagreements between transferring students and receiving educational institutions regarding the transfer and acceptance of general education credits earned at another institution. Council staff worked with the Statewide Transfer Committee and the Council of Chief Academic Officers to develop this process (see attached).

This process allows either a sending institution or a student to initiate the statewide appeals process if credit is denied following the receiving institution's internal appeals process. An ad hoc committee of the Statewide Transfer Committee will be convened by the Council's senior vice president for academic affairs. This subcommittee will make a recommendation to the Statewide Transfer Committee to either uphold the receiving institution's decision to deny the transfer credit in question or require the acceptance of the transfer credit in question by the receiving institution.

If the receiving institution disagrees with the decision of the Statewide Transfer Committee, the receiving institution may appeal that decision to the Council's senior vice president for academic affairs. The senior vice president can either uphold the decision of the Statewide Transfer Committee and require the receiving institution to abide by that decision or overturn the decision, in which case the receiving institution is not required to implement the committee's decision.

Statewide General Education Transfer Appeals Process

I. Introduction

This document describes procedures, created by the Council on Postsecondary Education (the Council), in collaboration with the public universities and the Kentucky Community and Technical College System, which deal with disagreements related to the transfer of general education credits as detailed in the [General Education Transfer Policy and Implementation Guidelines](#).

II. Definitions

A **transfer student** is a student who transfers credit from one Kentucky public higher education institution (sending institution) to another Kentucky public higher education institution (receiving institution) with the intention of completing their educational program at the receiving institution.

A **sending institution** refers to the Kentucky public institution of higher education of most recent previous enrollment by a transfer student at which transferable academic credit was earned.

A **receiving institution** refers to the Kentucky public institution of higher education at which a transfer student currently desires to enroll or is enrolled.

A **Transfer Policy Liaison** refers to the person at each Kentucky public institution of higher education who serves as a central point of contact for students wishing to appeal the transfer of general education credit(s). This person must be well versed in details of the [General Education Transfer Policy and Implementation Guidelines](#) and is responsible for corresponding with students regarding institutional and statewide transfer appeals processes.

III. Statutory Authority

[KRS 164.2951 \(2 \(m\)\)](#) authorizes the Council on Postsecondary Education, in collaboration with the public universities and community and technical colleges, to establish an appeals process to resolve disagreements between transferring students and receiving educational institutions regarding the transfer and acceptance of general education credits earned at another institution.

IV. General Education Statewide Transfer Appeals Process

Student transfer is a critical part of Kentucky's efforts to build a seamless postsecondary system and increase the number of Kentuckians holding a baccalaureate degree. A statewide transfer appeals process provides students a clear path for petitioning disputes regarding general education transfer decisions.

A. Background

The first statewide [General Education Transfer Policy](#) was created by the Kentucky Council on Higher Education, in collaboration with public universities and the University of Kentucky Community College System, and implemented in the spring 1996 semester. The policy focused on the similarities in outcomes of general education programs across institutions and facilitated block transfer of credit by establishing a 33-hour general education transfer component consisting of five categories of instruction. According to the policy, “A student appeals process will be developed as part of the implementation process. At a minimum, it will provide for institutional review of transfer decisions governed by institutional policies and the statewide General Education Transfer Policy. A second state-level review will be available for transfer decisions governed by the statewide General Education Transfer Policy.”

The Council on Postsecondary Education, in collaboration with the public universities and the Kentucky Community and Technical College System, revised the [General Education Transfer Policy](#) for the spring 2005 semester. Revisions to the policy included changes to the levels of certification and the implementation of automatic transfer certification for all students requesting transcripts to be sent to any Kentucky public postsecondary institution. The guidelines for student appeal of transfer decisions remained largely unchanged: “A student appeals process will be in place on each institution’s campus. It will provide for institutional review of transfer decisions governed by institutional policies and the Statewide Transfer Committee. A second state-level review will be available for transfer decisions governed by this committee.”

The next revision of the [General Education Transfer Policy and Implementation Guidelines](#) occurred following the passage of KRS 164.2591, with an effective date of fall 2012. Major revisions involved the identification of the competencies and student learning outcomes of five categories of courses and the requirement that courses be accepted for transfer and degree credit, whether earned as individual courses or within block programs. The policy stipulates that an appeals process be in place on each institution’s campus and a second state-level review, governed by the Statewide Transfer Committee, be made available. This statewide general education transfer appeals process is described below.

B. Principles

- 1. Each institution must establish a transfer decision appeals procedure.** Each public institution must have an established process for students to appeal decisions regarding transfer of general education credits. This process shall be well publicized and address the communication of the decision and timelines for the process.
- 2. Each institution must designate an entity with final authority for general education transfer decisions.** Each public institution will designate a person or committee with final institutional authority on the transferability of general education courses at the institutional level.
- 3. Each institution must designate a Transfer Policy Liaison.** Each public institution shall designate a Transfer Policy Liaison for the purposes of this statewide appeals process. The liaison should be knowledgeable of the General Education Transfer Policy and Implementation Guidelines and will guide and assist students through the statewide appeals process. The liaison need not have dispositive authority with regard to the transferability of general education courses at the institution nor must his or her official title be “Transfer Policy Liaison.” Each institution will publicize the contact information for the liaison on its website, in its catalog, and in transfer-related publications.

C. Procedures

1. **Receiving Institution Denies Credit.** If a receiving institution makes a decision to deny the transfer of any general education credit, the Transfer Policy Liaison of the receiving institution will promptly inform the student of this decision in writing and will also apprise the student of the receiving institution's appeals process.
 - a. The student may accept the decision, and the transfer credit in question is not granted by the receiving institution; or
 - b. The student may disagree with the decision and initiate the institutional appeals process at the receiving institution.
2. **Institutional Appeals Process at Receiving Institution.** A student who wishes to appeal a decision regarding the transfer of general education credit must file an appeal with the Transfer Policy Liaison of the receiving institution, according to the appeals procedure established at the receiving institution.
3. **Receiving Institution Follows Institutional Appeals Process and Sends Notification of Decision.** After following its institutional appeals process, the receiving institution will notify, in writing, the student, the Transfer Policy Liaison at the sending institution, and the Transfer Coordinator at the Council on Postsecondary Education of the receiving institution's appeal decision.
 - a. The student may accept the receiving institution's appeals decision, at which point the process ends; or
 - b. The student may disagree with the receiving institution's appeals decision and petition the sending institution to consult with the receiving institution on the student's behalf. Such a petition must be lodged within ten (10) days of receiving the result of the institutional appeals decision. The sending institution may choose to consult with the receiving institution on behalf of the student (Step 4), or may decline to do so. In the latter case, the student may then choose to lodge a statewide appeal (Step 6). In either case, the Transfer Policy Liaison at the sending institution will communicate its intentions (i.e., whether or not it chooses to consult with the receiving institution) to the student and the receiving institution within ten (10) days of receiving such a petition from the student.
4. **Sending and Receiving Institutions Consult.** Should the sending institution believe (whether or not a formal request from the student has been lodged under Step 3b) that a violation of the General Education Transfer Policy and Implementation Guidelines has occurred, the sending institution's Transfer Policy Liaison may consult with the receiving institution's Transfer Policy Liaison on behalf of the student, in an attempt to resolve the disagreement. The sending institution must initiate such a consultation within ten (10) days of the receipt of the receiving institution's appeal decision, or a petition from the student under Step 3b, as appropriate. The receiving institution will inform the student and the Transfer Coordinator at the Council on Postsecondary Education of the results of this consultation within ten (10) working days of its initiation. If, after consultation,
 - a. The sending institution and the receiving institution agree that the general education transfer credit in question should be accepted, the student and the Transfer Coordinator at the Council on Postsecondary Education will be notified in writing and the process ends; or

- b. The sending institution and the receiving institution do not come to an agreement about the transfer of the general education credit in question, the sending institution will initiate the statewide appeals process on behalf of the student (see Step 5); or
 - c. The sending institution and the receiving institution agree that the credit in question should not transfer, the student and the Transfer Coordinator at the Council on Postsecondary Education will be notified in writing. The receiving institution will then provide the student information regarding the statewide appeals process, which the student may then choose to initiate (see Step 6).
5. **Sending Institution Requests Statewide Appeal.** If, following Step 4b, the Transfer Policy Liaison at the sending institution continues to believe that a violation of the General Education Transfer Policy and Implementation Guidelines has occurred, the Transfer Policy Liaison at the sending institution may initiate the statewide appeals process (Step 7). The written request must be submitted to the Council's Transfer Coordinator within ten (10) working days of the failure to reach agreement through consultation. The appeal must include:
 - A detailed history of the dispute; and
 - Supporting documents, including course(s) description or syllabus, and student learning outcomes of the course(s) in question.
6. **Student Requests Statewide Appeal.** If, following Step 4c, the student continues to believe that a violation of the General Education Transfer Policy and Implementation Guidelines has occurred, the student may initiate the statewide appeals process (Step 7). A written request must be submitted to the Council's Transfer Coordinator within ten (10) working days of the notification of the agreement of the sending and receiving institutions not to allow the transfer. The appeal must include:
 - A detailed history of the dispute; and
 - Supporting documents, including course(s) description or syllabus, and student learning outcomes of the course(s) in question.
7. **Statewide Appeal Process Begins.** Upon receipt of an appeal from either the sending institution (Step 5) or the student (Step 6), the Senior Vice President of Academic Affairs will notify all other parties of the appeal. The receiving and sending institutions may then offer further supporting evidence and arguments within ten (10) days of being notified; these will be provided to the *ad hoc* subcommittee.
8. **Ad Hoc Subcommittee Is Created and Convened.** The Senior Vice President for Academic Affairs at the Council will convene an *ad hoc* appeals subcommittee of the Statewide Transfer Committee. The subcommittee will be composed of three members of the Statewide Transfer Committee and will be appointed by the Senior Vice President of Academic Affairs. No member of the subcommittee may be from an institution involved in the appeal. The appeals subcommittee shall evaluate the rationale for the appeal and any supporting materials provided by the appellant, the receiving institution, and/or the sending institution. Faculty with expertise relevant to the course(s) contested will be consulted. The subcommittee will make a recommendation to the Statewide Transfer Committee either to:

- a. Uphold the receiving institution's decision to deny the transfer credit in question; or
 - b. Require the acceptance of the transfer credit in question by the receiving institution.
9. **Statewide Transfer Committee Makes Decision and Informs All Parties.** After considering the recommendation of the *ad hoc* appeals subcommittee, the Statewide Transfer Committee shall make a determination regarding the disposition of the appeal. The Council's Transfer Coordinator will inform both institutions and the student of the Statewide Transfer Committee's determination, in writing, within thirty (30) days of the initiation of the statewide appeals process.
 - a. If the receiving institution accepts the decision of the Statewide Transfer Committee, the process ends; or
 - b. If the receiving institution disagrees with the decision of the Statewide Transfer Committee, its Transfer Policy Liaison can appeal to the Senior Vice President for Academic Affairs at the Council.
10. **Receiving Institution Appeals Statewide Transfer Committee Decision.** If the receiving institution disagrees with the decision of the Statewide Transfer Committee, the receiving institution may appeal that decision to the Senior Vice President of Academic Affairs of the Council on Postsecondary Education, in writing, within ten (10) days of receiving the decision of the Statewide Transfer Committee. The Senior Vice President of Academic Affairs, consulting all documentation provided through the statewide appeals process, will make a final determination, to either:
 - a. Uphold the decision of the Statewide Transfer Committee and require the receiving institution to abide by that decision; or
 - b. Overturn the decision of the Statewide Transfer Committee, in which case the receiving institution is not required to implement the committee's decision.
11. **Record of Decisions Is Made Available upon Request.** A record of general education transfer appeals decisions will be maintained by the Council. This record, with student identifiers removed, will be made available to Kentucky public postsecondary institutions upon request, and pertinent records may be disseminated as appropriate.
12. **Precedent Can Be Invoked.** In the event that the circumstances of a given appeal appear identical to those in a previous appeal (as evidenced by the records maintained according to Step 11), any party (student, receiving institution, or sending institution) may, at any step in the process, petition the Statewide Transfer Committee to inform all parties accordingly. Thereafter,
 - a. All parties will agree that the case will be resolved according to precedent; or
 - b. Any party that wishes to challenge this precedent may appeal to the Senior Vice President for Academic Affairs at the Council, whose decision, after consultation with appropriate parties, shall be final.
 - c. In the event that a ruling under 12 negates a previous precedent, such a ruling also nullifies the precedent for the case in question.