

# APPEALS DAY

## A Study of Academic Justice

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IT IS WELL ESTABLISHED THAT educational attainment is related to career opportunities. Increasingly, society is requiring highly trained personnel for more complex jobs. A college education is becoming an essential part of the normal preparation for many occupations.

Society encourages youth to aspire to these jobs partially through an ideology of equal opportunity for education. Clark<sup>1</sup> states that the ideology of equal opportunity, "strictly interpreted, . . . means selection according to ability, without regard to extraneous considerations. Popularly interpreted, however, equal opportunity in obtaining a college education is widely taken to mean unlimited access to some form of college." Therefore, according to popular reasoning, to deny a youth access to a college, even for past poor academic performance, is to deny him equal opportunity for education.

Many public universities, in submission to this ideology, have adopted an open door admissions policy. Yet at the same time, to protect their academic standards, they utilize a formal suspension procedure which structures the failure of low achieving students.

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1. B. R. Clark, *The "Cooling-Out" Function in Higher Education*, 65 AM. J. SOCIOLOGY 570 (May 1960).

Although the procedure investigated in this study took place within the Liberal Arts College of a state university, it is definitely legal in nature. For, in the process of attempting to educate youth, there is no denying that universities have become legal-governmental bureaucracies. Apart from those regulating employees, there are vast numbers of formal rules and policies regulating the academic and non-academic conduct of so-called student wards.

In the academic sphere, these rules and policies are frequently promulgated by academic deans, departmental faculty committees, and interdepartmental faculty committees. This college had a policy book of over 100 pages of regulations supplementing those in the college's own catalogue. These rules were interpreted to students by academic deans and faculty advisors representing most of the departments of the college. The role of these deans and advisors was like that of a legal counselor.

The present study is an examination of a judicial procedure called Appeals Day, employed at the college to deal with students who have been dropped or suspended for low grades. The student is allowed a hearing soon after the semester is over to determine whether he should be permitted to continue at the university the following semester or should wait out the prescribed suspension period. At stake is the student's college career and, in time of war, perhaps his life.

#### DESCRIPTION OF APPEALS DAY<sup>2</sup>

The official college bulletin contains a probation schedule stating that students will be automatically dropped (suspended) from school for low grades. This schedule provides that if a student receives a semester grade-point average (GPA) below 2 points on a 4 point scale, he will be automatically dropped if he previously had: (a) two semesters below 2.0 GPA but above 1.5, or (b) one semester below 1.0 GPA, or (c) a previous drop. Also, a student will be dropped if he receives a semester GPA below 1.5 and previously had one semester GPA below 2.0.

There are four drop categories of differing time periods. A first drop results in suspension for one year. A drop after being advised to withdraw is for one and a half years. (Students are advised to withdraw if they

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2. Most of the descriptive material in this section came from an interview with the associate dean and from the materials he made available. Also, the senior author was a faculty judge in the proceedings.

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receive a semester GPA below 1.0.) A second drop is suspension for three years and a third drop is permanent suspension.

Except for students receiving permanent suspension, all dropped students have the right to appeal.<sup>3</sup> Students are informed of the right to appeal in the letter informing them that they have been dropped. Exercise of this right is at the student's option. If a dropped student elects to appeal and is allowed to continue, he can immediately resume his course of study. However, the drop action remains on his record. If the student's appeal is denied, he waits out the suspension period the same way as those who did not appeal.

When a dropped student appeals, he makes an appointment at the Office of the Associate Dean of the college. There he is told to prepare a one-page statement specifying the reasons why suspension should be waived in his case. He brings this statement with him on Appeals Day. He is also advised that he may bring his parents or other persons with him.

The Appeals Day judges are academic deans and faculty members drawn from the major disciplines within the college. For the particular Appeals Day when data were collected, the group consisted of twenty-eight faculty members and seven deans. The Day is divided into morning and afternoon proceedings.

During the morning session, appeals are heard on a one-to-one basis. Each judge hears an average of six appeals and makes a decision on each appeal. The judges have private offices in groups of five with a common waiting room and a secretary-usher for each group. The student-appellant's appointment directs him to the waiting room of one group of judges. This assignment is made by secretaries whose only concern is to make an equal distribution of students to judge groups. There was no indication that the assignments were anything but random. After the appellant is in the waiting room, he is assigned to any judge who is free at the time.

When an assignment to a particular judge is made, the usher takes the student's academic file, including the student's appeal letter, into the judge. The judge spends five to ten minutes appraising the contents of the letter and the file. He then has the usher bring the appellant in for a conference. The judge interviews the appellant, usually for fifteen to twenty minutes. He then informs the student of his decision and

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3. Students who are dropped in the semester prior to their graduation but who have otherwise met the graduation requirements are graduated without appeal.

notes this decision on an appeal disposition card which is placed in the student's file. Where the judge decides to readmit the student, his decision is final. If the decision is to deny readmission, the judge informs the student of his right to appeal further and notes on the disposition card whether the student will reappeal or not.

The usher is called in and escorts the student to the dean's office where arrangements are made for readmission, reappeal, or withdrawal. The judge keeps an especially prepared appeal summary sheet upon which he notes the disposition of the case: readmission; deny readmission, no further appeal; or deny readmission, further appeal. He also uses this sheet to make comments about the student or the interview. However, he is not required to state the reasons for his decision. The appeal summary sheet is given to the usher as the next student's file is brought in.

Second appeals are heard in the afternoon by three-man committees formed among the twenty-eight faculty members. There is procedural fairness because appellants are never assigned to a committee containing judges who heard their earlier appeal.

In the afternoon session, deans present the appellant to the committee. In the appellant's presence, the dean, using the student's file, summarizes the student's academic record for the committee. The committee receives the file and interviews the appellant. When the interview is completed, the student is directed to an adjoining room. The committee then discusses the case and makes a decision by majority vote. The dean does not participate either in the interview of the appellant or in the decision-making. When the decision is reached, the dean goes to the waiting room and informs the student of the final decision.

In a briefing prior to the hearings with students, judges were advised by the associate dean that "you are free to readmit or deny readmission on any basis you may consider appropriate. Likewise, committees considering appeals are free to act without concern for precedent." However, the judges were provided with a set of suggested guidelines for decision-making.<sup>4</sup> The guidelines were grouped under two headings.

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#### GUIDELINES FOR APPEALS

You are free to readmit or deny readmission on any basis you may consider appropriate. We will, however, consider some guidelines during the briefing session. Broadly speaking, there are two basic considerations: (1) the likelihood of the student's completing the second semester successfully; and (2) whether or not the person deserves to continue in view of the particular set of circumstances in which he finds himself.

*[footnote continued on next page]*

The first group was headed "the likelihood of the student's completing the second semester successfully." These guidelines consisted of predictive statements which utilized objective attributes of the appellants (*e.g.*, past grades, test scores, class standing, etc.) as indicators of probable future academic success. The second set of guidelines was labelled "whether or not the person deserves to continue in view of the particular set of circumstances in which he finds himself." These guidelines considered subjective attributes of the appellants: *e.g.*, attitudes toward academic work and the relevance of extenuating circumstances to academic performance.

As stated earlier, judges were not required to utilize these guidelines. They did not have to give their reasons for decisions, nor at any point were decisions formally reviewed for error. Whether these guidelines were actually used or whether other juridical constructs predominated in the decision-making of Appeals Day is a major concern of this study.

### THEORY

Judicial decision-making is the subject of an increasing body of literature known as jurimetrics. Jurimetrics is a discipline which seeks generalizations for programming judicial decision-making into an electronic

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Points under likelihood of success are as follows:

- a. Past college grades are the best predictors of future college grades. A poor first semester usually means a poor second semester.
- b. Bright students who have not done well academically are unlikely to improve suddenly. A substantial lapse of time or significant change in their activities is usually desirable.
- c. Factors such as illness, employment, emotional upset, family stresses, and the like, seldom change significantly from one semester to the next.
- d. Next to past college grades are test scores: if they are high, there is more hope; if they are low and the grades are low, there is little hope.
- e. The student who was just readmitted this past fall and again earned less than a C average, probably should not be readmitted.
- f. The student who is within 45 credits of his degree is more likely to succeed than the freshman or sophomore, other things being equal.

Points to consider under deserving of another chance:

- a. The student who has simply neglected his academic work but states boldly he has turned over a new leaf probably should not be allowed to continue. Attitudes toward academic work are slow in changing.
- b. The student may simply have had poor luck. For example, in his freshman year he may have been put on strict probation, then had successfully completed two or three semesters but now earns a D in a four credit course and the rest C's. In cases where the automatic system seems unfair in a particular case, readmission is probably in order.

computer.<sup>5</sup> The unit of analysis in jurimetric studies has most often been the judge.<sup>6</sup> However, several studies have used the person or case subject to judicial decision<sup>7</sup> as the unit of analysis following Oliphant's school of legal realism.<sup>8</sup>

Foremost among these latter studies was Green's study of judicial sentencing practices in Philadelphia.<sup>9</sup> Green's findings differed from earlier investigations<sup>10</sup> which found the sentencing judge to be unduly influenced by his prejudices. He dichotomized characteristics of the offender into so-called legal factors which ought to be related, and non-legal factors which ought not be related, if the sentences the judges had imposed could be "considered to be fair." The legal factors were the severity of the crime, the number of bills of indictment on which the offender was convicted, and the offender's prior criminal record. Non-legal factors were the offender's race, sex, age, and place of birth. Controlled for the legal factors—something earlier researchers had not done—the relationships between non-legal factors and the severity of punishment an offender received were not significant.

The purpose of the present investigation is to examine the fairness of Appeals Day decision-making. Are decisions based upon factors which are relevant for academic success or are they based unfairly upon irrelevant or extraneous factors? Is a student's fate being decided on the basis of his achieved or his ascribed characteristics? The academically rele-

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5. J. H. Skolnick, *The Sociology of Law in America: Overview and Trends*, LAW AND SOCIETY: A SUPPLEMENT TO SOCIAL PROBLEMS, 27 (Summer 1965).

6. See H. W. Baade (ed.), *Jurimetrics*, 28 LAW & CONTEMP. PROB. 1-270 (Winter 1963); G. A. SCHUBERT, QUANTITATIVE ANALYSIS OF JUDICIAL BEHAVIOR (1959); and JUDICIAL DECISION-MAKING (G. A. Schubert ed. 1963); JUDICIAL BEHAVIOR (G. A. Schubert ed. 1964).

7. F. Kort, *Predicting Supreme Court Decisions Mathematically: A Quantitative Analysis of "Right to Counsel" Cases*, 51 AM. POL. SCI. REV. 1-12 (March 1957); F. M. Fisher, *The Mathematical Analysis of Supreme Court Decision: The Use and Abuse of Quantitative Methods*, 52 AM. POL. SCI. REV. 339-48 (June 1958); S. Nagel, *Using Simple Calculations to Predict Judicial Decision*, AM. BEHAVIORAL SCIENTIST 24-28 (Dec. 1960).

8. H. Oliphant, *A Return to Stare Decisis*, 14 AM. B. A. J. 71-73 (1928).

9. E. GREEN, JUDICIAL ATTITUDES IN SENTENCING (1961).

10. T. Sellin, *Race Prejudice in the Administration of Justice*, 51 AM. J. SOCIOLOGY 212-17 (Sept. 1935); R. MARTIN, THE DEFENDANT AND CRIMINAL JUSTICE (U. Tex. Bull. No. 3437: Bureau of Research in the Social Sciences, Study No. 9, Oct. 1934); E. M. Lemert & J. Rosberg, *The Administration of Justice to Minority Groups in Los Angeles County*, II, No. 1 U. CAL. PUBLICATIONS IN CULTURE AND SOC. 1-28 (1948); F. Gaudet, *Individual Differences in the Sentencing Tendencies of Judges*, 32 ARCHIVES OF PSYCHOLOGY (1938).

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vant factors analyzed were the student's: (1) cumulative GPA for all of the semesters he had been at the university, (2) semester GPA for the semester when dropped, (3) drop status, (4) college class, (5) rank on the College Entrance Examination Boards, (6) average credit load carried per semester, (7) high school class rank, and (8) absence statements warning of impending sanction for continued unexcused absences from classes. Academically irrelevant factors analyzed were the student's: (1) sex, (2) age, (3) father's occupation, (4) parent's education, (5) high school class size, (6) state residence (*i.e.*, in-state or out-of-state), and (7) size of home residence. Data on these variables were contained in the student's file. This file was examined by Appeals Day judges just before interviewing the student appellant.

Race was not considered because only a small percentage of appellants was Negro. Unfortunately, these figures reflect the small proportion of Negroes enrolled at this university as well as most other universities throughout the country.

### FINDINGS

Among the 415 students who were dropped for poor grades that semester: 17 students were dropped for the third and final time, with no right of appeal; 2 students graduated (as previously mentioned, meeting the graduation requirements takes precedence over being dropped); 190 students chose not to appeal; 3 students were allowed to continue because they had not been notified of being dropped; and 203 students exercised their right to appeal. Of those who did appeal, there were 122 dispositions allowing students to continue and 81 dispositions denying the appeal during the morning sessions between students and judges.

The relationships between academically relevant attributes of appellants and judicial decisions in the morning sessions are presented in Table 1. Four of the variables show relationships that are statistically significant. They are cumulative GPA, semester GPA, high school rank, and college class. Students with higher GPAs were more likely to be readmitted than students with lower GPAs. This accords with the guideline stating that past college grades are the best predictors of future college grades. Students who graduated in the top half of their high school class were more likely to be readmitted than students in the lower half. These three variables are perhaps the most representative of aca-

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ademic performance which judges made their primary consideration in deciding who should be permitted to continue.

In the case of college class, upperclassmen were readmitted more frequently than lowerclassmen. Upperclassmen had already made a substantial investment in their education at the university; therefore, judges may have viewed them as having more to lose by suspension. Transfer would be more difficult for them to accept psychologically, and they might lose credits in the process.

TABLE 1

Per Cent Readmitted in Morning Appeals for Eight Academically Relevant Variables

|                                     |          |                                     |          |
|-------------------------------------|----------|-------------------------------------|----------|
| Cumulative GPA <sup>a</sup>         |          | CEEB Rank                           |          |
| 1.75 and over                       | 68 (117) | Low                                 | 59 (46)  |
| 1.74 and under                      | 49 (86)  | Average                             | 64 (64)  |
| Semester GPA <sup>b</sup>           |          | High                                | 48 (46)  |
| 1.50 and over                       | 73 (91)  | No Information                      | — (47)   |
| 1.49 and under                      | 50 (112) | Average Credit Load per Semester    |          |
| Drop Status                         |          | 15-17                               | 66 (70)  |
| First Drop                          | 62 (149) | 14                                  | 58 (69)  |
| Second Drop and Advised to Withdraw | 56 (54)  | 10-13                               | 56 (64)  |
| College Class <sup>c</sup>          |          | Absence Warnings                    |          |
| Upperclassmen                       | 68 (87)  | None                                | 62 (149) |
| Lowerclassmen                       | 54 (116) | One or More                         | 56 (54)  |
|                                     |          | High School Class Rank <sup>d</sup> |          |
|                                     |          | Top Half                            | 66 (143) |
|                                     |          | Bottom Half                         | 45 (51)  |
|                                     |          | No Information                      | — (9)    |

a  $\chi^2 = 7.10$ , P less than .01.

b  $\chi^2 = 9.71$ , P less than .01.

c  $\chi^2 = 3.24$ , P less than .10.

d  $\chi^2 = 6.23$ , P less than .02.

N.B. Total cases considered in the category are shown in brackets.

Where College Entrance Board Exams were concerned, students who ranked high were less likely to be readmitted than students who ranked low. Although this relationship is not statistically significant and is non-linear (students with average ranks were most likely to be readmitted), it indicates that judges were sensitive to cases where students were not performing up to their potential. Some of the comments made by judges on the appeals summary sheets lend support to this explanation.



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This boy is capable and very personable, but he doesn't seem to perform well. I suspect he has a fine social life. Let's hope a year out will bring him to.

I have no doubt about this boy's ability to make it, but the question of proper timing is uppermost. After a year out his chances may be better.

Judges have carried out guideline (b) which states: "Bright students who have not done well academically are unlikely to improve suddenly. A substantial lapse of time or significant change in their activities is usually desirable." But the justice of this policy is open to question since no evidence was ever produced to support this claim.

Lastly, the relationships of drop status, average credit load per semester, and absence warnings to decision-making were not significant.

In Table 2, the relationships between academically irrelevant attributes of appellants and judicial decisions are shown. Except for age, none of the associations were statistically significant. Practically all of the percentage differences were under ten per cent. With respect to age, students nineteen years old or under were less likely to be readmitted than those who were twenty years old or over. The explanation for this relationship is probably linked to the association, previously mentioned, between college class and judicial decisions. Lowerclassmen were less likely to be allowed to continue and were also likely to be in the lower age group.

**TABLE 2**  
**Per Cent Readmitted in the Morning Session for Seven Academically Irrelevant Variables**

|                                    |          |                               |          |
|------------------------------------|----------|-------------------------------|----------|
| <b>Sex</b>                         |          | <b>High School Class Size</b> |          |
| Male                               | 59 (143) | 250 or less                   | 56 (102) |
| Female                             | 63 (60)  | 251 or more                   | 66 (96)  |
| <b>Age<sup>a</sup></b>             |          | No Information                | — (5)    |
| 19 and under                       | 49 (68)  | <b>Father's Occupation</b>    |          |
| 20                                 | 67 (55)  | Blue Collar                   | 60 (45)  |
| 21 and over                        | 65 (80)  | Low White Collar              | 65 (35)  |
| <b>State Residence</b>             |          | Professional and Managerial   | 55 (69)  |
| In-State Resident                  | 61 (140) | No Information                | — (14)   |
| Out-of-State Resident              | 54 (59)  | <b>Parents' Education</b>     |          |
| No Information                     | — (4)    | One or both went to college   | 54 (115) |
| <b>Community of Residence Size</b> |          | Neither went to college       | 62 (84)  |
| Under 100,000                      | 63 (94)  | No Information                | — (4)    |
| Over 100,000                       | 58 (107) |                               |          |
| No Information                     | — (2)    |                               |          |

<sup>a</sup>  $\chi^2 = 5.81$ ,  $P$  less than .02.

The relationships between academically relevant and irrelevant variables and judicial decisions are reintroduced in Tables 3 and 4 respectively, controlling for semester GPA. Semester GPA was used as the controlling variable, since it was the variable most strongly related to judicial decisions. When controlled, it reduced some of the original associations. When the other variables were controlled, its relationship to judicial decisions was not reduced.

Drop status had no effect within the high semester GPA group. Grades were considered to be more important than the formality of drop status. Seemingly, drop status did have an effect within the low semester GPA group. Here, first drops were more likely to be readmitted than second drops and those advised to withdraw. Only 33 per cent of the second drop and advised to withdraw students were allowed to continue over against 55 per cent of the first drop students. However, a second drop student with a low semester GPA was likely to have a very low overall or cumulative GPA. This proved to be the case in a separate analysis, not shown here, where the relationship between drop status and judicial decisions was made, holding cumulative GPA constant. (Both cumulative and semester GPA could not be controlled simultaneously, because the sample size was too small.) Within the low cumulative GPA group, only 9 per cent more first drop students were readmitted than second drop students. Therefore, differences in formal drop status had only a slight effect upon judicial decision-making.

**TABLE 3**  
Per Cent Readmitted in Morning Appeals Sessions for Six Academically Relevant Variables Controlling for Semester GPA

|                                   | SEMESTER GPA |              |                               | SEMESTER GPA |                      |
|-----------------------------------|--------------|--------------|-------------------------------|--------------|----------------------|
|                                   | 1.50 & over  | 1.49 & under |                               | 1.50 & over  | 1.49 & under         |
| <i>Drop Status</i>                |              |              | <i>Average Credit Load</i>    |              |                      |
| First Drop                        | 72 (61)      | 55 (88)      | 10-13                         | 63 (24)      | 53 (40)              |
| Second Drop & Advised to Withdraw | 73 (30)      | 33 (24)      | 14                            | 70 (33)      | 47 (36)              |
|                                   |              |              | 15-17                         | 82 (34)      | 50 (36)              |
| <i>College Class</i>              |              |              | <i>Absence Warnings</i>       |              |                      |
| Upperclassmen                     | 80 (50)      | 51 (37)      | None                          | 74 (69)      | 51 (80)              |
| Lowerclassmen                     | 63 (41)      | 49 (75)      | One or More                   | 68 (22)      | 47 (32)              |
| <i>CEEB Rank</i>                  |              |              | <i>High School Class Rank</i> |              |                      |
| Low                               | 71 (21)      | 48 (25)      | Top Half                      | 74 (69)      | 60 (74) <sup>a</sup> |
| Average                           | 73 (33)      | 55 (31)      | Bottom Half                   | 74 (19)      | 28 (32)              |
| High                              | 61 (18)      | 39 (28)      | No Information                | — (3)        | — (6)                |
| No Information                    | — (19)       | — (28)       |                               |              |                      |

<sup>a</sup>  $\chi^2 = 3.24$ ,  $P$  less than .10.

College class had no influence upon judicial decision-making within the low semester GPA group. Perhaps the judges considered the chances of both upper- and lowerclassmen to make a two point or C average in the future to be small. But among the high semester GPA group, upperclassmen were more likely to be readmitted than lowerclassmen (80 per cent compared to 63 per cent). Judges appeared to follow guideline (f) "The student who is within 45 credits of his degree is more likely to succeed than the freshman or sophomore, other things being equal," under the condition of semester grades being high.

For upperclassmen, some hypothetical judicial reasoning may have run something like: "The student went somewhat below a C average last semester, but he only needs so many credits to graduate. He is a good risk." For lowerclassmen, on the other hand, their class status itself may have contributed to a judicial perception of them as immature. A year out (most lowerclassmen were first drop students) may have been viewed as not being harmful at this point in their educational careers and possibly beneficial.

If the difference in readmission according to college class was justified according to credits accumulated, the explanation is academically relevant. But if college class was interpreted as immaturity, the decision to keep the suspension is paternalistic and unproven. There is no evidence that the year spent out of the university is helpful for future academic success.<sup>11</sup>

Average credit load per semester had no effect upon judicial decision-making within the low GPA group. But students with higher average credit loads were more likely to be allowed to continue within the high GPA group. Had this relationship been the case for both semester GPA groups, a plausible explanation of the relationship would be that a heavy credit load was taken to mean a more serious attitude toward academic work. But since the relationship held only for the high GPA group,

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11. Some limited data on 207 students dropped after the first semester, 1962-1963, were provided by the associate dean. An analysis was made, relating return after time out of school to grade point average the first semester of their return to school. Return after school was divided into return after no time out (or being allowed to continue), return after one semester, and return after one year or longer. Grade Point Average was divided into above and below a two point. Although the finding was not statistically significant, the longer the time out of school, the less likely the student was to make a two point the semester of his return. Since there was no random assignment of students to create a true experiment, the students who were allowed to continue were very much likely to have had higher grades than the group that spent time out. Nevertheless, there is no empirical support for the contention that waiting the time out is beneficial, especially where it is imposed rather than chosen freely.

judges probably reasoned that students with a higher average credit load could get over the hump if they took fewer credits the following semester.

High School Class Rank had no influence upon readmission for students with high semester GPAs but did influence readmission for students with low semester GPAs. Among the low semester GPA students, a much greater proportion of students who graduated in the top half of their high school class were allowed to continue than students in the bottom half. Thus, high school performance became an important secondary consideration for judges in making decisions about students with low college grades.

The other academically relevant variables of CEEB rank and absence warnings have essentially the same relationship to judicial decision-making with semester GPA controlled as they did when it was not controlled. Underachievers fared the worst, and students fared slightly better if they did not cut classes.

Table 4 contains the second order relationships between academically irrelevant variables and judicial decision-making. Sex is not related to judicial decision-making in the low semester GPA category, yet it was related in the high semester GPA category. Girls in the high semester GPA category were more likely to be readmitted than boys. Similar relationships occurred in an analysis where cumulative GPA was controlled. Keeping in mind that the process was a psychologically trying, if not a traumatic, experience for both students and judges, girls were more likely to cry than boys. As a result, when judges had doubts about their decisions, they may have had a more difficult time denying readmission to girls.

While state residence was not related to judicial decision-making among low semester GPA students, it was related among high semester GPA students. In-state residents were more likely to be allowed to continue than out-of-state students. The same relationship also appeared in a separate analysis where cumulative GPA was controlled.

It is well known that in states having large public colleges and universities, out-of-state students are often resented by a segment of the population and some state legislators for their radical, non-conformist behavior. The position is often taken that in-state students who are the children of taxpayers deserve preference over out-of-state students. (Frequently, the two attitudes combine in movements to curtail admission of out-of-state students.) An irate parent made this taxpayer argument to the senior author when told her child would not be readmitted. However, there was nothing about the process to suggest any purposeful

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judicial bias against out-of-state students. A more likely explanation concerns appellants' presentation of their immediate plans. It is possible that judges allowed more in-state students to continue since there were fewer opportunities open to them to transfer elsewhere. They are attending the university because the tuition is low in contrast to out-of-state students who are paying two to three times as much in tuition.

**TABLE 4**  
**Per Cent Readmitted in Morning Appeals Sessions for Seven Academically Irrelevant Variables Controlling for Semester GPA**

|                                    | SEMESTER GPA |              |                               | SEMESTER GPA |              |
|------------------------------------|--------------|--------------|-------------------------------|--------------|--------------|
|                                    | 1.50 & over  | 1.49 & under |                               | 1.50 & over  | 1.49 & under |
| <b>Sex</b>                         |              |              | <b>High School Class Size</b> |              |              |
| Male                               | 69 (67)      | 50 (76)      | 250 or less                   | 65 (46)      | 48 (56)      |
| Female                             | 83 (24)      | 50 (36)      | 251 or more                   | 83 (42)      | 52 (54)      |
|                                    |              |              | No Information                | — (3)        | — (2)        |
| <b>Age</b>                         |              |              | <b>Father's Occupation</b>    |              |              |
| 19 and under                       | 60 (20)      | 44 (48)      | Blue Collar                   | 68 (19)      | 54 (26)      |
| 20                                 | 77 (26)      | 59 (29)      | Low White Collar              | 75 (36)      | 56 (39)      |
| 21 and over                        | 75 (45)      | 51 (35)      | Managerial & Professional     | 73 (30)      | 41 (39)      |
| <b>State Residence</b>             |              |              | No Information                | — (6)        | — (8)        |
| In-State                           | 77 (68)      | 47 (72)      | <b>Parents' Education</b>     |              |              |
| Out-of-State                       | 61 (23)      | 50 (36)      | One or both went to college   | 72 (50)      | 48 (65)      |
| No Information                     | — (—)        | — (4)        | Neither went to college       | 73 (40)      | 52 (44)      |
| <b>Community of Residence Size</b> |              |              | No Information                | — (1)        | — (3)        |
| 100,000 and over                   | 76 (46)      | 50 (48)      |                               |              |              |
| 100,000 and under                  | 71 (44)      | 49 (63)      |                               |              |              |
| No Information                     | — (1)        | — (1)        |                               |              |              |

Students from larger high school classes were more likely to be readmitted than the students from smaller high school classes in the high semester GPA category, although the effect of high school class size was negligible in the low semester GPA category. Essentially the same relationships appeared where cumulative GPA was controlled. In this situation, judicial decision-makers may have drawn an analogy between the large size of the university and the size of the student's high school. They may have reasoned that students needed the advantage of the competitiveness of a large high school to get through in the competitive environment of the large university.

With semester GPA controlled, the age factor was not as strongly related as it was when semester GPA was not controlled. Nevertheless,

students in the youngest age group were least likely to be readmitted in both grade categories. Linked to college class, age probably indicates maturity, accumulation of credits, or both. Moreover, in view of the greater drop in per cent readmitted from the twenty year olds to the twenty-one and over group in the low semester GPA category, age seems to signify poor performance. Those who, when given the opportunity, persist in failing are also one of the least likely groups to be readmitted.

Father's occupation had no effect upon readmission among the high semester GPA group. But among the low semester GPA group, students of fathers with managerial and professional occupations were least likely to be readmitted. Here, the student's low grades in relation to his father's high status occupation may have been seen as underachievement. In addition, the father's high status occupation compensated for the decision not to readmit the student, for the judge could take comfort in the thought either that the student would have the incentive or the father would influence the student to finish college. Once again, a year out of college could be rationalized as beneficial for shaking the student up a bit—taking the silver spoon out of his mouth.

Lastly, community residence size and parents' education had no effect upon readmission.

Out of eighty-one students who were told that they would not be allowed to continue, twenty-five chose not to reappeal while fifty-six chose to reappeal in the afternoon. Among the fifty-six who did reappeal, twenty-one were allowed to continue while thirty-five were not.

Table 5 contains the relationships between the eight academically relevant variables and judicial decision-making. The following relationships were similar to the ones occurring for the morning sessions. Appellants with high semester and cumulative GPAs were more likely to be readmitted. The percentage difference between the two groups in the table is not large; however, the associations were statistically significant. First drop students and students with no absence warnings were only slightly more likely to be readmitted.

Yet several of the variables differ in their relationship to judicial decision-making from those found for the morning sessions. College class and high school rank are no longer related to decision-making. The most likely explanation of this phenomenon is the difference in the distribution of appellant characteristics between the morning and afternoon sessions. The distribution is skewed downward. As could be expected, higher proportions of students with less desirable characteristics, having been turned down in the morning, appealed in the afternoon. This would

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also explain the reduction in percentage differences from morning to afternoon for semester and cumulative GPA.

**TABLE 5**  
**Per Cent Readmitted in Afternoon Reappeal Sessions for Eight Academically Relevant Variables**

| Cumulative GPA <sup>a</sup>       |         | CEEB Rank                        |         |
|-----------------------------------|---------|----------------------------------|---------|
| 1.75 and over                     | 41 (22) | Low                              | 23 (13) |
| 1.74 and under                    | 35 (34) | Average                          | 41 (17) |
|                                   |         | High                             | 44 (18) |
| Semester GPA <sup>b</sup>         |         | No Information                   | — (8)   |
| 1.50 and over                     | 53 (15) | Average Credit Load per Semester |         |
| 1.49 and under                    | 32 (41) | 15-17                            | 29 (17) |
| Drop Status                       |         | 14                               | 32 (19) |
| First Drop                        | 40 (35) | 10-13                            | 50 (20) |
| Second Drop & Advised to Withdraw | 33 (21) | Absence Warnings                 |         |
|                                   |         | None                             | 40 (38) |
| College Class                     |         | One or more                      | 33 (18) |
| Upperclassmen                     | 33 (15) | High School Rank                 |         |
| Lowerclassmen                     | 39 (41) | Top Half                         | 40 (35) |
|                                   |         | Bottom Half                      | 39 (18) |
|                                   |         | No Information                   | — (3)   |

<sup>a</sup>  $t = 1.39$ ,  $P$  less than .05.

<sup>b</sup>  $t = 1.96$ ,  $P$  less than .025.

In the afternoon, students with high CEEB ranks were most likely, and students with low CEEB ranks were least likely, to be readmitted. This is contrary to the morning sessions where low CEEB students were more likely to be readmitted than high CEEB students. Whereas, morning underachievers were penalized, ability counted as a positive factor in the afternoon, a sign of hope for the future.

An unexpected finding is that the fewer the average number of credits afternoon appellants took per semester, the more likely they were to be allowed to continue. An analysis was made to determine if this difference were not a function of students' semester GPAs. But there was no relationship between credit load, semester GPA, and readmission.

The explanation for the relationship probably lies with the particular grade configuration of a student with a small credit load whose average is below a C. By taking a small load, only one very poor grade in a

course can depress his average considerably, especially if his other grades were mediocre. But from the judge's standpoint, a single poor grade may be a basis for leniency. There is not enough evidence to judge the student a failure. As one judge stated in a case of this type: "If not for one grade in one course, he wouldn't be here before the committee."

In another case, the girl had a low credit load and a semester GPA of zero, but made a good personal impression upon the committee members and had a good academic excuse. The case was difficult for them to decide. One committeeman said: "She had three F's. If she had one F, I would have let her stay."

**TABLE 6**

**Per Cent Readmitted in Afternoon Reappeal Sessions for Seven Academically Irrelevant Variables**

|                                    |         |                               |         |
|------------------------------------|---------|-------------------------------|---------|
| <b>Sex</b>                         |         | <b>High School Class Size</b> |         |
| Male                               | 32 (38) | 250 or less                   | 38 (29) |
| Female                             | 50 (18) | 251 or more                   | 39 (36) |
|                                    |         | No Information                | — (1)   |
| <b>Age</b>                         |         | <b>Father's Occupation</b>    |         |
| 19 and under                       | 35 (26) | Blue Collar                   | 46 (13) |
| 20                                 | 42 (12) | Low White Collar              | 40 (15) |
| 21 and over                        | 39 (18) | Professional and Managerial   | 38 (24) |
| <b>State Residence</b>             |         | No Information                | — (4)   |
| In-State Resident                  | 39 (36) | <b>Parents' Education</b>     |         |
| Out-of-State Resident              | 35 (20) | One or both went to college   | 41 (34) |
| <b>Community of Residence Size</b> |         | Neither went to college       | 33 (21) |
| Under 100,000                      | 35 (26) | No Information                | — (1)   |
| Over 100,000                       | 40 (30) |                               |         |

Of the relationships between academically irrelevant factors and decision-making presented in Table 6, none were statistically significant. Females, once again, were more likely to be allowed to continue than males. But the other factors had little or no predictive power.

**SUMMARY AND CONCLUSIONS**

Grades were found to be the major factor in determining readmission. Adhering to the formal criteria of the system, judges based their decisions primarily upon this universal or impersonal yardstick, and only to



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a minor degree, upon the particular or personal characteristics of appellants drawn from their presentations of self.<sup>12</sup> But where decisions are the result of social interaction rather than an I.B.M. machine (which incidentally, initially identified dropped students), some concern for the particular characteristics of subjects is bound to enter into the judgmental process.<sup>13</sup> Except for four cases,<sup>14</sup> there appeared to be no blatant cases of injustice. The properties of substantive and procedural fairness no doubt help to "cool out" individual students, allay the conscience of the participant judges, and provide assurance of the legitimacy of the system all around.

Yet, the specter of 200 students moving through a bureaucratic mill at the rate of thirty minutes per student is disturbing. What is left out of the statistical analysis is the profound psychological distress felt by both students and judges. The reasons for student distress are obvious—they ran a psychological gauntlet. On their part, the faculty and the deans were in the anguishing position of playing God. Afterward, some mentioned wanting to forget about the experience, and a few others spoke of looking for grounds for leniency in the cases they decided. They truly were in a role comparable to the sentencing criminal court judge.

This process can be rationalized by the functionalist assumption that organizations inevitably have to cope with failure. Such a conclusion,

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12. For a definition of the universalism-particularism pattern variable, see T. PARSONS, *THE SOCIAL SYSTEM* 62, 63 (1951).

13. J. H. SKOLNICK, *JUSTICE WITHOUT TRIAL: LAW ENFORCEMENT IN A DEMOCRATIC SOCIETY* 73-77 (1966).

14. The four cases of unfairness were ones where student's characteristics of demeanor and status, and statements uttered were the primary basis for the decision. Grades were discounted. The first student had a cumulative GPA of 1.81 and a semester GPA of 1.75. The following is a description of his reappeal hearing by one of the committee members. The two other members gave similar descriptions.

He was immaculately dressed and I noticed he had a close grade-point. But then he began to talk. He tried to sell us a shoddy bill of goods about getting a girl pregnant—her abortion and attempted suicide. This kid was a bad egg, a total waste. I immediately voted to drop.

The second student had a cumulative GPA of 1.80 and a semester GPA of 1.92. The following description was given by one member of the committee. The evaluation of the other two agreed with this one.

X was a fairly bright boy but he had a weird personal appearance—a Beatle haircut. He said he wanted an understanding of his personality but he placed it on a personal basis. We all agreed he had a bad record.

The third student also had high grades and was close to graduation, but was not readmitted because of his poor academic attitude.

The fourth case was one of reverse discrimination. Here a Negro student with low grades was readmitted.

however, should not cut off further inquiry into the basic structure of higher education upon which Appeals Day is premised. If other personal human values are being disregarded, it does not suffice to say that this is being done according to law. On the contrary, the legality of the process may help to perpetuate a system of control that is overdue for radical change. To use the foregoing finding as warrant for the continuation of the present system of appeals, would be committing the classic error of functionalist sociology which openly denies values to the researcher while inadvertently accepting the status quo.<sup>15</sup>

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15. See D. L. Smith, *Robert King Merton: From Middle Range to Middle Road*, *Catalyst* 11-40 (Summer 1966).