

# STUDENT ACADEMIC GRIEVANCE PROCEDURE

(Updated 4/29/09)

## I. INTRODUCTION AND AUTHORITY

It is a historically established rule of higher education that an instructor has the authority to conduct classes, provide for the discussion of ideas, make assignments or other exercises, require examinations, and render judgments on the performance of students. *The exercise of this authority provides the foundation for an academic relationship between individual students and faculty members that is unique to colleges and universities.* At a basic transactional level, this relationship is maintained by the interplay of traditional and customary standards of conduct and courtesies, the observance of which is the responsibility of both faculty and students. Inevitably, issues associated with the student's responsibilities as a learner may occasionally arise. In order to address these issues, the University of Hawaii has instructed its constituent campuses to provide for the consistent and equitable resolution of legitimate student academic grievances pertaining to the assignment of course grades.

Accordingly, the Chancellor of Leeward Community College, upon recommendation of the Leeward Community College Senate, has established this Student Academic Grievance Procedure, effective May 15, 2008. This revised policy follows the guidelines of the AAUP Policy Documents and Reports, (10th ed., 2006) in recommending that "The review of a student complaint over a grade should be by faculty, under procedures adopted by faculty, and any resulting change in a grade should be by faculty authorization" (127).

## II. ACADEMIC RIGHTS AND RESPONSIBILITIES OF THE STUDENT

Leeward Community College subscribes to that part of the 2007 "Joint Statement on Rights and Freedom of Students," adopted by a diverse number of higher education organizations including the American Association of University Professors, which relates to classroom instruction: "The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards."

### A. PROTECTION OF FREEDOM OF EXPRESSION.

Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

### B. PROTECTION AGAINST IMPROPER ACADEMIC EVALUATION.

Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time they are responsible for adhering to standards of academic performance established for each course in which they are enrolled.

### C. PROTECTION AGAINST IMPROPER DISCLOSURE.

Information about student views, beliefs and political association which professors

acquire in the course of their work as advisors, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

### III. DEFINITIONS

**Academic Grievance Committee (AGC):** See part V of this document for the definition, composition, and role of the AGC.

**Academic Grievance:** A written statement of complaint filed with the chairperson of the Academic Grievance Committee requesting a formal review of the assignment of a course grade which the student believes to have been unsatisfactorily resolved by the Division Chair (DC).

**Complaint of Alleged Academic Impropriety:** A written charge filed by a student with the DC alleging that a faculty member has acted improperly or in a manner otherwise inconsistent with the faculty member's responsibilities or the student's customary academic expectations. *If the allegation is other than an appeal of the assignment of a final grade, the issue should be referred to the appropriate Dean. If the issue involves discrimination or sexual harassment, the student should be directed to the EEO Coordinator, where a separate set of procedures are followed.*

**Customary Academic Expectation:** Expectations reflective of a student's learning experience in a similar course level taken at this or a comparable institution of higher education, typically described in the College catalog and core outline, specifically in student learning outcomes. The faculty member is acknowledged to have professional oversight of specific submission standards and comparative bases relative to customary student work submitted at various course levels.

**Division Chair (DC):** The individual (s) appointed as the academic chair of any division or other campus unit offering credit instruction.

**Division Personnel Committee (DPC):** Faculty members from within the division who review applications for contract renewal, tenure, and promotion, selected by their peers during an election conducted by the administrative head of the unit.

**Faculty Member:** Any individual holding a Board of Regents' appointment or employed by the University of Hawaii who is engaged in providing scheduled instruction.

**Finding of "No Merit":** A written grievance that is so weak and insubstantial as to be void of merit on its face or for which there is no identifiable or appropriate remedy.

**Semester:** Any scheduled term of instruction including those of continuing education programs and summer session.

**Student:** Any individual enrolled in any approved course.

### IV. PROCEDURE FOR THE RESOLUTION OF A STUDENT APPEAL OF THE ASSIGNMENT OF COURSE GRADES

A student who seeks to appeal the assignment of a course grade may initiate action to achieve a

remedy. The actions available are outlined herein and must be initiated within 30 calendar days after the student has become aware, or could have reasonably been expected to become aware, of the assignment of a course grade.

#### **A. STEPS 1 & 2: REPORT OF A STUDENT APPEAL OF A COURSE GRADE**

1. A student who seeks to appeal the assignment of a course grade must first make every reasonable attempt to discuss the matter with the faculty member involved. The faculty member must be afforded the opportunity to initially handle these matters before the grievance progresses to the next level. If approached, administrators, division chairs, counselors, fellow faculty and staff shall immediately redirect the student to the closest possible level of resolution; i.e., to the faculty member involved.
2. Failing to resolve the matter with the faculty member, the student should discuss the matter with the faculty member's Division Chair (DC), reporting the facts as the student perceives them, specifying the remedy sought, and outlining the faculty member's response, if any, to the consultation at Step 1. Such discussion should be initiated with the DC within fourteen (14) calendar days after the final scheduled discussion at Step 1 with the faculty member involved. The DC may meet separately with the student and the faculty member, or if both agree, to jointly discuss the report. The DC will also remind the contesting parties of their responsibility to familiarize themselves with the written grievance procedures. Within fourteen (14) calendar days of receipt of the student's report, the DC shall complete any consultation and shall notify the faculty member and the student in writing of his/her conclusion(s) and recommendation(s), including a finding of "no merit" at this or any other subsequent level of review. A determination of "no merit" by the DC may, in effect, end the appeal unless the student insists on proceeding to Step 3—Review by the SAG Committee: in such case, the DC may advise the student if the finding of a different outcome is unlikely.
3. Should the faculty member involved in Step 1 be the DC, the student should present his/her unresolved report, in accordance with Item 2 above, directly to the Chair of the Division Personnel committee (DPC).

#### **B. STEP 3: ACADEMIC GRIEVANCE**

1. Failing to achieve satisfactory resolution of an appeal of a final grade, the student may file an academic grievance, in writing, with the Chairperson of the Senate Student Committee. Such filing must be ~~received~~ made within fourteen (14) calendar days after the student has received written notification from the DC (DPC Chair) regarding the resolution of the student's complaint.
2. The student's written academic grievance shall contain all information previously provided in the student's complaint to the DC (DPC Chair) as well as a copy of the DC's (DPC Chair's) written notification to the student regarding the disposition of his/her complaint.
3. The faculty member also will receive written notification regarding the disposition of the complaint from the DC (DPC Chair). [SEE: A.2 above]

### **V. ACADEMIC GRIEVANCE COMMITTEE**

~~The faculty members assigned to the~~ ~~There shall be an~~ Ad Hoc Academic Grievance Committee

(AGC), shall be appointed identified each semester by the Student Committee Chair of the Faculty Senate for each individual complaint that is filed by a student against a particular faculty member, academic division chairs. A pool shall be established on a rotating schedule each semester, composed of three four tenured faculty members recommended by the Senate and (two members and two alternates) from each academic division from which SAG members may be drawn by the Student Committee chair. Two non-voting student participants and two alternates shall also be recommended by the Student Representative Council. The Senate shall also appoint three tenured faculty as alternates, and the Student Representative Council two, for purposes of continuity should a member be unable to continue on the AGC. The Chair of the Student Committee of the Senate will convene the Committee. Academic Grievance Committee hearings will not be available during the last two weeks of each semester (study period and finals week) nor during the summer. During these periods, a complaint can be filed with the Division Chair, but grievances will not be heard until such time as an Ad Hoc Academic Grievance Committee can be formed.

## A. COMPOSITION OF THE AD HOC ACADEMIC GRIEVANCE COMMITTEE

1. The Ad Hoc Committee shall elect a chairperson from among themselves. The members will consist of three tenured faculty members, one from the instructor's discipline or a closely allied field and one who also has expertise in the mode of delivery. There will also be two non-voting student participants selected by the Student Representative Council who are Council members, preferably who have with some experience in the subject area.
2. If possible, all members of the Committee must shall be in attendance at each meeting. In addition, the first alternate must shall also attend. The alternate member will assume a position on the Committee if one of the appointed members is unable to continue on the Committee.
3. If a member of the Ad Hoc Academic Grievance Committee feels that his/her relationship with either the case or the individual(s) involved would affect his/her ability to render an impartial judgment, the Committee member shall disqualify himself/herself. Under such circumstances the Senate Student Committee Chair will appoint one of the alternates.
4. In addition, prior to the identification of the members of the Ad Hoc Committee, the faculty member or the student can also submit an exclusionary list, allowing the striking of up to three names of eligible faculty.

## B. RESPONSIBILITIES AND PROCEDURES OF THE AD HOC ACADEMIC GRIEVANCE COMMITTEE

Upon receipt of a written grievance from the DC/DPC Chair requesting a formal hearing by the Ad Hoc Academic Grievance Committee (AGC), the AGC Chairperson shall notify the faculty member in writing and the student involved via certified mail. It is the responsibility of all parties involved to keep all matters related to the grievance including the names of the student and faculty member confidential.

1. The AGC Chairperson shall schedule a hearing of the Ad Hoc Academic Grievance Committee within ten (10) calendar days after receipt of the grievance **or as soon as possible after the formation of the Committee.**
2. The AGC Chairperson shall have the authority to waive specified timelines for a specific period, when necessary, in order to ensure proper notice and a fair hearing.
3. Having scheduled a hearing, the AGC Chairperson shall give written notice to the faculty member involved, to the student via certified mail, and to the faculty member's DC (DPC Chair). Such notices shall be given at least five (5) calendar days prior to the hearing and shall include:
  - a. The date, time, and place of the hearing;
  - b. Any particular section(s) of the statement of Academic Rights and Responsibilities of Students, that is alleged to have been violated;
  - c. An explicit statement of the issue(s) involved, the facts alleged by the student, and the conclusions and recommendations reached by the DC;
  - d. The fact that the burden of proof rests upon the student;
  - e. That the hearing shall be in closed session; and
  - f. That the faculty member and student be advised of the names of the members of the Ad Hoc Committee who are reviewing the complaint. If the accused faculty member or the allegedly aggrieved student believes that a member of the AGC may have a conflict of interest or an involvement with the case that would affect his/her ability to render an impartial judgment, a written appeal may be made to the Senate Student Committee Chair. This appeal must state the reason for the request. Any documentation, if available, should be attached. Upon reviewing the request, the Senate Student Committee Chair has the discretion to substitute one of the alternates. The Senate Student Committee Chair has seven (7) calendar days to respond to such a request.
4. The Ad Hoc Academic Grievance Committee shall conduct its fact-finding in accordance with the following provisions which are designed to assure a fair hearing and equitable treatment for those involved:
  - a. The chairperson shall be responsible for recording the hearing, maintaining order, and shall have the authority to rule on points of order and to exclude irrelevant and/or repetitious evidence.
  - b. The student and the faculty member shall have sufficient opportunity to discuss all issues involved.
  - c. Oral and documentary information may be presented to the committee.
  - d. All members of the committee **including alternate members** shall have the right to raise additional questions or seek clarification on all relevant points.
  - e. The committee may secure additional information from sources other than those presented by the student or the faculty member. The committee may also secure other documents relevant to the issue which were not introduced at any previous step by the student or faculty member.
  - f. The student and the faculty member are expected to be present at the hearing *but not both at the same time*: their explanations will be heard separately. The DC (Chair of the DPC) shall be present for the student hearing and may attend the faculty member's

hearing. The committee shall consider the information in its possession and render a decision. The deliberations of the committee, after receipt of all relevant information, shall be closed.

- g. In the absence of the student, except for good and sufficient cause, the grievance shall be dismissed with prejudice. **The decision of the Ad Hoc Academic Grievance Committee, as to good and sufficient cause, is final within the UH System.**
  - h. If the grievance is determined to be without merit (see Section III) such a finding is sufficient to dismiss the grievance.
5. After hearing a grievance, the committee will decide if the College has reasonable cause to remedy a student's situation. Accordingly, the committee may decide the following:
- a. **No cause for remedy:** The student's appeal of the assignment of a course grade has not been upheld.
  - b. **Cause for remedy:** The student's appeal of the assignment of a course grade has been upheld. In this case, the Ad Hoc Academic Grievance Committee may recommend a change in the student's course grade to the faculty member. If the faculty member agrees, a Change of Grade form will then be submitted to the Registrar's Office by the faculty member within seven (7) calendar days.

### **C. FINAL DECISION AND ORDERS BY THE ACADEMIC GRIEVANCE COMMITTEE**

1. Within thirty (30) calendar days from the receipt of the committee's findings, decision as to cause, and recommendations as to remedy, the Chair of the Academic Grievance Committee shall notify, by certified mail with return receipt requested, both the student and the faculty member of the Committee's decision regarding any remedy to be undertaken. **Delivery shall also be restricted to insure only the contesting student receives the initial notice.** Copies shall be provided to the faculty member's DC, Dean, Vice Chancellor and Chancellor.
2. Should the faculty member decline to change the assignment of the course grade within the seven-day window, and the Academic Grievance Committee concludes that it would be unjust to allow the original grade to stand, it may then ask the DC/DPC Chair or the faculty member's immediate supervisor that the grade be changed. Such notification will be in the form of a memo to the DC/DPC Chair indicating that the faculty member has declined. That individual will then ask the faculty member to submit a Change of Grade. Should the faculty member continue to decline, that individual may change the grade, notifying both the faculty member in writing and the student via certified mail.
3. The decision of the Academic Grievance Committee is final within the UH System unless the Chancellor determines there is a process violation. In such case, either party may appeal to the Chancellor based on lack of due process.
4. A final determination must be rendered within two semesters (excluding Summer Session) of the filing of the student appeal to allow for timely resolution of the appeal for both the student and the faculty member.

## D. Records of the Academic Grievance Committee

The chairperson of the committee shall maintain a log of the hearing(s). This log shall include a brief description of the subject matter of the grievance and the outcome of the hearing but shall not contain any personally identifiable information. This log shall be open to outside inspection.

1. Other records of the committee which are not open to outside inspection include: recordings of the hearing, all written information presented, the actions of the committee and the chairperson's findings, decision as to cause, and recommended remedies.
2. The records of the proceedings shall be kept by the College for a period of five (5) years after the resolution of the dispute and then be destroyed.

## E. Annual Review of the Revised Student Academic Grievance Policy

Faculty Senate retains the right to review this revision on a yearly basis to determine its efficacy and fairness. LCC students may also request a review through their student government organization.

*Passed unanimously by the Leeward Community College Faculty Senate on 5/14/08.*