

# UH Maui College Student Academic Grievance Procedure

## **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 faculty members and individual students 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. Certain basic expectations, relevant to teaching and learning are summarized in Part II of this procedure. Inevitably, issues associated with the faculty member's responsibility as a teacher and 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 grievance.

Accordingly, the Vice President for Community Colleges upon the recommendation of the Chancellor of UH Maui College, and with the concurrence of the Academic Senate, has established this Student Academic Grievance procedure, effective October 15, 2008.

## **II. Academic Rights and Responsibilities of Students**

The University of Hawaii subscribes to that part of the 1968 "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 professors in the classroom and in conference should encourage free discussion, inquiry and expression. Student performances should be evaluated solely on an academic basis, not on opinions of 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 maintaining*

*standards of academic performance established for each course in which they are enrolled.*

- C. *Protection Against Improper Disclosure. Information about student views, belief and political associations, which professors acquire in the course of their work as instructors, 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**

Student: Any individual enrolled in a credit course.

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

Department Chair: The individual designated as the administrative head of a campus department offering credit instruction.

Vice Chancellor: The Vice Chancellor of Academic Affairs (VCAA)/designee.

Remedy: An action to correct an individual student’s situation, which does not involve the imposition of a sanction against a faculty member.

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

Report of Alleged Academic Impropriety: A verbal expression of inquiry by a student about an action or series of actions taken by a faculty member whom the student feels may be improper or otherwise inconsistent with the faculty member’s responsibilities or the student’s customary academic expectations.

Complaint of Alleged Academic Impropriety: A written charge filed by a student with the VCAA 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.

Academic Grievance: A written statement of complaint filed with the chair of the Academic Grievance Committee requesting a formal review of an academic complaint, which the student believes to have been unsatisfactorily resolved by the VCAA.

#### **IV. Procedures for the Resolution of Academic Grievances**

Any student who believes 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, may initiate action to achieve a remedy. The actions available are outlined herein and must be initiated within fourteen (14) calendar days after the student became aware, or could have reasonably been expected to become aware, of the alleged impropriety.

##### **A. Report of Alleged Academic Impropriety**

1. A student who believes that a faculty member acted improperly should make every reasonable attempt to discuss the matter with the faculty member involved.
2. Failing to resolve the matter with the faculty member involved, the student should discuss the matter with the faculty member's department chair, reporting the facts as the student perceives them, specifying the remedy sought, and outlining the faculty member's response, if any, to the consultations at step 1. Such discussion should be initiated with the department chair within seven (7) calendar days after the final scheduled discussion at step 1 with the faculty member involved. The department chair may meet separately with the student and faculty member, or if both agree, jointly, to discuss the report. Within seven (7) calendar days of receipt of the student's unresolved report, the department chair shall complete any consultation and shall notify the student and the faculty member in writing of his or her conclusion(s) and recommendation(s).
3. If the matter is not resolved in step 2, the student and faculty member are required to utilize mediation services. Additionally, the faculty member's department chair shall seek mediation services in helping to resolve any outstanding matters.
4. Should the faculty member involved in step 1 be the department chair, the student should present his or her unresolved report, in accordance with step 2 above, directly to the VCAA, noting the apparent "conflict of interest" in his or her report.
5. Student may choose to have an advocate of their choice with him or her throughout the process.

##### **B. Complaint of Alleged Academic Impropriety**

1. Failing to achieve satisfactory resolution of a report of an alleged academic impropriety, the student may file a written complaint with

the VCAA. Such complaint must be filed within seven (7) calendar days after the student has been notified by the department chair of the resolution of the student's report of alleged academic impropriety.

2. The student shall provide as part of this written complaint, the facts of the matter as the student perceives them, the remedy sought, the faculty member's response to initial consultations, and the department chair's resolution of the report. In addition, the student shall identify the custodians of any relevant documents, which the student does not possess.
3. Upon receipt of a written complaint, the VCAA shall immediately notify the department chair of the faculty member's department. If new material or information relevant to the situation, which was not introduced as a part of the student's report to the chair, becomes available, the VCAA shall refer the complaint back to the department chair for review and recommendation.
4. The VCAA shall have fourteen (14) calendar days to review the complaint, consult with the parties involved, and resolve the complaint. This timetable may be extended for no more than fourteen (14) additional days if, in the VCAA's judgment, such extension would be of benefit in resolving the complaint.
5. Upon expiration of the time provided for resolving the complaint, the VCAA shall inform the student in writing of his or her disposition of the complaint.

### C. Academic Grievance

1. Failing to achieve satisfactory resolution of a complaint of an alleged academic impropriety, the student may file a grievance, in writing, with the chairperson of the academic grievance committee. Such filing must be done within seven (7) days after the student has received written notification from the VCAA regarding the resolution of the student's complaint.
2. The student's written grievance shall contain all information previously provided in the student's complaint to the VCAA as well as a copy of the VCAA's written notification to the student regarding the disposition of his/her complaint.

## V. Academic Grievance Committee

There shall be an Academic Grievance Committee, appointed by the Chancellor, which shall be composed of equal number of faculty and students. Academic Grievance Committee hearing will usually not be available during the last two weeks of each semester (study period and finals week) or during the summer. During these periods, a hearing before a designated campus administrator may be conducted or grievance may be deferred until such time as a committee hearing is available.

### A. Composition of the Academic Grievance Committee

1. The Academic Grievance Committee shall be composed of three students appointed by the Chancellor from a list of nominees provided by the Student Government Association and three faculty members appointed by the Chancellor from a list of faculty members nominated by the Academic Senate. These appointments shall be made at the beginning of the academic year so that the committee will be ready to function whenever needed.
2. The Chancellor shall appoint as chair a tenured member of the faculty from a list of faculty members nominated by the Academic Senate, who shall be a non-voting member of the committee except in a case of a tie vote.
3. A majority of the members of the Academic Grievance Committee present shall constitute a quorum for the purposes of a hearing.
4. If any member of the committee feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the committee member shall disqualify him/herself. This does not relieve the committee of maintaining a quorum, thus, it may be necessary to supplement the membership of the committee.

### B. Responsibilities and Procedures of the Academic Grievance Committee

Upon receipt of a written grievance requesting a formal hearing by the Academic Grievance Committee, the chair shall notify the faculty member involved, the department chair and the VCAA.

1. The chair shall schedule a hearing of the Academic Grievance Committee within 14 days after receipt of the grievance.

2. The committee chair 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 committee chair shall give written notice to the student, the faculty member involved, and to the faculty member's department chair and VCAA. Such notice shall be given at least five 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, the conclusions and recommendations, if any, reached by the department chair and the VCAA;
  - d. The fact that the burden of proof rests upon the student; and
  - e. That the hearing shall be closed.
4. The 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 chair shall be responsible for recording the hearing and maintaining order, and shall have the authority to rule on points of order and to exclude immaterial 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 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 is expected to be present at the hearing but the faculty member shall not be compelled to

attend. The faculty member may provide written information to the committee for its consideration. In the absence of the faculty member, 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 instance of the student, except for good and sufficient cause, the grievance shall be dismissed with prejudice. The decision of the Academic Grievance Committee as to good and sufficient cause is final within the University.

- 5. After hearing a grievance, the committee will decide if the University has reasonable cause to remedy a student's situation. Accordingly, the committee may decide the following:

- a. No cause for remedy: Wrongful or uncustomary behavior on the part of the faculty member has not been established.
- b. Cause for remedy: Wrongful or uncustomary behavior on the part of the faculty member has been established. In this case the Academic Grievance Committee may recommend an appropriate academic remedy.

- 6. After the committee has made its findings, decision as to cause and any recommended remedy, the chair shall inform the student and the faculty member in writing of the findings and recommendations within five (5) calendar days of the hearing. Copies shall be provided to the faculty member's department chair, the VCAA, and the Chancellor.

### C. Final Decision and Orders by the Chancellor

Within thirty (30) calendar days from the receipt of the committee's findings, decision to cause and recommendations as to remedy, the Chancellor shall notify, by certified mail with return receipt requested, both the student and the faculty member of his/her final decision regarding any remedy to be undertaken.

- 1. Upon receipt of the committee's findings, decision as to cause, and recommendations, the Chancellor may take the following actions:

- a. Direct the committee to rehear the grievance if there is a substantial reason to doubt the fairness of the hearing. A determination of the fairness of the hearing shall be based on four issues: (1) Did the committee follow the procedures contained herein? (2) Was the committee hearing conducted in such a way as to provide the student adequate opportunity to present his or her grievance? (3) Did the evidence presented at the hearing satisfy the requisite burden of proof? (4) Is the remedy reasonable in relation to the grievance?
- b. Affirm the committee's findings, decision as to cause, and implement, in whole or in part the recommended remedies.

2. The decision of the Chancellor shall be final within the University.

D. Records of the Academic Grievance Committee

The chair of the committee shall maintain a log of the hearing. 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: tape recording of the hearing, all written information presented, the actions of the committee and the chair's final report including the committee's findings, decision as to cause, and recommended remedies.

APPROVED:

S/Clyde Sakamoto

10/14/08

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Chancellor

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Date