

STUDENT ACADEMIC GRIEVANCE POLICY

I. Introduction and Authority

It is an 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. 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 responsibilities as a teacher and the student's responsibilities as a learner may occasionally arise. In order to address these issues, the University of Hawai'i has instructed its constituent campuses to provide for the consistent and equitable resolution of a legitimate student academic grievance.

Accordingly, the Provost of Hawai'i Community College, and with the advice and consent of the Faculty Senate, established the Student Academic Grievance procedure in April 1991. The Faculty Senate Academic Affairs Committee was consulted on the revisions in April 1997 and the first revisions were made effective, August 1, 1997.

II. Academic Rights and Responsibilities of Students

The University of Hawai'i subscribes to the part of the 1968 "Joint Statement of 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

¹Supercedes Haw 5.101, April 18, 1991 and August 1, 1997

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, beliefs 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. Student Academic Expectations

The academic relationship between students and faculty members is also characterized by other traditional and customary standards of conduct. These may be expressed, as shown below, in the form of student academic expectations, which relate to the responsibilities of the faculty member and the College. Unlike student academic rights, the resolution of alleged violations of these expectations shall occur at the level of the Vice Chancellor for Academic Affairs and may not be appealed to the Academic Grievance Committee. In addition, the student-faculty relationship includes faculty expectations of student behavior involving course requirements and the Student Conduct Code.

1. To enroll in any course, provided the College requirements and course prerequisite are met and the predetermined class size is not exceeded.
2. To complete any course in which they are enrolled, provided their conduct is in accord with the Student Conduct Code.
3. To be offered a course that is consistent with its official description in the most recent edition of the College Catalog.
4. To receive, at the beginning of the semester, a description of the course objectives and requirements, including criteria for final grades.

5. To examine their own exams and papers, to confer about the results upon request, and to have their exams and papers retained for six calendar months unless returned to them.
6. To have regular class instruction as scheduled and to have the course comply with the University calendar and examination schedule.
7. To receive fair and objective evaluations of their course work at appropriate times during the semester, including at least one evaluation prior to the last date of course withdrawal.
8. To receive equitable and unbiased treatment within a classroom environment conducive to learning.
9. To have opportunities to question and discuss the ideas, data, and other information considered a part of the course content.
10. To have opportunities to provide constructive evaluations of the course content, teaching methods, and course materials.
11. To have access to the faculty during reasonable office hours for consultations about the course and academic advising.
12. To be free from interference by faculty members or administrators to pursue an academic complaint or grievance, and to be protected against any punitive action because a complaint or grievance was filed.

IV. 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.

Division Chairperson: The individual designated as the administrative head of a campus unit offering credit instruction.

Vice Chancellor for Academic Affairs: The Vice Chancellor for Academic Affairs, the Chief Academic Officer of the College, or any other Officer of the College who has been designated to act for the Vice Chancellor for Academic Affairs in matters involving academic grievances.

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 session.

Report of Alleged Academic Impropriety: A verbal expression of inequity by a student about an action or series of actions taken by a faculty member which 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 Vice Chancellor for Academic Affairs 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 Chairperson of the Academic Grievance Committee requesting a formal review of an academic complaint which the student believes to have been unsatisfactorily resolved by the Vice Chancellor for Academic Affairs.

Patently Frivolous Grievance: A written grievance that is so weak and unsubstantial as to be void of merit or for which there is no identifiable or appropriate remedy. Examples of such grievances may include but are not limited to; those that do not describe an improper or uncustomary situation; those that are best pursued under other more appropriate procedures; or those that have been pursued and concluded through other grievance or appeal procedures.

V. 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 involved, the student should discuss the matter with the faculty member's Division Chairperson, 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 I. Such discussion

should be initiated with the Division Chairperson within seven (7) calendar days after the final scheduled discussion at Step I with the faculty member involved. The Chairperson 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 Chairperson 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. Should the faculty member involved in Step I be the Division Chairperson, the student should present his or her unresolved report, in accordance with Item 2 above, directly to the Dean/designee, noting the apparent "conflict of interest" in his or her report.

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 Vice Chancellor for Academic Affairs/designee. Such complaint must be filed within seven (7) calendar days after the student has been notified by the Division Chairperson of the resolution of the student's report of alleged academic impropriety.
2. The student shall provide as a part of his 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 Division Chairperson'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 Vice Chancellor for Academic Affairs/designee shall immediately notify the Chairperson of the faculty member's division. If new material or information relevant of the situation, which was not introduced as a part of the student's report to the Chairperson, becomes available, the Vice Chancellor for Academic Affairs shall refer the complaint back to the Chairperson for review and recommendation.
4. The Vice Chancellor for Academic Affairs 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 Vice Chancellor for Academic Affairs' judgment, such extension would be of benefit in resolving 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, to the Chancellor, to be heard by the Academic Grievance Committee. Such filing must be done within seven (7) days after the student has received written notification from the Vice Chancellor for Academic Affairs 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 Vice Chancellor for Academic Affairs as well as a copy of the Vice Chancellor for Academic Affairs' written notification to the student regarding the disposition of his/her complaint.

VI. Academic Grievance Committee

There shall be an academic grievance committee, appointed by the Chancellor. Academic Grievance Committee hearings will usually not be available during the last two weeks of each semester (study period and finals week) nor during the summer. During these periods, a hearing before a designated campus administrator may be conducted or grievances 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 ASUH-HawCC Senate (student government) 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 Chairperson a tenured member of the faculty, 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 Chairperson shall notify the faculty member involved, the Division Chairperson and the Vice Chancellor for Academic Affairs.

1. The Chairperson of the Academic Grievance Committee shall have the authority to dismiss all patently frivolous grievances. The Committee shall not proceed on any grievance for which there is no identifiable or appropriate remedy.
2. Having determined that a grievance is not patently frivolous, the Chairperson shall schedule a hearing of the academic grievance committee within 14 days after receipt of the grievance.
3. The Committee Chairperson shall have the authority to waive specified time lines for a specific period, when necessary, in order to ensure proper notice and a fair hearing.
4. Having scheduled a hearing, the Committee Chairperson shall give written notice to the student, the faculty member involved, and to the faculty member's division Chairperson and Vice Chancellor for Academic Affairs. Such notice shall be given at least five working 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 Division Chairperson and Vice Chancellor for Academic Affairs;
 - d. The fact that the burden of proof rests upon the student; and,
 - e. That the hearing shall be closed.
5. 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 Chairperson 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 absence 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.
6. 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.
7. After the Committee has made its findings, decision as to cause, and any recommended remedy, the Chairperson shall inform the student and the faculty member in writing of the findings and recommendations within five calendar days of the hearing. Copies

shall be provided to the faculty member's division Chairperson, the Vice Chancellor for Academic Affairs, and the Chancellor.

C. Final Decision and Orders by the Chancellor

Within thirty calendar days from the receipt of the Committee's findings, decision as 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? And, (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 Chairperson of the Committee shall maintain a log of the hearings. 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 recordings of the hearing, all written information presented, the actions of the Committee and the Chairperson's final report including the Committee's findings, decision as to cause, the recommended remedies.