

<b>Procedure:</b>	Academic Grievance	<b>Procedure No.:</b>	AA4006.2
<b>Authority:</b>	College President	<b>Associated Policy Reference No.:</b>	AA4006
<b>Procedure Owner:</b>	VP Academic Affairs	<b>Responsible Party:</b>	VP Academic Affairs
<b>Approved:</b>	6/16/2009; revised 7/3/2012; revised 9/12/2018		
<b>Revised:</b>	March 29, 2022		

### **Purpose**

The purpose of this procedure is to guarantee the student ability to grieve academic decisions made on the part of instructors at SUNY Broome Community College, believed by a student to have infringed upon their academic rights, and affecting the student’s final grade.

### **Statement of the Procedure**

#### **Introduction**

SUNY Broome Community College’s Student Academic Grievance Procedure has its origins in the Joint Statement on Rights and Freedoms of Students<sup>1</sup>, and subscribes to the spirit of that Statement. To protect the rights and freedoms of students and faculty members consonant with that document and to signal the College’s commitment to the mutual obligation of respect and civility fundamental to an academic community, the College establishes the following procedures to provide for the orderly, fair, and prompt resolution of student academic grievances.

#### **What Is an Academic Grievance?**

An Academic Grievance is a complaint by a student that alleges an infringement of student academic rights which has had an impact on the student’s final grade. A student may file an academic grievance when the following are alleged to have been infringed.

#### **Academic Rights**

Students have the right to:

- Be evaluated fairly and in accordance with the policies established for the course. Both in the classroom and in conferences with students, the instructor should encourage free discussion, inquiry, and expression.
- Have a different perspective on the data or views offered in any course of study and reserve judgment about matters of opinion as presented. They are, however, responsible for learning the content of any course of study in which they are enrolled.

## **Student Responsibilities**

Students have the responsibility to:

- Fulfill course requirements as presented by the instructor.
- Comply with course and classroom regulations established by the instructor and by the College relative to attendance, punctuality, and personal behavior.
- Treat instructors and fellow students with respect, and ensure that behavior in and out of class does not interfere with the learning of their classmates.

## **Terms**

College: SUNY Broome Community College.

Grievant: A student who claims that an infringement of their academic rights has occurred.

Instructor: Refers to the faculty member(s) alleged to have infringed the grievant's rights.

Principals: Refers to the grievant and the instructor.

Final grade: The cumulative grade for the course, submitted to the Registrar and appearing on the student's transcript.

Major semester: A Fall or Spring semester.

Teaching day: Any weekday that classes are in session during a major semester. (Saturdays, Sundays, holidays, scheduled breaks, and closures of the College are not considered teaching days for purposes of this procedure).

## **Who May Grieve?**

A student who has previously completed a course at the College who believes that an infringement of their academic rights has occurred, either through a faulty action or faulty decision, that impacts their final grade for the course may grieve. The person initiating the grievance must be the one alleged to be impacted by unfair treatment; a grievance cannot be filed on behalf of another person.

## **Time Limits in General**

Every effort should be made to resolve the grievance as soon as possible. The grievant has one (1) week from the first day of classes of the following major semester to initiate the Informal Resolution.

All academic grievance procedures must occur during the fall or spring semester unless all parties agree to meet outside the major semester to resolve the grievance. Grievances can only be initiated after the final grade for the course has been posted to the grievant's transcript by the Registrar's Office.

If College personnel neglect at any step to review and/or respond to a grievance within the time limits provided, the grievance may proceed to the next step.

If the grievant does not move the grievance to the next step within the prescribed time limits, the grievance shall be deemed to have been withdrawn.

Time limits may be extended due to unforeseen circumstances if all parties are in agreement. Requests and agreements to extend time limits must be documented.

### **Procedure**

All parties involved in a student academic grievance will follow the procedure and steps described herein. During the time that a grievance is in progress, the grievant may attend classes.

All meetings will be conducted on campus during regular business hours. In the case of evening, weekend, or online classes, alternative meeting arrangements can be made as agreed upon by all parties. Such agreements will be documented.

Both principals have the right to the presence of a supporter of their choice commencing with Step 2. The supporter will not be attorneys, nor act in the capacity of attorneys. The principals may consult freely with their supporters, but their supporters will not be permitted to speak during the Step 2 Meeting. Both principals and their supporters are entitled to review all written documents pertaining to the grievance.

In order to prevail at any of the meetings after an informal resolution attempt has been made, the grievant must show clear and convincing evidence that they have been subjected to an infringement of their academic rights.

In keeping with the intent and spirit of the Academic Grievance Procedure, it is incumbent upon all parties involved to show respect, restraint, and responsibility in their efforts to resolve grievances and to participate in good faith during all meetings and conferences. In consideration for all parties involved, efforts should be made to resolve grievances and communicate decisions as expeditiously as possible.

### **Informal Resolution**

The student and the instructor meet to discuss and attempt to resolve a perceived infringement of academic rights within two (2) weeks of receiving the student's notice to challenge a grade. If the student and the instructor are unable to resolve the issue within these two (2) weeks, the student shall have one (1) week to initiate a formal grievance.

### **Step 1. Meeting with the Department Chair**

Note: If the chair is the aggrieved instructor, another faculty with rank and continuing appointment from the same department shall serve in the chair's role for this procedure. In departments without another such faculty, a chair from another department in the same division shall serve.

If after meeting informally with the instructor, the student elects to initiate a formal grievance, they must notify both the instructor and the department chair. The student will do so by completing and submitting an Academic Grievance Notification Form, available in the appropriate divisional dean's office.

The Academic Grievance Notification Form submitted by the grievant must include:

- The name of the instructor involved and the course number and title, and the time and place of the alleged action(s) that led to the grievance, if applicable.
- A description of the alleged action(s) that led to the grievance.
- A statement of how the decision or action is unfair and/or harmful to the grievant. The statement may reference those policies, rules, or regulations that have been infringed, misapplied, or misinterpreted, if known.
- A list of documents related to the grievance.
- A statement of a desired outcome requested by the grievant to resolve the grievance.

The grievance will be dated and include the grievant's signature, SUNY Broome identification number, and current telephone number, residential address and email address.

The dean's office will forward copies of the completed form to the department chair and instructor. The chair will then schedule and conduct a meeting with the principals, after which the chair will issue their findings.

This meeting will be attended by the grievant, the instructor and the department chair, and will be conducted as follows: The student begins by presenting their grievance, then responds to questions from the instructor and department chair. Then the instructor presents their response, which is also followed by questions from the other two attendants. The department chair then attempts, through discussion, to resolve the grievance. Regardless of the outcome, the department chair will issue a written report, sent to the principals and the dean, within ten (10) teaching days of the chair's receipt of the Academic Grievance Notification Form.

The chair's report will be sent to the principals and the dean, in writing, within ten (10) teaching days of the chair's receipt of the Academic Grievance Notification Form.

## **Step 2. Appeal to the Dean**

If the grievant disagrees with the department chair's finding and wishes to appeal the decision, the grievant must notify the appropriate dean, in writing, with copies to the instructor and the department chair, within five (5) teaching days after receiving written notice of the finding from the department chair.

The instructor shall provide a written response to the grievant, department chair, and dean within five (5) teaching days of receipt of the grievant's notice to appeal the chair's decision.

The dean will then schedule and conduct a meeting with the principals and the department chair, to be conducted in a manner similar to that described above for the Step 1 meeting. After this meeting, the dean will issue their findings. Supporters of the grievant and the instructor are welcome to attend this meeting.

The dean's report will be sent to the principals and the department chair, in writing, within ten (10) teaching days of receipt of the instructor's response to the grievant's appeal of the chair's decision.

### **Step 3. Appeal to the Academic Affairs Office**

If the grievant disagrees with the dean's finding and desires to appeal the dean's finding to the Vice President for Academic Affairs (VPAA), the grievant must notify the dean, in writing, within five (5) teaching days of receipt of the dean's findings. The dean will forward all written materials to the Academic Affairs Office within five (5) teaching days of receipt of the grievant's notice to appeal the dean's finding. The Academic Affairs Office will then refer the matter and forward all pertinent information to the Council for Academic Issues Standing Academic Grievance Committee, which will recommend within ten (10) teaching days, membership of an Ad Hoc Grievance Review Committee to the VPAA. The Ad Hoc Grievance Review Committee will have the representation stipulated below.

- One teaching faculty member with Continuing Appointment who is from the same division as the instructor named in the grievance but not from the same department.
- One academic department chair from a different academic division.
- One student selected from a list of students provided by the Student Assembly. The student shall not have been a member of the course section at issue.

The principals involved in the grievance are entitled to review the membership of the committee and request within five (5) teaching days, in writing, the replacement of any individual. If there is a request by either party to replace one or more committee members, it will be reviewed by the VPAA. The VPAA may approve or deny such a request, in writing, within five (5) teaching days of the receipt of the request. If the VPAA approves the request, they will direct the Standing Academic Grievance Committee to appoint replacement members to the Ad Hoc Grievance Review Committee within five (5) teaching days. Neither of the principals may contact any members of the Ad Hoc Grievance Review Committee regarding the grievance.

Either the teaching faculty member or academic department chair member of the Ad Hoc Grievance Review Committee will be designated Committee chairperson and will have the responsibility of reporting the recommendation of the Committee, in writing, to the VPAA.

The Committee will have ten (10) teaching days from the date on which its members are approved to complete its business and submit its final recommendation, in writing, to the VPAA.

The Committee's final written recommendations should include statements asserting:

- That the grievance procedures have or have not been followed, and
- That the grievant has or has not been treated fairly in accordance with course guidelines.
- That the previous recommendations of the department chair or the dean should be followed or,
- That a previous recommendation of the department chair or the dean should be modified with said modifications enumerated or,
- That the previous recommendations of the department chair and the dean should be abandoned and substituted with the Committee's own recommendations, or
- That no action should be taken.

After preparing the written report for the VPAA, the Committee chairperson will have each member review the recommendation and sign it. The Committee chairperson will forward the signed recommendation to the VPAA.

#### **Step 4. Vice President of Academic Affairs Action**

The VPAA will review the recommendation of the Ad Hoc Grievance Review Committee. If the VPAA finds the recommendation and the proceedings complete, reasonable, and just, the VPAA will declare the Committee's recommendation binding upon both principals. If the VPAA has cause to question the recommendation or the proceedings of the Committee, the VPAA will send their statements of concern, in writing, within five (5) teaching days, back to the Committee for further deliberation and resolution. The Committee will submit its response to the concerns of the VPAA, in writing, within five (5) teaching days of receipt of these concerns. The VPAA will then make the final decision in accordance with all the recommendations.

The final decision and supportive rationale will be communicated, in writing, by the VPAA within five (5) teaching days of receipt of the Committee's recommendation, or response to any concerns raised by the VPAA, whichever is later (which may be extended for due cause), to the principals, the appropriate department chair, the dean, and the chair of the Committee. This written decision constitutes the final step in the resolution of the grievance within the institution.

#### **Step 5. Recording**

After receiving the final decision, the principals will have the right to file a statement with the VPAA. The final record of the grievance shall be filed with Academic Affairs and include the following documentation as far as the grievance proceeded:

- The Academic Grievance Notification Form
- The Grievance Timeline Tracking Form
- Documentation of any agreed-upon changes to the timeline

- The Chair's findings
- The grievant's notice to the Dean if they disagree with the Chair's findings
- The instructor's response to the grievant's notice to the Dean
- The Dean's findings
- The grievant's notice to Academic Affairs if they disagree with the Dean's findings
- Any communication with the VPAA regarding changes to the make-up of the Ad Hoc Grievance Review Committee
- The report of the Ad Hoc Grievance Review Committee
- Any communication between the VPAA and the Ad Hoc Grievance Review Committee regarding the committee's report
- The VPAA's final decision
- Any statements filed by the principals regarding the VPAA's final decision
- Any other documentation provided by the principals to support their position at any point in the procedure

#### History

Student Handbook, 2007-2008; Student Handbook 2008-2009; <http://www.sunybroome.edu/campuslife/rights/appeal.php>

#### References

1. American Association of University Professors (1967, 1990, 1991 & 1992), Joint Statement on Rights and Freedoms of Students, <http://www.aaup.org/AAUP/pubsres/policydocs/contents/stud-rights.htm>

#### **Related Policies (by number)**

AA4006 Academic Code Policy

#### **To whom it applies (title or department)**

Students and faculty members who are involved in an academic grievance. This procedure will be followed by Shared Governance and the Academic Affairs Office, as well.

#### **General Guidelines**

#### **Definitions**

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**Appendix**

Ex. Written communication, location,

**Forms for further clarification of procedure**

Academic Grievance Notification Form

<b>Action</b> <i>(Created, Reviewed, Retired)</i>	<b>Date</b>	<b>Initials</b>	<b>Position Title</b>
<i>Revised</i>	03/2/2022	PH	<i>VP Academic Affairs</i>