

STUDENT ACADEMIC GRIEVANCE PROCEDURES

(REVISED 7/5/2017)

1. INTRODUCTION

1.1 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, as well as the faculty member's responsibilities for presenting unambiguous policies and procedures, may occasionally arise.

To address these issues, the University of Hawai'i has instructed its constituent campuses to provide for the consistent and equitable resolution of legitimate student academic grievances pertaining to the assignment of final course grades. Accordingly, the Chancellor of Kapi'olani Community College, upon recommendation of the Faculty Senate, has established this Student Academic Grievance Procedures. This revised Procedures follows the guidelines of the American Association of University Professors (AAUP) Policy Documents and Reports, (11th ed., 2015) in recommending that "[t]he 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."

1.2 ACADEMIC RIGHTS AND RESPONSIBILITIES OF THE STUDENT

Kapi'olani Community College (the 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." The following protections are excerpted from this same document.

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.

1.3 DEFINITIONS

- A. Academic Grievance Committee (AGC):** See part 1.4 of this document for the definition, composition, and role of the AGC.
- B. Academic Grievance:** A written statement of complaint filed with the Chancellor, requesting a formal review of the assignment of a final course grade, which the student believes to have been unsatisfactorily resolved by the Department Chair (DC) and Dean.
- C. 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 relates to the Selective Admissions Program Decisions Appeal Process, the student should be directed to the College's catalog, where a separate set of procedures will be followed. If the issue involves discrimination or sexual harassment, the student should be directed to the EEO or Title IX coordinators, where a separate set of procedures will be followed.)
- D. Course:** A credit course at the College in which scheduled instruction is provided and in which the alleged Academic Grievance took place.
- E. 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 course 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.
- F. Faculty Member:** Any individual engaged in providing scheduled instruction in a credit course at the College.
- G. No Merit:** A written grievance that is insubstantial and does not warrant investigation and/or for which there is no identifiable or appropriate remedy.
- H. Merit:** A written grievance that is substantial and warrants investigation.

- I. Grades Rolled/Official:** Final course grade submitted by the faculty member for the course taught and posted to a student's academic record. Grade must be "rolled" to academic record to be official. Grades are normally "rolled" the evening of the day course grades are due.
- J. Frivolous Grievance:** A written grievance that is so weak and insubstantial as to be devoid 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.
- K. Remedy:** An action that will change the student's situation; typically, a change in final grade. A remedy shall not be punitive to the faculty member.
- L. Semester:** Any scheduled term of instruction including summer session.
- M. Student:** Any person enrolled at a University of Hawai'i Community College seeking a Board of Regents approved academic credential. (UHCCP #5.213)

1.4 ACADEMIC GRIEVANCE COMMITTEE – DEFINITION, COMPOSITION, AND ROLE

- A.** The Academic Grievance Committee (AGC) and chair are responsible to review and/or hear formal student academic grievances that have not been formally resolved at the previous steps (faculty member, Department Chair, and Dean) to the satisfaction of the student. The AGC chair has the authority to waive specified timelines for a specific periods, when necessary, in order to ensure proper notice and a fair hearing.
- B.** The Academic Grievance Committee (AGC) shall be composed of a chairperson, two students, and two faculty members. The chair shall vote only in the case of a tie vote.
- C.** Two faculty members shall be selected by the Chancellor to serve as permanent members for two academic years. These faculty members must be tenured and may be selected based on recommendations from the Faculty Senate.
- D.** Two faculty members shall be selected by the Chancellor to serve as alternate members should any of the permanent members not be able to serve on the committee. These faculty members must be tenured and may be selected based on recommendations from the Faculty Senate.
- E.** Two students shall be selected by the Chancellor to serve as permanent members for one academic year. These students may be selected from among members of the Kapi'olani Community College Student Congress based on the recommendations of the Student Congress.
- F.** Two students shall be selected by the Chancellor to serve as alternate members should any of the permanent members not be able to serve on the committee. These students may be selected from among members of the Kapi'olani Community College Student Congress based on the recommendations of the Student Congress.
- G.** The Chancellor will appoint the chair, who may be any tenured faculty member or student of the College.
- H.** If any faculty member or student selected feels that their relationship with either the grievant or the individuals involved would affect their ability to render an impartial judgment, the committee member shall disqualify themselves. Additional members will then be selected by the Chancellor from the list of alternates, until the committee membership is completed.

- I. A majority of the members of the Academic Grievance Committee (AGC) present shall constitute a quorum for the purposes of a hearing.
- J. Prior to the first committee meeting, the Chancellor or designee will brief the members on their duties.
- K. 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 hearing before a designated campus administrator may be conducted or grievances may be deferred until such time as a committee hearing is available.
- L. Academic Grievance Committee (AGC) hearings shall all be held according to the Hearing Procedures. 2.2.B.

2. APPEAL PROCEDURES

2.1 FILING AN APPEAL

A student who seeks to appeal the assignment of a final course grade may initiate action to achieve a remedy. The actions available are outlined herein and must be initiated within 30 business days after the final grade is “rolled/official.”

A. Informal Appeal

Step 1: A student who seeks to appeal the assignment of a final course grade must first make every reasonable attempt to discuss the matter and achieve a remedy with the faculty member involved. The faculty member must be afforded the opportunity to initially handle these matters before the grievance proceeds to the next level. (If approached, administrators, department chairs, counselors, fellow faculty and staff shall immediately redirect the student to the faculty member involved.)

Should the faculty member involved in Step 1 be the Department Chair, the student should present the complaint, in accordance with Step 3, directly to the Dean.

(Note: Beginning at this level, the student should maintain a record of evidence, documenting meeting discussions, dates, and times. If the student is not satisfied with the informal process, all of the required forms must be included in this record.)

Step 2: Seven (7) business days after failing to resolve the matter informally with the faculty member, the student should consult with the faculty member’s Department 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. The remedy sought shall not penalize the faculty member but shall be focused on changing the student’s situation, which will typically be the change of a final grade. The DC may meet separately with the student and the faculty member, or if both agree, to discuss the matter jointly. The student is required to submit all allegations at this time. The DC will investigate and respond to the student within 7 business days of consultation with the student.

Note: Should the faculty member involved in Step 1 be the DC, the student would present the complaint, in accordance with Step 2, directly to the Dean.

B. Formal Academic Grievance

Step 3: If the student is not satisfied with the DC's informal response, within 7 business days, the student can file a written complaint with the DC to start establishing the record that will accompany this grievance to its conclusion (Form 1). Within 7 business days of receipt of the student's grievance (Form 1), the DC shall complete any additional research or consultation and shall notify the student, and faculty member in writing of the DC's conclusion(s) and recommendation(s), including a finding of "merit" or "no merit" (Form 2). A determination of "no merit" by the DC ends the complaint unless the student chooses to proceed to Step 4, Review by the Dean.

Step 4: If the student is not satisfied with the DC's response to the appeal of a final grade, the student can file an academic grievance, in writing, with the Dean (Form 3). This filing must be received within 7 business days after the student has received written notification of the DC's conclusion(s) and recommendation(s), including a finding of "merit" or "no merit."

The student's written academic grievance shall contain all information previously provided in the student's complaint to the DC, as well as a copy of the DC's responses (Form 2) to the student regarding the disposition of the student's complaint. If the student adds new claims or new materials at a later point that were not considered by the DC, the complaint shall be returned to the DC for review.

Step 5: Within 14 business days of receipt of the student's grievance, the Dean shall complete any consultation and shall notify the student and faculty member of the Dean's conclusion(s) and recommendation(s), including a finding of "merit" or "no merit." An extension to allow adequate investigation is allowed, if the Dean communicates the reason and the length of the proposed delay to the student. A determination of "no merit" by the DC will end the appeal unless the student chooses to proceed to appealing the grievance with the Chancellor's office.

If the Dean is not available, the Dean or Chancellor shall appoint a designee to act in the Dean's place.

Step 6: If the student is not satisfied with the Dean's response and within 7 business days of receipt of the response, the student may file the appeal with the Chancellor (Form 5) for referral to the AGC and final resolution.

Step 7: The Chancellor shall ensure that the grievance is complete and shall notify the faculty member and AGC chair of the pending grievance within 7 business days of receipt of the grievance. Refer to 2.2 ACADEMIC GRIEVANCE COMMITTEE for detailed committee responsibilities and hearing procedures.

Step 8: Based on the recommendation of the AGC chair or AGC, the Chancellor will come to a conclusion regarding the grievance. The Chancellor will notify the student and faculty member of the Chancellor's decision within 7 business days of receipt of the AGC chair's (frivolous grievance) memo or the Academic Grievance Committee's finding and recommendations memo. Refer to 2.3 FINAL DECISION AND ORDERS BY THE CHANCELLOR for detailed responsibilities. The Chancellor's decision is final within the University.

2.2 ACADEMIC GRIEVANCE COMMITTEE

A. Committee Responsibilities

Upon notice of pending grievance from the Chancellor, the AGC chair reviews the grievance and determines if the grievance is clearly, without doubt, frivolous or has merit.

If the grievance is clearly, without doubt, frivolous, within 14 business days of notice of the pending grievance, the AGC chair files a memo with the Chancellor stating the reasons for the determination of the grievance as frivolous.

If the grievance has merit, the AGC chair schedules a hearing within 14 business days of the notice of the pending grievance. After the hearing, the AGC chair files a memo of findings and recommendations with the Chancellor within 7 business days of the hearing.

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.

B. Hearing Procedures:

1. The AGC chair shall schedule a hearing of the AGC within 14 business days after receipt of notice of pending grievance.
2. The AGC chair has 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 chair shall give written notice to the faculty member involved and to the student. These notices shall be given at least five business days prior to the hearing and shall include:
 - a. The date, time, and place of the hearing;
 - b. Any particular section(s) of 1.2 Academic Rights and Responsibilities of Students, that is alleged, to have been violated:
 - A. "Protection of Freedom and 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, 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."
 - c. A summary of the grievance and previous responses;

- d. The fact that the burden of proof rests upon the student and any additional documentation or evidence submitted by either party after the written notice of the hearing date is issued, should be brought to the hearing;
 - e. That the hearing shall be in closed session;
 - f. That the faculty member and student be advised of the names of the committee members who are reviewing the complaint. If the faculty member or the student believes that a member of the AGC may have a conflict of interest or an involvement with the case that would affect their ability to render an impartial judgment, a written appeal can be made to the Chancellor. This appeal must state the reason for the request. Any documentation, if available, should be attached. Upon reviewing the request, the Chancellor has the discretion to substitute one of the alternates. The Chancellor has 7 business days to respond to such a request.
4. The AGC 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, 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. The student and faculty member may each be accompanied by one support person, who may be present in the room, but who may not speak on behalf of the student and/or faculty member. The student and/or faculty member is allowed to quietly consult with their respective support person.
 - d. The evidence should be already documented with the required forms. Any additional information can be presented at the hearing.
 - e. All committee members shall have the right to raise additional questions or seek clarification on all relevant points.
 - f. The Committee may secure additional information from sources other than those presented by the student and/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 and/or faculty member.
 - g. The student is required to attend the hearing and the faculty member can choose to attend. If both are in attendance, it is recommended that both parties attend the hearing simultaneously.
 - h. After receipt of all relevant information, the student and the faculty member (if in attendance) are dismissed from the hearing.
 - i. Committee deliberations shall be closed, for AGC members only. The Committee shall consider the information in its possession and render a decision.
 - j. After being dismissed from the hearing, communication initiated by the student or the faculty member should be directed to the Chancellor, and not to the AGC.
 - k. In the absence of the student, unless for good and sufficient cause, the AGC can recommend to the Chancellor that the grievance be "dismissed with prejudice" (dismissed permanently.)
 - l. If the grievance is determined to be without merit, such a finding is sufficient for the AGC to recommend to the Chancellor that the grievance be dismissed.

5. After hearing a grievance, the Committee will decide whether the College has reasonable cause to remedy a student's situation. Accordingly, the committee will decide on one of the following:
 - a. No cause for remedy: The student's appeal of the assignment of a final course grade has been denied.
 - b. Cause for remedy: The student's appeal of the assignment of a final course grade has been approved.
6. The AGC will submit a memo of findings and recommendations to the Chancellor within 7 business days of the hearing.

2.3 FINAL DECISION AND ORDERS BY THE CHANCELLOR

A. Within 7 business days of the receipt of the AGC chair's memo to the Chancellor stating the reasons for the determination of the grievance's being frivolous and dismissal of the grievance, or the committee's memo of findings and recommendations, the Chancellor has 1 of 2 options:

1. The Chancellor affirms the committee's findings, decision as to cause, and implement, in whole or part, the recommended remedies and shall notify by certified mail with return receipt requested, both the student and the faculty member of the Chancellor's final decision and any appropriate remedy to be undertaken.
2. The Chancellor may direct the committee to rehear the grievance if there is substantial reason to doubt the fairness of the hearing. A determination of the fairness of the hearing shall be based on any of the following:
 - a. Did the committee follow the procedures contained herein?
 - b. Was the committee hearing conducted in such a way as to provide the student adequate opportunity to present his or her grievance?
 - c. Did the evidence presented at the hearing satisfy the requisite burden of proof?
 - d. Is the remedy reasonable in relation to the grievance?

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

2.4 RECORD OF THE STUDENT ACADEMIC GRIEVANCE

- A. The Chancellor shall maintain a log of 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.
- B. Committee records are not open to outside inspection and under custody of the Chancellor include the recordings of the hearing, all written information presented, the actions of the Academic Grievance Committee, and the chair's findings, decision as to cause, and recommended remedies.
- C. The Committee records shall be kept by the College for a period of five years after the resolution of the grievance and then be destroyed.

For administrative use only

Date Received: _____

Student Grievance Request to Department Chair

Form 1

(Submit the completed form electronically with support documentation to the Department Chair)

Please type or print your responses:

| | | | |
|--|----------------|--|--|
| Student Name: | | Student phone number: | |
| UH ID: | | UH email: | |
| Name of faculty member involved: | | | |
| Semester course taken: | | | |
| Course Alpha: | Course Number: | Course Title: | |
| Specific date and/or semester of the alleged grievance: | | | |
| Basis for the grievance (attach additional information if necessary): | | | |
| Dates and summary of discussion with the faculty member (attach additional information if necessary): | | | |
| Requested remedy: | | | |
| <i>I certify that the information provided on this Academic Grievance Request is true to the best of my knowledge and belief. I understand that providing incorrect or false information will subject me to the requirements and/or discipline measures as provided under the Kapi'olani Community College Student Conduct Code.</i> | | | |
| Signature _____ | | Date of Submission to Department Chair _____ | |

For administrative use only

Date Received by DC: _____

Date Student Notified: _____

Date Faculty Notified: _____

**Department Chair Grievance Response
Form 2**

(Submit the completed form electronically with support documentation to the Student and Faculty member)

Please type or print your responses:

Attach Form 1

| | | | |
|---|----------------|------------------------|--|
| Student Name: | | Student phone number: | |
| UH ID: | | email: @hawaii.edu | |
| Name of faculty member involved: | | | |
| Department chair (DC) name: | | | |
| Semester course taken: | | | |
| Course Alpha: | Course Number: | Course Title: | |
| Date(s) of DC contact with student: | | | |
| Summary of student issue (attach additional information if necessary): | | | |
| Student's requested remedy (attach additional information if necessary): | | | |
| DC's response to the grievance (attach additional information if necessary): | | | |
| <i>I certify that that I have reviewed this grievance and have indicated my response above.</i> | | | |
| Department Chair's Signature _____ | | Date of Response _____ | |

For administrative use only

Date Received: _____

Student Grievance Request to the Dean

Form 3

(Submit the completed form electronically with support documentation to the Dean)

Please type or print your responses:

Forms 1-2 must be attached

| | | | |
|--|----------------|----------------------------------|--|
| Student Name: | | Student phone number: | |
| UH ID: | | email: @hawaii.edu | |
| Name of faculty member involved: | | | |
| Semester course taken: | | | |
| Course Alpha: | Course Number: | Course Title: | |
| Specific date and/or semester of the alleged grievance: | | | |
| Date written response was received from the Department Chair (DC): | | | |
| State the reason(s) you disagree with the DC's response (attach additional information if necessary): | | | |
| These two documents must be attached to this form: <input type="checkbox"/> Yes, I have attached the original complaint (Form 1). <input type="checkbox"/> Yes, I have attached the DC's response (Form 2). | | | |
| <i>I certify that the information provided on this Academic Grievance Request is true to the best of my knowledge and belief. I understand that providing incorrect or false information will subject me to the requirements and/or discipline measures as provided under the Kapi'olani Community College Student Conduct Code.</i> | | | |
| Signature _____ | | Date of Submission to Dean _____ | |

For administrative use only

Date Faculty Notified: _____

Date Student Notified: _____

Dean's Grievance Response
Form 4

(Submit the completed form electronically with support documentation to the Student and Faculty member)

Please type or print your responses

(Forms 1, 2, and 3) must be attached.

| | | | |
|--|----------------|------------------------|--|
| Student Name: | | Student phone number: | |
| UH ID: | | email: @hawaii.edu | |
| Name of faculty member involved: | | | |
| Dean's Name: | | | |
| Semester course taken: | | | |
| Course Alpha: | Course Number: | Course Title: | |
| Date(s) of Dean's contact with student: | | | |
| Summary of student issue (attach additional information if necessary) | | | |
| Student's requested remedy (attach additional information if necessary): | | | |
| Dean's response to the grievance (attach additional information if necessary): | | | |
| <i>I certify that I have reviewed this grievance and have indicated my response above.</i> | | | |
| Dean's Signature _____ | | Date of Response _____ | |

For administrative use only

Date Received by Chancellor:

Student Grievance Appeal to the Chancellor

Form 5

(Submit the completed form electronically to the Chancellor)

Please type or print your responses:

| | | | |
|---|----------------|--|--|
| Student Name: | | Student phone number: | |
| UH ID: | | email: @hawaii.edu | |
| Name of faculty member involved: | | | |
| Semester course taken: | | | |
| Course Alpha: | Course Number: | Course Title: | |
| Specific date and/or semester of the alleged grievance: | | | |
| Date written response was received from the Department Chair (DC): | | | |
| Date written response was received from the Dean: | | | |
| These four documents must be attached to this form: <input type="checkbox"/> Yes, I have attached my original complaint to the DC (Form 1). <input type="checkbox"/> Yes, I have attached the DC's response (Form 2). <input type="checkbox"/> Yes, I have attached the request to the Dean (Form 3). <input type="checkbox"/> Yes, I have attached the Dean's response (Form 4). | | | |
| State the reason you disagree with the Dean's response (attach additional information if necessary): | | | |
| <i>I certify that the information provided on this Academic Grievance Request is true to the best of my knowledge and belief. I understand that providing incorrect or false information will subject me to the requirements and/or discipline measures as provided under the Kapi'olani Community College Student Conduct Code.</i> | | | |
| Signature _____ | | Date of Submission to Chancellor _____ | |