

Augusta University

Policy Library

Student Academic Grievance

Policy Owner: Office of Academic and Faculty Affairs

POLICY STATEMENT

The student has a right to fair treatment under the academic policies and procedures of Augusta University, as enumerated through stated academic regulations, academic program and course requirements, instructors' course syllabi, or other affirmative statements of academic policy. This policy provides recourse for any student who feels that his or her academic rights have been violated by the instructor in a course the student is taking or has recently taken.

This policy exists to resolve academic grievances of students which result from actions of faculty.

AFFECTED STAKEHOLDERS

Indicate all entities and persons within the Enterprise that are affected by this policy:

- Alumni Faculty Graduate Students Health Professional Students
 Staff Undergraduate Students Vendors/Contractors Visitors
 Other:

DEFINITIONS

- **Academic Review Panel** is a review body which may be constituted to hear academic grievances.
- **Advisor** refers to the individual who assists a student with conduct hearing preparation. An advisor must be a full-time administrative official, faculty member, or student of the University. Student Conduct Board members not hearing a case are available to serve as Advisors.
- **Business Day** refers to any day on which the offices of Augusta University (excluding University police, libraries and housing) are open to the general public.
- **Grievant** is any student who pursues a formal or informal grievance to seek relief under this policy.
- **Respondent** is the faculty member against whom the grievance has been made by the grievant.
- **Student** includes all persons taking courses at the University, either full-time or part-time. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance for admission are considered students.

Office of Compliance and Enterprise Risk Management Use Only

Policy No.: 452

Policy Sponsor: Type the title of the Executive Leader of the department.

Originally Issued: Not Set

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Last Review: 06/09/2017

- **Student Conduct Board** refers to a campus review body constituted to adjudicate issues of student nonacademic misconduct. It also is the body from which Academic Review Panels are constituted.
- **Timelines** -- The intent of the administration is to handle grievances in as timely a manner as possible. The timelines indicated in this policy indicate the usual expectations of the administration. It is recognized, however, that there are instances in which holidays, graduation, or other events might interfere with ability of Augusta University officials to meet these time frames. As long as Augusta University officials make reasonable efforts to meet the stated time frames, the
- **University** refers to Augusta University and any or all extended campuses.

PROCESS & PROCEDURES

Student Academic Grievance Procedures

The procedures set forth here are intended to provide students at Augusta University a means for pursuing alleged violations of a student's rights by his/her instructor. It is not the intention of these procedures, however, to provide a forum for questioning course requirements or grading policies of faculty. Prior to initiating a formal academic grievance, student concerns may be discussed with the faculty member and/or reported to the department chair or unit head.

However, if the student's problem is related to admission, transfer of credit, probation, academic suspension or dismissal, or other similar administrative decisions that bear upon the student's academic career, he or she may wish to enter an academic appeal, as described in the Augusta University Academic Appeals Policy. Grievances also may be made in cases related to the Augusta University Student Concerns Regarding Educational Expectations Policy. The Vice President for Academic and Faculty Affairs is the final arbiter of whether a grievance should be resolved instead through the student academic appeal process.

If the student's problem is related to a nonacademic issue, he or she should report to the Dean of Student for advice about how to proceed.

1. **Applicability of the Grievance Procedures:** The Vice President for Academic and Faculty Affairs decides whether or not these procedures are applicable to a particular case based on following criteria, all of which must hold for the case in question.
 - 1.1. *Subject Matter:* These procedures apply to the review of grievances concerning disputes about matters arising in academic courses. This policy shall not apply to complaints of discrimination and harassment; those complaints must be referred to the Affirmative Action/Equal Employment Opportunity Office.
 - 1.2. *Grievant:* Student is using the formal grievance procedure described in this policy to seek relief for an instructor's action(s) in an academic course.

1.3. *Timeframe:* Academic grievances should normally be made by the grievant during the term of the student's enrollment in the course in which the violation of rights was alleged to have occurred, and no later than end of the semester following the alleged violation of rights, including summer semester. A grievant who seeks a change of final grade in a course should be mindful that University policy requires such changes to be made by the end of the semester following the semester (including summer semester) in which the student was enrolled in the course.

2. Principles: If the student wishes to initiate an academic grievance, he or she must follow the student academic grievance procedure as outlined below, keeping in mind the following principles:

2.1. Except when the complaint is of the most egregious nature or is related to intellectual diversity, the student must start with a sincere attempt to settle the dispute in an informal manner with the instructor. In general, administrators can initially hear the student's concerns and refer him or her to this document, but they will not discuss any specific grievance until the appropriate procedural steps have been taken. The Dean of Students or designee may serve an advisory role for the most egregious incidents or those involving intellectual diversity by hearing specific grievances and facilitating the procedures outlined below.

2.2. Within the guidelines of the institution, faculty have authority and responsibility for course content, classroom procedure, and grading, except insofar as it can be shown that a decision was arbitrary or capricious, or based on discrimination with respect to race, religion, sex, handicap, age, or national origin.

2.3. When a student prepares his or her case, he or she should keep in mind that the burden of proof is on him or her, not on the instructor.

2.4. Students who have legitimate grievances which cannot be resolved at the departmental level should follow the procedures outlined below. However, frivolous or mendacious complaints are discouraged. Students and faculty are further advised that adherence to the full truth represents the best service to their cases, and indeed that misstated or overstated claims by the principals or their witnesses about the misdeeds of others may lead to civil penalties.

2.5. Any witness is protected from repercussions resulting from testimony by the Augusta University Anti-retaliation Policy.

2.6. Administrators shall not discuss the details of a specific grievance with a student who has not followed the procedure outlined herein, and any representative of a student must follow the same procedure. Public statements about a case shall be

withheld by the parties involved, by any review body, and by all participants in the hearings until the final decision has been communicated to the parties to the grievance. If and when an official statement is made regarding the result of the procedures outlined below, it shall be made through the Office of the Vice President for Academic and Faculty Affairs.

- 2.7. Each party in the grievance whether the grievant, the instructor, or an administrator normally shall have five (5) business days to respond at any stage in the grievance procedure, unless both parties agree to an extension.

3. Overview of the Grievance Process

- 3.1. Informal resolution attempted at the department/unit or college level (Section 4).
- 3.2. Formal resolution sought at the University level: appeal reviewed by VPAFA and, if so determined, heard by an Academic Review Panel. (Section 5)

4. Initial Steps in the Grievance Process: Informal Resolution (to be followed in the order presented)

- 4.1. When a student believes he or she has an academic grievance, he or she should first seek to resolve that grievance by discussions with the faculty member or administrator involved. If initial discussions are not satisfactory, the student may take the complaint to the next administrative level as specified below, taking care not to skip levels in the administrative hierarchy. At every level the person hearing the alleged grievance should respond to the student within a reasonable length of time of the initial request. Normally such response should occur within five (5) business days after the student request unless bona fide reasons such as illness, personal emergency or campus absence for professional reasons makes this time limit unreasonable.
 - 4.1.1. The student should consult with the faculty member involved by written letter or email, no later than the first day of classes of the semester following that in which the grievance occurs. The student should articulate the reason(s) for the grievance and the expected remedy. The faculty member (respondent) should provide a response to the student by written letter or email within five (5) business days.
 - 4.1.2. If after communicating with the faculty member the student is not satisfied that a fair and equitable solution has been achieved, the student may take the grievance to the administrative supervisor of the faculty member. In most instances, this will be the department chair. This statement of the alleged grievance and the remedy, along with any documentary evidence, should be in written form.

- 4.1.3. If the student is still not satisfied, he or she may take the grievance to the academic dean of the faculty member's school or college (for undergraduate students). Graduate students must concurrently contact the academic dean of the faculty member's school or college and the dean of the graduate school. This statement of the alleged grievance and the remedy, along with any documentary evidence, should be in written form.
- 4.1.4. As a last resort and only after steps 4.1.1-4.1.3 have been carried out, or have been conscientiously attempted, the student may present a formal grievance in writing to the Augusta University Vice President for Academic and Faculty Affairs. He or she should set forth in writing a statement of the alleged grievance and the remedy sought at the department/unit or college level, along with any documentary evidence, which should be delivered to the Office of the Vice President for Academic and Faculty Affairs (VPAFA).

5. The Formal Grievance

- 5.1. The student shall observe the following requirements:
 - 5.1.1. The appeal must be in writing. It must state the basis for the grievance and the facts that support it, including a summary of the steps that have already been taken to resolve the grievance, reasons why the student finds the resolutions unfair or unsatisfactory, and a statement of the desired remedy. The student also should include any other relevant documentary evidence he or she wishes the VPAFA to review.
 - 5.1.2. The written appeal must be presented to the Vice President for Academic and Faculty Affairs (or designee) within five (5) business days after the student has received notice of a decision from a school, college, or unit.
- 5.2. Upon receipt of a formal grievance, the VPAFA (or designee) will:
 - 5.2.1. Acknowledge receipt of the formal grievance in writing within five (5) business days.
 - 5.2.2. If the VPAFA (or designee) rules that the procedures are not applicable (as per Section 1 of this policy) or that based on the facts stated by the grievant viewed in the light most favorable to the grievant, there is no basis for relief, then the appeal is denied, and the VPAFA will notify the grievant and respondent of this decision within five (5) business days of receiving the grievance
 - 5.2.3. If the VPAFA rules that the procedural rules (as per Section 1 of this policy) are applicable and that a hearing of the grievance is warranted, the VPAFA shall initiate an Academic Review Panel (hereafter, "Panel") hearing process

within five (5) business days, and notify the grievant and respondent that an Academic Review Panel will hear the formal grievance.

- 5.2.3.1. The VPAFA shall notify the Dean of Students that an Academic Review Panel should be constituted.
- 5.2.3.2. The Dean of Students shall notify the chair of the Student Conduct Board (see Augusta University Student Code of Conduct) to form an Academic Review Panel of 5 to 7 members to hear the formal grievance.
- 5.3. Grievant(s) and respondent(s) shall communicate and cooperate with the chair of the Student Conduct Board regarding the preparation of support materials related to the allegations of academic grievance.
- 5.4. At no time (outside of the formal hearing process) should any person directly or indirectly involved in the academic grievance case communicate with any of the voting or alternate members (with the exception of the chair) of the Student Conduct Board or the Academic Review Panel about the grievance.
- 5.5. The Student Conduct Board shall notify the Panel to hear the appeal.
- 5.6. The decision as to whether a formal hearing is warranted shall be made available, in writing, to the parties concerned within five (5) business days after the Panel has received notice of the grievance.

6. The Academic Review Panel

- 6.1. Academic Review Panels for an academic grievance hearing consist of five to seven members, including faculty members from the Corps of Instruction (one of who shall serve as chair), and at least two students, and are constituted as needed. One of the faculty members shall be designated by the chairperson of the Student Conduct Board to serve as the chair of the academic review panel, and shall serve as administrative officer for the proceedings.
- 6.2. The VPAFA or his/her designee shall deliver to the chair of the Academic Review Panel the written grievance and all other documents and/or exhibits received by the VPAFA in the context of the appeal.
- 6.3. The chair of the Panel shall be the administrative officer of the Panel. His or her duties shall include:
 - 6.3.1. Informing the members of the Panel, the student(s) and faculty member(s) involved, and any other persons whose attendance is required that a grievance hearing is pending;
 - 6.3.2. Arranging for appropriate times and places for Panel meetings and hearings;

- 6.3.3. Informing, in writing, the grievant, respondent, and any others whose testimony is relevant to the case of the times and places of Panel hearings that they are requested to attend, and supplying them with a statement of alleged grievances;
- 6.3.4. Securing and distributing to the Panel written materials or other documentation appropriate for its consideration;
- 6.3.5. Arranging with the Office of the VP for Student Affairs for audio recording of Panel proceedings;
- 6.3.6. Maintaining Panel records that are to be kept on file in the Office of the Vice President for Academic and Faculty Affairs; and
- 6.3.7. Informing, in writing, the Office of the Vice President for Academic and Faculty Affairs of the recommendations of the Panel.
- 6.4. Any member of the Panel may at any time disqualify himself or herself from consideration of any given case or cases because of personal bias.
- 6.5. Should a Panel member be unable to hear a particular case, for any reason, an alternate shall be appointed by the chair of the Student Conduct Board to serve for the course of the particular grievance.
- 6.6. Should the Panel be involved in a specific case at the time of the return of an absent member, the replacement member shall continue as a member of the Panel in all sessions dealing with the specific case until it is concluded.
- 6.7. Should any member of the Panel be unable, for any reason, to complete a term for which he or she has been appointed, the alternate shall fill the balance of the term. Resignations shall be submitted in writing to the chair of the Panel. The chair of the Panel shall then inform the chair of the Student Conduct Board of a vacancy and request the appointment of a new alternate.
- 6.8. Either party to the hearing may request of the chair in writing that any member or members of the Panel be excluded from consideration of a case. Such a request must be for cause and be brought to the chair's attention as the first step in the hearing. In the event a member is disqualified by majority vote of the Panel from consideration of a case, the chair shall appoint the Panel alternate as a replacement.
- 6.9. Once the Panel has been finalized, the VPAFA shall deliver to the chair of the Panel the written grievance and all other documents and/or exhibits received by the VPAFA in the context of the appeal.

7. Academic Review Panel Proceedings

- 7.1. The Panel will proceed with due haste to examine the merits of the complaint and to schedule a hearing within ten (10) business days.
 - 7.1.1. The Panel, as a whole, shall arrange for a swift and comprehensive review of the grievance and may request from the parties involved and from resource persons additional information. It shall then decide, on the basis of this evidence, whether there are sufficient grounds to hear a case or not, and whether it will accept written statements in lieu of personal appearances or not. If the Panel decides that there are not sufficient grounds to hear a case and closes the case, it shall notify the Grievant and respondent in writing as to the reasons for its actions.
 - 7.1.2. If the Panel determines that the case merits further consideration in the form of a hearing, the parties involved shall be informed in writing and be advised of the scheduled time and place of the hearing. Grievants will be given copies of the respondent's academic grievance materials. Respondents will be given copies of the grievant's academic grievance materials. The grievant's and the respondent's academic grievance materials will be returned to the Panel chair at the close of the formal hearing.
 - 7.1.3. At the hearing, the grievant, respondent, and material witnesses may testify and may be questioned by the opposite party and by Panel members. Any evidence presented to the Panel may be considered in the final judgment. Such evidence may consist of documentation and/or testimony, within reason.
 - 7.1.4. Both grievant and respondent may be accompanied by advisors; the role of advisor must, however, be restricted to advice. Grievant and respondent must make their own cases before the Panel.
 - 7.1.5. Proceedings shall be conducted in accordance with the AAUP's Joint Statement on Rights and Freedoms of Students proposed in 1967 and revised and updated in 1992. The AAUP's Statement on Graduate Students, which was adopted in 2000, will serve as an additional reference source for Grievants who are graduate students.
 - 7.1.6. An audio recording of the hearing shall be preserved for reference and may be reviewed until the case has been finally resolved. However, Panel deliberations will not be subject to this requirement. The audio recording shall be held in by the Office of the Vice President for Student Affairs for five (5) years.
 - 7.1.7. After receiving testimony and the relevant documents, the Panel shall make a recommendation within five (5) business days on the basis of the received

material. The Panel's decision shall contain finding of fact, the decision arrived at, reasons for the decision, and the criteria or policy applied in reaching the decision. Only members of the Panel who have been present during all the meetings and who have heard all testimony relating to the alleged grievance may vote on the case.

7.1.8. A majority vote of such qualified members shall constitute a judgment. In the case of a tie vote, shall make no judgment, and the VPAFA shall make a final decision in the case.

7.1.9. A decision of the Panel relating to redress of a particular case is final. The Panel does not have the authority to change or direct changes in student grades, faculty conduct, or other disputed areas. The Panel does have the responsibility to evaluate each case carefully and make specific recommendations to the Vice President for Academic and Faculty Affairs. A course of action deemed appropriate by the Panel will be recommended.

7.1.10. The Panel's recommendation should not be reported, except to the VPAFA, and should remain confidential to the committee.

7.1.11. The VPAFA should transmit only the final decisions to the appropriate persons.

7.1.12. The Panel may alter a deadline specified in these procedures on written petition of either party showing a meritorious reason for delay; if the Panel itself needs to extend a deadline, it may do so on its own authority for periods up to fourteen calendar days; for longer delays, the Panel must request an extension from the VPAFA.

8. Remedies

8.1. General

8.1.1. If the Panel finds, after a formal hearing, that a faculty member is at fault it will recommend a remedy.

8.1.2. It will seek to find a remedy that can be implemented by those whose cooperation is needed. In the matter of a grade dispute, this must include the faculty member involved in the dispute.

8.2. The Panel's Report

8.2.1. After a judgment has been made in a case, the Panel shall prepare a report setting forth its findings and recommendations for action and present the

report to the VPAFA. If there is a tie vote by the Panel, a report setting forth its findings and describing the disagreement that led to a failure to reach a decision about its recommendations for action shall be presented, instead.

8.3. VPAFA Actions

8.3.1. Within five (5) business days of receiving the Panel's findings and/or recommendations, the VPAFA shall forward to each of the parties involved, by certified mail with return receipt requested, each of the following:

8.3.1.1. A copy of the Panel's findings and recommendations (if any).

8.3.1.2. The VPAFA's decision with regard to any relief sought by the parties and/or recommended by the Panel.

8.3.1.3. Notification to both parties of the right to Presidential appeal before the VPAFA takes action. The VPAFA shall be deemed to have satisfied this requirement if he/she calls the attention of the parties to Section 9 of this document.

8.3.2. If no party makes a written appeal within five (5) business days of having been notified by the VPAFA of his/ her decision, that decision shall be considered final and the VPAFA shall see to its implementation.

8.4. In decisions that would result in the changing of a posted grade, the VPAFA will instruct the department chair/unit director to ask the involved faculty member to effect the prescribed grade change or, if cooperation is not forthcoming, to effect the grade change directly by action of the department chair/unit director.

8.5. Such action shall not be construed as restrictive of the recourses of the faculty member through the usual appeal procedure of the University.

8.6. Care will be given that no incomplete or inaccurate information pertaining to the grievance is placed in any file; and that all evidence obtained at any stage of the process and that all deliberations and proceedings be kept confidential.

8.7. At the conclusion of each case, the chairperson of the Academic Review Panel shall transmit original or true copies of the documents related to the case to the Office of the Vice President for Academic and Faculty Affairs, who shall keep such records securely as University records for a period of five (5) years.

9. Final Appeal

9.1. At the conclusion of each case, the chairperson of the Academic Review Panel shall transmit original or true copies of the documents related to the case to the

Office of the Vice President for Academic and Faculty Affairs, who shall keep such records securely as University records for a period of five (5) years.

- 9.2. The President or his/her designee (e.g., Provost) shall review the appeal within five (5) business days. The President (or designee) will review the decision of the VPAFA and the findings of the Panel and, upon judgment that the Panel has failed to follow these procedures, return the case to the Student Conduct Board for reconsideration, along with description of the perceived error in procedure and a recommendation for its correction.

10. Revisions in the Procedures

- 10.1. During the spring semester of each year, the Student Conduct Board may propose revisions of these procedures.

Revisions will become effective at the start of the following fall semester, upon ratification by the Student Senates and University Senate, and approval by the President of the University.

REFERENCES & SUPPORTING DOCUMENTS

Appendices

Augusta University Student Code of Conduct

LINK HERE WHEN AVAILABLE

AAUP Joint Statement on Rights and Freedoms of Students

<http://www.aaup.org/file/joint-statement-on-rights-and-freedoms-of-students.pdf>

AAUP Statement on Graduate Students

<http://www.aaup.org/file/statement-on-graduate-students.pdf>

Policy 4.7.1 of *The Policy Manual of the Board of Regents*

http://www.usg.edu/policymanual/section4/policy/C333/#p4.7.1_student_appeals

RELATED POLICIES

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APPROVED BY:

President, Augusta University and CEO, AU Health System Date: 06/09/2017