

Kaua'i Community College
STUDENT ACADEMIC GRIEVANCE PROCEDURE

1. Purpose

This policy is designed to provide students with an opportunity to obtain an equitable resolution to complaints of an academic nature, to include but not limited to grades assigned to coursework, final course grades, course policies, academic policies, or any other academic impropriety caused in part or whole by the actions or practices of the College. Grievances relating to non-academic matters, including discrimination and disability issues, are handled through the Non-Academic Grievance Policy. Grievances relating to student conduct matters are handled through the Student Conduct Procedure.

2. Background

A. 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 instructors 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 below. Inevitably, issues associated with the instructor'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 Hawaii has instructed its constituent campuses to provide for the consistent and equitable resolution of legitimate student academic grievances.

B. Academic Rights and Responsibilities of Students

- i. Kauai Community College subscribes to the following part of the 1968 "Joint Statement on Rights and Freedoms 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.

- ii. 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.

- iii. 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.
- iv. 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.

3. Definitions

- A. Complaint of Alleged Academic Impropriety: A written charge filed by a student with the Chair of an Academic Division alleging that an instructor has acted improperly or in a manner otherwise inconsistent with the instructor's responsibilities or the student's customary academic expectations.
- B. Academic Grievance: A written statement of complaint submitted to the Chancellor requesting a formal review of an academic complaint by an Academic Grievance Committee which the student believes to have been unsatisfactorily resolved by the Academic Impropriety procedures.
- C. 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.

4. Procedures for the Resolution of Academic Grievances

- A. Any student who believes that an instructor has acted improperly or in a manner otherwise inconsistent with the instructor'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. Grievances involving final course grades must be initiated within 90 days of the end of a semester, or they will not be considered.
- B. Report of Alleged Academic Impropriety
 - i. A student who believes that an instructor acted improperly should make every reasonable attempt to discuss the matter with the instructor involved.

- ii. Failing to resolve the matter with the instructor involved, the student should discuss the matter with the instructor's division chair, reporting the facts as the student perceives them, specifying the remedy sought, and outlining the instructor's response, if any, to the consultations with the instructor. Such discussion should be initiated with the division chair within seven (7) calendar days after the final scheduled discussion with the instructor involved. The division chair may meet separately with the student and instructor, or if both agree, jointly, to discuss the report. Within seven (7) calendar days of receipt of the student's unresolved report, the division chair shall complete any consultation and shall notify the student and the instructor in writing or by University email of his or her conclusion(s) and recommendation(s).
- iii. In the attempt to resolve the matter with the instructor involved, the student may request mediation services through the Vice Chancellor for Student Affairs. Additionally, the instructor's division chair may seek mediation services in helping to resolve any outstanding matters.
- iv. Should the instructor involved be the division chair, the student should present his or her unresolved report, in accordance with paragraph B.ii. above, directly to the Vice Chancellor for Academic Affairs (VCAA) or the VCAA's designee, noting the apparent "conflict of interest" in his or her report.

C. Complaint of Alleged Academic Impropriety

- i. Failing to achieve satisfactory resolution of a report of an alleged academic impropriety, the student may file a written complaint with the VCAA. Such complaint must be filed within seven (7) calendar days after the student has been notified by the division chair of the resolution of the student's report of alleged academic impropriety.
- ii. 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 instructor's response to initial consultations, and the division chair 's resolution of the report. In addition, the student shall identify the custodians of any relevant documents which the student does not possess.
- iii. Upon receipt of a written complaint, the VCAA or VCAA's designee shall immediately notify the division chair of the instructor's department. If new material or information relevant to the situation, which was not introduced as a part of the student's report to the division chair, becomes available, the VCAA or the VCAA's designee shall refer the complaint back to the division chair for review and recommendation. The division chair shall make written recommendations to the VCAA within seven (7) calendar days of receipt of the student's complaint from the VCAA.

- iv. The VCAA or the VCAA's designee shall have fourteen (14) calendar days to review the complaint, consult with the parties involved, and resolve the complaint. This timetable may be extended for no more than fourteen (14) additional days if, in the VCAA's or the VCAA's designee's judgment, such extension would be of benefit in resolving the complaint.
- v. Upon expiration of the time provided for resolving the complaint, the VCAA or the VCAA's designee shall inform the student in writing or by University email of the disposition of the complaint.

D. Academic Grievance

- i. Failing to achieve satisfactory resolution of a complaint of an alleged academic impropriety, the student may file a grievance, in writing, with 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 VCAA or the VCAA's designee regarding the resolution of the student's complaint.
- ii. The student's written grievance shall contain all information previously provided in the student's complaint to the VCAA as well as a copy of the VCAA's or the VCAA's designee's notification to the student regarding the disposition of his/her complaint.

E. Academic Grievance Committee

There shall be an Academic Grievance Committee appointed by the Chancellor at beginning of each academic year. 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, as determined by the Chancellor.

F. Composition of the Academic Grievance Committee

- i. The Academic Grievance Committee shall be composed of a chair, four students, and four faculty members. The chair shall vote only in the case of a tie.
- ii. The Chancellor will appoint the faculty members nominated by Faculty Senate.
- iii. The Chancellor will appoint the student members nominated by the student government organization.
- iv. The Chancellor will appoint the committee chair who may be any faculty or student of the College.

- v. If any faculty or student so selected 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. The Chancellor will then select additional members until the committee membership is complete.
- vi. A majority of the members of the Academic Grievance Committee present shall constitute a quorum for the purposes of a hearing.
- vii. Prior to the first committee meeting, the Chancellor will brief the committee members on their responsibilities and the procedures to be followed.

G. Responsibilities and Procedures of the Academic Grievance Committee

- i. Upon receipt of a written grievance requesting a formal hearing by the Academic Grievance Committee, the committee chair shall notify the instructor involved, the instructor's division chair and the VCAA.
- ii. The committee chair 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.
- iii. Having determined that a grievance is not patently frivolous, the committee chair shall schedule a hearing of the Academic Grievance Committee within fourteen (14) working days after receipt of the grievance.
- iv. The committee chair shall have the authority to waive specified timelines for a specific period, when necessary, in order to ensure proper notice and a fair hearing.
- v. Having scheduled a hearing, the committee chair shall give notice via University email to the student, the instructor involved, the instructor's division chair, and the VCAA. Such notice shall be given at least five (5) 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 chair and VCAA;
 - d. The fact that the burden of proof rests upon the student; and,
 - e. That the hearing shall be closed.

- vi. 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 committee chair shall be responsible for recording the hearings, 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 instructor 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 instructor. The committee may also secure other documents relevant to the issue, which were not introduced at any previous step by the student or instructor.
 - f. The student is expected to be present at the hearing and the instructor may be required to attend at the discretion of the committee. The instructor may provide written information to the committee for its consideration. In the absence of the instructor, 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. Upon certification by the Chancellor, the decision of the Academic Grievance Committee as to good and sufficient cause is final within the University.
- vii. 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 instructor has not been established.
 - b. Cause for remedy: Wrongful or uncustomary behavior on the part of the instructor has been established. In this case, the academic grievance committee may recommend an appropriate academic remedy.
- viii. After the committee has made its findings, decision as to cause, and any recommended remedy, the chair shall inform the student and the instructor in writing or by University email of the findings and recommendations within five (5) calendar days of the hearing. Copies shall be provided to the instructor's division chair, the VCAA, and the Chancellor.

H. Final Decision and Orders by the Chancellor

- i. 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 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.
- iii. Within thirty (30) calendar days from the receipt of the committee's findings, decision as to cause and recommendations as to remedy, the Chancellor shall notify, in writing or by University email, both the student and the instructor of the final decision regarding any remedy to be undertaken.
- iii. The decision of the Chancellor shall be final within the University.
- I. Records of the Academic Grievance Committee - The Chancellor 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.
- K. Other records of the committee which are not open to outside inspection include: recordings of the hearing, all written information presented, the actions of the committee and the committee chair's final report including the committee's findings, decision as to cause, and recommended remedies.