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# UH - Hilo Academic Affairs

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## University of Hawaii at Hilo Student Academic Complaint Policy

Academic Policy 4-2005

Effective: September 30, 2005

Supersedes: Undated Student Academic Complaint Policy

### I. Student Protections

This policy provides procedures for academic complaints concerning the following three protections:

- A. Protection of Freedom of Expression. Student shall 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. At the same time, they are responsible for learning the content of any course of study for which they are enrolled.
- B. Protection against Improper Academic Evaluation. Students shall have protection against prejudiced or capricious academic evaluation. Student performance shall be evaluated solely on an academic basis and not on opinions or conduct in matters unrelated to academic standards. 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 faculty members acquire in the course of their work as instructors, advisors and counselors shall 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.

Academic disputes not covered by A, B and/or C above shall be dealt with at the College level provided that all previous recourse has been exhausted.

### II. Procedures for the Resolution of Academic Complaints

Any student who believes that a faculty member has violated one of the above protections may initiate action to achieve a resolution. The actions outlined below must be initiated no later than the second week of the semester following the semester or summer session during which the student became aware of the alleged impropriety or could reasonably have been expected to become aware of it. In cases of a complaint related to improper evaluation, the receipt of the grade will be considered to have taken place during the semester during which the course was in session. At anytime during discussions with the faculty member,

department/discipline or division chair, or the dean, when an offer of resolution is made, and that offer is rejected by the student, the student cannot return to that offer of resolution at a later stage of the process. Once the student rejects an offer of resolution, that offer will no longer be considered by the faculty, chair or dean.

#### Report of Academic Impropriety

1. A student who believes that a faculty member has acted improperly with respect to the student's academic rights should make every reasonable attempt to discuss the matter directly with the faculty member and if not resolved, with the faculty members' Discipline/Department Chair. In this attempt, the student may wish to utilize the services of counselors in the Office of Student Services. The faculty member may also wish to seek the assistance of colleagues in mediating disputes.
2. Failing to resolve the matter with the faculty member and Discipline/Department Chair, the student should then discuss it with the faculty member's Division Chair, (in CAS only) describing the facts as the student perceives them, specifying the resolution sought, and outlining the faculty member's response, if any, to the consultation at Step 1. Such discussion should be initiated with the Division Chair within seven calendar days after the final scheduled discussion at Step 1 with the faculty member. The Division Chair shall consult separately with the student and faculty member or, if both agree, jointly to discuss the matter. The Division Chair shall complete any consultations within seven calendar days and shall notify the student and faculty member in writing of the Chair's conclusions and decision.
3. If the Faculty member involved in Step 1 is the Discipline/Department Chair, the student should proceed directly to the faculty member's Division Chair (CAS only) or Dean. If the faculty member involved in step 1 is the Division Chair, the student should go from Department Chair directly to the College Dean in accordance with Step B. 1 below.

#### B. Complaint of Academic Impropriety

1. Failing to achieve satisfactory resolution of a report of academic impropriety, the student may file a written complaint with the Dean of the faculty member's college. The complaint must be filed within seven calendar days after the student has been notified of the Division Chair's decision. The seven (7) day time limit will apply during instructional and non-instructional periods.
2. The student must provide, as a part of the written complaint, the facts as the student knows them, the resolution sought, the faculty member's response to initial consultations, and, if in CAS, the Division Chair's written decision. In addition, the student shall identify the custodians of any relevant documents, which the student does not possess. Since this documentation is crucial to the decision to be rendered, it must be as accurate and complete as possible.
3. Upon receipt of a written complaint, the Dean shall immediately notify the Department Chair and, if in CAS, Division Chair and discuss their

recommendation. If new information relevant to the situation becomes available, the Dean shall further consult with the Division Chair and may refer the complaint back for review and recommendation or take action and inform the student.

### C. Academic Grievance

1. Failing to achieve satisfactory resolution of a complaint of academic impropriety, the student may file a written academic grievance (i.e., involving an academic right as outlined in Part I of the policy and an identifiable remedy) with the Vice Chancellor for Academic Affairs. Such filing must be done within seven calendar days after the student has received written notification of the Dean's decision.
2. The student's written grievance shall contain all information previously provided in the student's complaint to the Dean and shall specify a remedy, as defined in this document, as well as a copy of the Dean's written decision.

## III. Procedures for the Resolution of Academic Grievances Related to Improper Evaluation

An academic grievance involving an allegation of improper academic evaluation cannot be filed until the official grade is recorded on the student's record; the grievance cannot be filed on the expected grade. If the grievance is filed within 14 days of the end of the semester or during a non-instructional period, the process for adjudicating the grievance will begin at the start of the new semester.

### A. Academic Grievance Committee: Membership

1. Upon receipt of an academic grievance, the Vice-Chancellor for Academic Affairs will constitute a Committee to hear the complaint consisting of five members (5). Two members will be students nominated by UHHS, two will be professorial level faculty members from the college in which the reported impropriety occurred and will be nominated by the Dean or Director of that College, and a chair appointed by the Vice-Chancellor for Academic Affairs who serves ex-officio and who will cast a vote only in case of a tie.
2. Committee members shall disqualify themselves from hearing a grievance if they believe their relationship with the grievance or the individuals involved would affect their ability to render an impartial judgment. They shall be recused and a replacement appointed by UHHS, the dean, or the Vice-Chancellor as appropriate.
3. The Committee has the authority to dismiss all inappropriate grievances and, in exercising this authority, shall notify in writing the student grievant, the faculty member involved, the Department and Division Chairs, if appropriate, and the College Dean. The Chair and at least one other faculty and student member will consult to determine whether to pursue or dismiss a grievance.
  - a. The Committee Chair will schedule a meeting of the committee as soon as is practicable and will notify and invite the student grievant, the faculty member, the Department and Division Chairs, if

appropriate, and the College Dean. Such notice shall be given at least one week prior to the hearing date.

4. The student grievant may bring one advocate to the hearing.
5. The faculty member may bring one advocate to the meeting.
6. The Committee shall conduct its fact-finding according to the following non-adversarial provisions, which are designed to assure a fair hearing:
  - a. The Chair shall be responsible for conducting and recording the hearing. The Chair and two committee members, one faculty and one student, shall constitute a quorum for purposes of the hearing.
  - b. The student grievant and faculty member are expected to be present at the hearing, but neither shall be compelled to attend. Both individuals shall have sufficient opportunity to present information and discuss all issues.
  - c. In the absence of the faculty member and/or student, except for good cause, the Committee shall proceed with the hearing and render a decision. The Committee's determination as to good cause shall be final within the University.
  - d. The Committee may raise additional questions or seek clarification of any matter. It may seek additional information from sources other than those presented by the student or faculty member. It may also seek other documents relevant to the grievance, which were not introduced at any previous step.
  - e. After the hearing has been completed and all relevant information has been received, the deliberations of the Committee shall be closed and all resulting documents archived by the Vice-Chancellor for Academic Affairs.
7. After hearing a grievance, the Committee shall decide if the University has reasonable cause to remedy a student's academic situation. Accordingly, the Committee may decide the following:
  - a. No cause for remedy: Wrongful conduct on the part of the faculty member has not been established.
  - b. Cause for remedy: Wrongful conduct on the part of the faculty member has been established. In this case, the Committee shall recommend to the Chancellor or her/his designee an appropriate remedy that corrects the student's academic situation.
8. After the Committee has completed its hearings, decision as to cause, and recommended remedy, the Chair shall submit a written report to the Chancellor or his/her designee within fourteen (14) calendar days of the hearing, with copies to the Committee members. If the Chancellor or his/her designee is the subject of the grievance the report shall be submitted to the President of the University of Hawaii, or in the latter case, to the Chancellor.

B. Final Decision of the Chancellor

Within fourteen (14) calendar days from the receipt of the Committee's report, the

Chancellor or his/her designee shall notify, by certified mail with return receipt requested, both the student grievant and faculty member of the University's decision in resolving the grievance. Copies of the written notice shall be sent to the Division Chair and College Dean involved in the grievance, and the Chair and members of the Committee. Any personnel actions taken as a result of the grievance shall be confidential and handled in accordance with University policy and collective bargaining procedures.

This decision shall be final within the statewide University of Hawaii system.