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P6Hx23-4.36 PROCEDURE: STUDENT GRIEVANCES AND APPEALS

Pursuant to Rule 6Hx23-4.36, a student may grieve or appeal certain determinations made and actions taken by the College. This Procedure outlines the grievance/appeal process for the matters listed in Section I. A. of Rule 6Hx23-4.36.

I. Grievance/appeal process for matters lodged in the Associate Provost's Office

A. The following matters may be lodged in the Associate Provost's Office:

1. College determination that the student has violated a College Rule or Procedure.
2. College determination relating to the student's admission or readmission to the College.
3. College's withdrawal of a student from a course or a program for non-academic reasons.

B. Time Limitations

A grievance or appeal should be promptly presented, which is defined here as within 60 days of the alleged abridgement of the student's rights. Failure to bring a grievance or appeal within 60 days of the alleged abridgment constitutes a waiver of the student's right to lodge that grievance or appeal.

C. Grievance/Appeal Form

The student must timely submit an appropriately completed appeal form to the Associate Provost's office at the site where the alleged abridgement of the student's rights took place, stating the reasons and grounds for the appeal. If the reasons and/or grounds presented by the student are unclear, the Associate Provost may seek clarification and/or supplemental documentation from the student.

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D. Associate Provost's Review and Decision

The Associate Provost's review will include a thorough investigation of all pertinent facts, including evidence presented by the student. The Associate Provost will provide a decision in writing to the student within 10 working days of the day the matter was lodged. This time period may be extended by the Provost in the event of extenuating circumstances.

E. Appeal of the Associate Provost's Decision

The student may appeal the Associate Provost's decision by submitting the appeal in writing to the Provost. This must be done within 10 working days of the delivery of the Associate Provost's decision.

F. Provost's Review and Decision

The Provost will review the Associate Provost's decision, including the basis upon which the Associate Provost's decision was made. The Provost will provide a decision in writing to the student within 10 working days, or in the case of extenuating circumstances, as soon thereafter as possible. The decision of the Provost is final.

II. Grievance/appeal process for matters lodged in the Dean's Office.

A. The following matters may be lodged in the Dean's Office:

1. Award of a final grade and/or related academic matters.
2. Student's request to change from audit to credit.

B. Time Limitations

A student must present an academic appeal within 60 days of the beginning of the next subsequent academic session. The appeal will not be heard if it is not filed within this time period.

C. Informal Resolution

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1. The student must follow any academic procedure/rule/or process prior to commencing an Informal Resolution. If an academic department of the College has a special published procedure designed to be utilized by the student for resolutions of issues covered by this procedure, then the student will be expected to follow the department's procedure, before commencing the informal resolution process.

 2. In the case of an appeal of a final course grade, before pursuing a formal written appeal, the student must first attempt to resolve the issue directly with the course faculty. If it is the course faculty's decision to change a grade, the course faculty must promptly notify the appropriate person to initiate the process in accordance with college policy and procedures. Whatever the decision, the course faculty must notify the student and the program administrator/dean within 7 working days of the decision. This time period may be extended by the Dean/program administrator or designee in the event of extenuating circumstances. To the degree permitted by law, all informal appeals shall be kept private, except as required by the completion of the informal resolution process.
- D. Formal Resolution – Referral to Student Academic Appeals Committee
1. If after informal resolution is attempted the student's appeal remains unresolved to the student's satisfaction, the student may seek a formal resolution by appealing the final grade to the appropriate program administrator/dean. When the grievant requests a change of the final course grade, the burden of proving that the final grade assigned by the course faculty was improper, arbitrary or capricious shall be upon the grievant.

 2. The student will complete and submit to the Dean/program administrator the appropriate appeal form within 10 working days of the informal resolution notification. If the information provided on the form is unclear, the Dean or program administrator may ask for clarification or additional materials. The Dean/program administrator will refer this appeal to the

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Student Academic Appeals Committee and notify all parties within 7 working days.

3. The Dean/program administrator will provide to the Committee and all interested parties copies of all pertinent materials. A hearing will be scheduled by the Chair of the Committee. Committee members must not be associated with the situation being presented. Using the Instructions to the Committee, the chairperson will prepare the Committee for the appeal. During the periods when the College is not in session, substitute personnel may be appointed by the appropriate dean or program administrator.
4. The Committee shall assemble for the hearing within 15 working days after receipt for the appeal or supplement, if any. The chairperson may extend the time for the hearing for extenuating circumstances. It shall be the duty of the chairperson of Committee to notify the persons directly involved of the time and place for the hearing.
5. The Committee's decision shall be by majority vote and shall be based upon the evidence presented. Committee members may ask questions of the person directly involved and the witness(es) (if there are any). The hearing is intended to be informal and without application of any strict rules of evidence and any evidence which a reasonable person would rely upon may be accepted.
6. The grievant and the other party may, at their own expense, employ an attorney to be present, assist and counsel them. However, the attorney shall not directly participate in the hearing.
7. The chairperson shall be responsible for making arrangements for electronic recording of the Committee hearing. However, the deliberations for the Committee shall not be recorded. If the Committee's decision is appealed, the chairperson shall be responsible for providing a summary of the meeting. Should the student desire a copy of the summary, the student shall be entitled to a copy at her/his expense.

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E. Formal Resolution – Student Academic Appeals Committee Responsibilities

1. In advance of meeting the committee chairperson shall consult with each member of the Committee regarding their responsibility to be fair and unbiased.
2. The chairperson shall schedule the hearing, give the persons directly involved notice of the hearing and furnish all of the parties with a copy of the grievant’s written appeal. The Notice of Hearing shall advise the parties of their right to testify, offer documentary evidence, witnesses and the right of cross-examination. The chairperson shall furnish the parties with a copy of this Procedure. The grievant shall present his/her case first. The faculty will then respond to the grievant’s presentation. The parties are responsible for assuring the attendance of their respective witnesses. (The Committee has no subpoena power.)
3. The chairperson shall instruct all witnesses (except the parties) to wait outside of the hearing room and not discuss the case with the other witnesses during the course of the hearing. Witnesses will be called into the hearing room when the party offering their testimony is ready to offer the witnesses testimony. The parties, however, may discuss the case with the witnesses during recesses of the hearing.
4. The chairperson shall make rulings regarding hearing procedures, time allowed for presentations, admission of evidence, the limiting of cumulative evidence and/or witnesses and make such other rulings as otherwise may be necessary or appropriate.
5. The chairperson may grant a continuance only in the event of extenuating circumstances.
6. When the grievant requests a change of the final course grade, the burden of proving that the final grade assigned by the course faculty was improper, arbitrary or capricious shall be upon the grievant. The Committee shall consider procedural and substantive matters and concerns and shall

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take such action as is deemed by the Committee to be in the best interests of all concerned.

7. At any point in the proceedings prior to the time when the Committee meets to consider its decision, the grievant(s) may withdraw the appeal by so informing the chairperson in writing.

8. The Committee shall record its decision in writing (decision letter), within 5 working days after the conclusion of the proceedings. The Committee chairman shall mail a copy of the decision letter to the student at the student's last known address and to the faculty member.

F. Final Appeal

1. The parties directly involved have the right to appeal the Committee's decision. The appeal must be filed with the Dean/Program Administrator or designee within 10 calendar days after the date of the decision letter from the Committee. Failure to file an appeal with the Dean/Program Administrator or designee within the 10 days after the date of the decision letter shall constitute a waiver and bar of the parties' rights.

2. The Dean or designee shall provide the parties with a written decision regarding the appeal within 10 working days. This is the final step in the appeal process. The decision is of the dean or designee is final.

G. Committee Structure and Membership

The Dean/program administrator will appoint a Student Academic Appeals Committee consisting of two faculty, two students and one administrator who will serve as chair. These appointees may be from a campus other than where the matter took place. Committee members must not be associated with the situation being presented.

SPECIAL NOTE FOR GRADE APPEALS: The student grievant shall have the burden of demonstrating that the grade given was arbitrary and/or capricious. For the purpose of this provision, a grade shall be limited to grades of "A", "B", "C", "D", "F" or "WF". Except when the

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grade given was arbitrary and/or capricious, it is not appropriate for the Committee to substitute its judgment for matters within the instructor's professional judgment or discretion. If the grade given was not arbitrary and/or capricious, and is within the judgment and discretion of the instructor, the grade must be affirmed. If the grade given is arbitrary and/or capricious the Committee may recommend a change of grade subject to the appeal rights of the instructor and student through a timely appeal to the Dean. Failure to timely appeal as provided for hereinafter shall cause the Committee's recommended decision to be final.

III. Definitions

- A. A "grievance and/or appeal" is defined for the application of this Procedure to be a complaint, other than a discrimination grievance which would include sexual harassment, alleging that a student's (grievant's) rights have been abridged.
- B. A "grievant" must be a student of the College and is the person making the complaint.
- C. "Other party" is the College person(s) or condition against whom the complaint is filed.
- D. "Person directly involved" means the grievant(s), and the other party to the grievance.
- E. "Working days" include Mondays, Tuesdays, Wednesdays, Thursdays and Fridays and shall exclude Saturdays, Sundays, and Board of Trustees' approved holidays.
- F. "Calendar days" include all days on the calendar including Board of Trustees' approved holidays.
- G. "Arbitrary or Capricious" means a determination or action done without rational basis, or done in bad faith, or that it constituted disparate treatment, or that it was based on unlawful discrimination.

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