



UNIVERSITY
of HAWAII®

WEST O'AHU

Student Academic Grievance Procedure

I. Introduction

In higher education, it is an established tradition that faculty members have the authority to conduct classes, provide for the discussion of ideas, make assignments, require examinations, papers and/or projects, and render evaluations on the performance of students. The exercise of this authority provides the foundation for an academic relationship between faculty members and students. 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.

From time to time, issues associated with the faculty member's responsibilities as a teacher and the student's responsibilities as a learner may arise. This document has been adopted by the University of Hawai'i - West O'ahu to establish procedures for addressing these issues and to provide for the consistent and equitable resolution of student academic complaints.

II. Definitions

Academic Grievance - A written statement filed and signed by a student, alleging academic impropriety and requesting a formal review by the Academic Grievance Committee.

Academic Grievance Committee (AGC) - A committee of faculty members and students appointed by the Vice Chancellor for Academic Affairs to review and act on academic grievances.

Academic Impropriety - The failure of a faculty member to adhere to one or more of his/her academic responsibilities.

Division Chair - The individual designated as the administrative head of an academic division.

Faculty Member - An individual employed by the University to provide instruction for credit.

Frivolous Grievance - A complaint that is so weak and unsubstantial as to be void of merit.

Grievant - A student who has filed a formal signed complaint of academic impropriety.

Remedy - An action intended to correct a student's complaint of academic impropriety.

Report of Academic Impropriety - A written expression of inquiry by a student regarding a faculty member's alleged failure to meet one or more faculty responsibilities that is submitted to that faculty member's Division Chair for review.

Semester - A scheduled term of instruction, normally consisting of Fall, Spring, or Summer.

Student - An individual officially enrolled in a credit course for credit.

III. Responsibilities of Faculty Members

Faculty members of the University of Hawai'i - West O'ahu are expected to conduct themselves at the highest level of professional standards. Faculty member responsibilities include the following:

A. To provide students with an academic environment that is conducive to learning where students are treated equitably and fairly, free from harassment or discrimination based on race, sex, gender identity and expression, age, religion, color, national origin, ancestry, citizenship, disability, genetic information, marital status, breastfeeding, income assignment for child support, arrest and court record (except as permissible under State law), sexual orientation, national guard absence, status as a covered veteran, or any other protected category included in the University of Hawai'i policy (please refer to <http://www.hawaii.edu/offices/eo/policies.php?policy=antidisc> for more information).

B. To provide instruction as scheduled with class meetings beginning and ending at the published times and dates, and to administer final examinations as scheduled.

C. To allow students to question and discuss information, data or other materials which have been presented orally or in writing as part of the

instructional program for the course.

D. To allow students to take reasoned exception to the views offered, and to form and express their own judgments and opinions.

E. To provide students with sufficient and timely information about the standards they are expected to meet, and the consequences of failure to meet those standards.

F. To inform students about the procedures that will be used to evaluate their achievements, and to adhere to those procedures. If changes in the evaluation procedures are deemed necessary by the faculty member, students should be informed of the changes in a timely manner.

G. To evaluate work submitted by students solely on an academic basis in a consistent, objective manner, and to provide students with the results of the evaluations in a timely fashion. Opinions expressed, and conduct in or out of class which are unrelated to the meeting of academic standards, shall not be considered in completing these evaluations.

H. To provide students with an opportunity to review their own examinations, papers, and other assignments after they have been evaluated.

I. To provide students with opportunities to discuss academic matters outside of the allotted time for class by posting and maintaining weekly office hours during the semester at times which are mutually convenient to students and faculty.

J. To retain all work submitted by students (unless returned) for a minimum of six months following the end of the semester, including records used for the purpose of issuing grades.

K. To transmit information about grades and grade changes to the Student Affairs Office in a timely manner such that students' academic records are complete and up-to-date.

L. To refrain from disclosing or discussing information about a student's views, beliefs, and/or political associations acquired in a course without the student's knowledge or consent.

M. To refrain from interfering with these academic grievance procedures,

or from taking retaliatory action against a student because the student has filed a complaint or grievance.

IV. Responsibilities of Students

Students enrolled at the University of Hawai'i - West O'ahu are expected to adhere to the highest standards of academic behavior while on campus or when participating in a distance education learning environment. The responsibilities of students include:

A. To behave in a manner which does not interfere with the rights of other students to learn and the rights of faculty members to teach.

B. To complete the prescribed prerequisites prior to enrolling into courses, recognizing that without the required preparation, learning may be impaired and the grade received for the course may be adversely affected.

C. To attend the classes in which they are enrolled and to participate cooperatively in academic activities as required by the faculty member, recognizing that failure to do so may adversely affect the grade received for the course.

D. To fulfill assignments, take examinations, and complete other requirements established by the faculty member by the stated deadlines, recognizing that failure to do so may adversely affect the grade received for the course.

E. To contact the faculty member and make arrangements for submitting missing work by the stated deadline in a course where a grade of "I" was granted, recognizing that failure to do so will result in the "I" becoming a letter grade assigned by the faculty member.

F. To withdraw from courses in which enrollment is no longer desired by the stated deadlines, recognizing that failure to do so may result in the assignment of a failing grade.

G. To abide by the Student Conduct Code and other academic policies and regulations of the University of Hawai'i - West O'ahu.

H. To refrain from filing frivolous grievances.

I. To recognize that in cases of alleged academic impropriety, the burden of proof rests upon the grievant.

V. Resolution of Complaints of Academic Impropriety

If a student has fulfilled the student responsibilities as described in Part IV of this document and believes that a faculty member has failed to meet the faculty member's responsibilities as stated in Part III, the student may take action under this process to achieve remedy. Step 1 described below must be taken by the student within 10 working days after the alleged act of academic impropriety.

Step 1 - INFORMAL RESOLUTION

A. The student shall make every reasonable effort (by phone, mail, personal appearance) to contact the faculty member, discuss the issue, and resolve the problem.

B. If the faculty member fails to respond to the student's attempts to contact him/her within the ten-day period, or if the discussion does not lead to the satisfactory resolution of the alleged academic impropriety, the student may proceed to Step 2.

Step 2 - REPORT OF ACADEMIC IMPROPRIETY

Step 2 shall be taken by students who were unable to achieve resolution informally with the faculty member in Step 1.

A. The student shall report the alleged academic impropriety in writing to the faculty member's Division Chair within 20 working days after the alleged academic impropriety, or within 10 days after the final communication with the faculty member in Step 1.

The student's report of academic impropriety shall describe the facts as the student perceives them, citing specific acts and events, and indicate the remedy that is sought.

If, however, the faculty member in question is also the Division Chair, or

the Division Chair is unavailable, the student shall skip Step 2 and proceed to Part VI.

B. The Division Chair shall meet with the student and the faculty member separately, or jointly, if both agree. The Division Chair may also consult with others as necessary. Prior to making a recommendation, the Division Chair shall consult with the appropriate individuals to ascertain that the proposed remedy does not violate or conflict with existing University policies or practices. Upon completing the consultations and meetings, the Division Chair shall notify the student and faculty member in writing of his/her findings, conclusions, and recommendations. This notice of the Division Chair's decision shall be sent within 10 working days of receipt of the report of academic impropriety from the student. A copy of the notice shall also be sent to the Vice Chancellor for Student Affairs.

The notice shall also inform the student that if the student desires to appeal the Division Chair's decision, an academic grievance must be filed with the Chair of the Academic Grievance Committee within five (5) working days after receipt of the notice, through the office of the Vice Chancellor for Academic Affairs.

C. In the event that the faculty member in question is unavailable for consultation (e.g., out of town), the Division Chair may elect to defer the review until the faculty member returns; however, this postponement may not exceed one semester. Additionally, the student who filed the academic grievance should be notified about any decisions to defer the review via their official University of Hawai'i email account.

VI. Resolution of Academic Grievances FILING OF ACADEMIC GRIEVANCES

A. An academic grievance is a written statement filed and signed by a student, alleging that academic impropriety has been experienced and requesting that the student's allegation be reviewed by the Academic Grievance Committee (AGC). The student's academic grievance shall be comprehensive, include detailed claims, and contain all the information previously provided to the Division Chair as well as any additional information relevant to the grievance.

B. A copy of the notification of decision received from the Division Chair,

and any other supporting document(s) should also be attached.

ACADEMIC GRIEVANCE COMMITTEE

A. Members of the AGC, including the Chair, shall be appointed by the Vice Chancellor for Academic Affairs. The AGC shall consist of a Chair, two faculty members, and two students.

B. The Chair shall be a tenured faculty member. The Chair shall not be the faculty member named in the academic grievance or the Division Chair of the faculty member. Once appointed, the Chair shall serve for two academic years, with continued service dependent upon annual review. The primary duties of the Chair include: 1) Presiding at AGC committee meetings during their term; and 2) serving as a non-voting member of the AGC, except in the case of a tie vote. Additionally, the Chair shall be present at all meetings of the AGC and shall be responsible for maintaining a record of all of the AGC's proceedings, correspondence, and activities.

C. The faculty members appointed by the Vice Chancellor for Academic Affairs to serve on the AGC shall represent different academic divisions. One shall be from the division in which the involved faculty member is teaching, and one shall be from the division in which the student is pursuing his/her academic program, if different from the faculty member's division. With the exception of the Chair, the faculty AGC members shall be appointed to serve on a specific grievance.

D. The student members shall be appointed by the Vice Chancellor for Academic Affairs, in consultation with the Vice Chancellor for Student Affairs. At least one student member should be enrolled in a different academic division from the grievant. Students members on the AGC shall be appointed to serve on a specific grievance.

E. AGC members who believe their relationship with the grievant or faculty member involved would impair their ability to render an impartial judgment shall disqualify themselves from serving as an AGC member. The Vice Chancellor for Academic Affairs shall appoint replacements.

F. All AGC members must be present to constitute a quorum for any AGC hearing, deliberation, and decision-making.

PROCEDURES OF THE ACADEMIC GRIEVANCE COMMITTEE

Pre-Hearing Process

A. Upon receipt of an academic grievance, the AGC Chair shall notify the faculty member involved, and the Division Chair of the faculty member.

B. The AGC Chair shall call an initial meeting of the committee within ten working days of receipt of the academic grievance to review the academic grievance.

1) If the AGC determines that the academic grievance is patently frivolous and insubstantial, or if the AGC determines that there is no identifiable or appropriate remedy, the AGC shall dismiss the grievance, and no hearing will be held. This action is final and the academic grievance cannot be re-filed.

2) If the AGC determines that the grievance is not frivolous, a hearing will be scheduled.

C. The grievant, the faculty member, and the Division Chair of the faculty member shall be notified by the AGC Chair in writing of the AGC's action to dismiss or hear the academic grievance no later than ten working days after the AGC's initial meeting, and no more than ten working days prior to the hearing date.

D. The Chair shall set the time and date of the hearing, in consultation with the AGC members, and shall notify the grievant, the faculty member and the Division Chair of the faculty member no less than ten working days prior to the hearing date. The notice of hearing shall include the time, date, and place of the hearing; a summary of the alleged act(s) of academic impropriety; the findings of the Division Chair; and statements indicating that the hearing will be closed unless an open meeting is requested by both the grievant and the faculty member; that the burden of proof rests on the grievant; that the grievant may bring an advocate to the hearing; and that the Vice Chancellor for Academic Affairs will make the final decision in the matter. A copy of the University of Hawai'i - West O'ahu Academic Grievance Procedure shall also be enclosed with the notice.

E. The AGC Chair shall have the authority to waive or adjust specified time lines when necessary to ensure adequate notice and a fair hearing.

Hearing Process

A. If the grievant or the faculty member is unable to attend the hearing as scheduled for good cause and five working days of advance notice is provided to the AGC Chair, the hearing may be rescheduled to another date and time. "Good cause" will be determined by the AGC.

B. Except for good cause, if the grievant does not attend the hearing as scheduled, the hearing will be canceled, and the academic grievance will be dismissed and may not be re-filed.

C. Except for good cause, if the faculty member does not attend the hearing, the hearing will be held as scheduled. The AGC shall render a decision based on all the information the AGC has in its possession.

D. The hearing shall be closed, unless both the grievant and the faculty member request an open meeting. A request for an open hearing must be received by the AGC Chair a minimum of 24 working hours before the hearing.

E. The grievant and the faculty member may each have an advocate at the hearing, provided that notice of the advocate's name is given to the AGC chair at least five working days prior to the hearing. The advocate shall serve solely in an advisory capacity and may not actively participate in the hearing proceedings.

F. The AGC Chair shall be responsible for conducting the hearing, maintaining order, and recording the hearing. The AGC Chair shall have the authority to rule on points of order and to exclude immaterial and/or repetitious evidence.

G. The grievant and the faculty member shall have the opportunity to present evidence and witnesses, and to discuss the issues of the academic grievance. Both oral and documentary evidence may be introduced.

H. The grievant and the faculty member shall have the right to question any witness and submit rebuttal testimony.

I. Any AGC member may ask additional questions of the grievant, faculty member and witnesses, or seek clarification or information from other sources or documents not necessarily present at the hearing.

Post-Hearing Decision-Making

A. After all testimony has been received and the hearing has been completed, the AGC will deliberate in a closed session to determine whether the University has reasonable cause to remedy the student's academic grievance. Accordingly, the committee may rule as follows:

1) No cause for remedy: Wrongful conduct by the faculty member has not been established; or

2) Cause for remedy: Wrongful conduct by the faculty member has been established. In this case, the AGC may recommend an appropriate remedy, which may include a grade change.

B. Within 10 working days after the hearing, the AGC Chair shall submit a written report to the Vice Chancellor for Academic Affairs, informing the Vice Chancellor for Academic Affairs of the AGC's findings and recommendations (if any).

C. Within 20 working days from receipt of the AGC's written report, the Vice Chancellor for Academic Affairs shall make a final decision regarding the academic grievance and send notices to the grievant and the faculty member by certified mail return receipt requested. Copies of the notice will be provided to the AGC Chair and members, the Division Chair of the faculty member, and the Vice Chancellor for Student Affairs.

D. The decision of the Vice Chancellor for Academic Affairs shall be final within the University system.

RECORDS OF THE ACADEMIC GRIEVANCE COMMITTEE

A. The AGC Chair shall maintain a log of the grievance hearings that will be housed in the Office of the Vice Chancellor for Academic Affairs for safekeeping. The log shall include the date of the hearing, a brief description of the issue(s), and the AGC's determination of the hearing;

however, no personally identifiable information shall be noted in the log. The log shall be considered an open record for public review.

B. To protect the privacy interests of the grievant and the faculty member, all other records of the AGC shall be closed to public inspection and shall be filed in the Office of the Vice Chancellor for Student Affairs for safekeeping. The records of the proceedings shall be kept for a period of six (6) years after the resolution of the dispute and then be destroyed.

ANNUAL REVIEW OF THE REVISED STUDENT ACADEMIC GRIEVANCE PROCEDURE

A. The University of Hawai'i - West O'ahu Faculty Senate retains the right to review this revision on a yearly basis to determine its efficacy and effectiveness. University of Hawai'i - West O'ahu students may also request a review through their student government organization.

Approved by the University of Hawai'i - West O'ahu Faculty Senate,
November 7, 2014.