



Success. It's In Our Nature.

ACADEMIC GRIEVANCE POLICY

2017-18



**Office of Community Standards and
Counseling 585.785.1211**

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INTRODUCTION

STUDENT RIGHTS

Freedom to Learn

In accordance with Federal regulations, the New York State Human Rights Law, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, and Title VI and Title IX of the Higher Education Act, Finger Lakes Community College has adopted an internal due process procedure providing for prompt and equitable resolution of complaints alleging discrimination on the basis of race, color, ethnicity, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction in its educational programs, activities, admissions, and employment policies.

Neither student nor instructor shall be deprived of the tenets of academic freedom, including open discussion and investigation, and the College shall be ever conscious of and shall promote the motto of the State University System - "To Learn - To Search - To Serve."

Instructors shall evaluate student performance according to current academic guidelines and students shall have the right to challenge a grade or academic treatment in the classroom according to the procedures outlined in this document.

ANTI DISCRIMINATION STATEMENT

Finger Lakes Community College does not discriminate against any employee, applicant for employment, student or applicant for admission based on an individual's race, color, national origin, religion, creed, age, disability, sex, gender identification, gender expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, veteran status, domestic violence victim status, criminal conviction or any other category protected by law. The College adheres to all federal and state civil rights laws prohibiting discrimination in public institutions of higher education.

Inquiries regarding the application of Civil Rights may be directed to the Civil Rights Compliance Officer, Grace Loomis, Director of Human Resources, Room 1350, 585-785-1451, grace.loomis@flcc.edu or Title IX Co- Coordinators: Jason Lanker, Director of Community Standards, Room 1155, 585-785-1554, Jason.Lanker@flcc.edu or Catherine Burns, Human Resources Compliance Coordinator, Room 1341, 585-785-1466, Catherine.Burns@flcc.edu; at Finger Lakes Community College; 3325 Marvin Sands Drive, Canandaigua, NY 14424. Inquiries may also be directed to the United States Department of Education's Office of Civil Rights, 32 Old Slip 26th Floor, New York, NY 10005-2500; Tel. 646-428-3800; or email: ocr.newyork@ed.gov, or contact the NYS Division of Human Rights Offices <http://www.dhr.ny.gov/>, One Monroe Avenue, Suite 308, Rochester, NY 14607; Tel. 585-238-8250; or email InfoRochester@dhr.ny.gov.

Retaliation is prohibited against any person who files a charge of discrimination, participates in an OFCCP proceeding or otherwise opposes discrimination under state or federal law.

Reason for Policy This policy is in compliance with Federal and State anti-discrimination laws.

Applicability of the Policy The policy applies to all College employees and students. College employee matters will be resolved under the procedure described in the document; Procedures: Harassment and Discrimination Prevention Guidelines for Employees. Student conduct issues will be resolved under the procedure described in the FLCC Student Code of Conduct.

PROCEDURES

ACADEMIC GRIEVANCE PROCEDURES

Finger Lakes Community College has adopted an internal grievance procedure providing for prompt and equitable

resolution of complaints alleging prejudiced, capricious, or unfair academic appraisal (e.g. grading, assessment, evaluation, examination, judgment) or treatment. All other complaints and disputes, other than those otherwise specified, should be presented to the Director of Community Standards and Counseling within ten college working days following the occurrence. Students who have questions about the grievance procedures should contact the AVP of Instruction at 585.785.1486, or Director of Community Standards and Counseling at 585.785.1211.

Academic Grievance procedures may begin by a student contacting the instructor of record, the instructor of record's department chair, the Office of the Associate Vice Presidents of Instruction or the Director of Community Standards & Counseling. Before proceeding to a formal level, academic grievances must be submitted in writing to the Office of Community Standards and Counseling contain the name of the complainant, course number and title, name of instructor of record, and a description of the allegations of unfair appraisal or treatment. Grievances must *be initiated* no later than four weeks into the next semester, or thirty days after the assigned grade is received if courses is taught in the winter session or third session of the summer.

Informal Process:

For most cases, the student should seek resolution through the informal process before proceeding with a formal complaint. Cases that involve Registered Nursing students shall immediately move to the formal process as that program has a set of internal systems already outlined.

- A. Students charging a faculty member with prejudiced, capricious, or unfair academic appraisal (e.g., assessment, evaluation, examination, and judgment) or treatment shall notify and discuss the complaint with the instructor of record without fear of reprisal.
- B. If the problem remains unresolved, the student shall notify and discuss the complaint with the instructor of record's department chairperson.
- C. At the department chairperson's discretion, a meeting may occur with the student, instructor of record, and department chairperson.
- D. If no resolution has been reached, the AVP of Instruction shall be contacted to determine if there is an informal manner of resolution that can be reached.

Formal Process:

If, upon completing the aforementioned steps, the complaint remains unresolved or the complaint is from a Registered Nursing student, the student may request a hearing before the Academic Grievance Board by submitting a formal written complaint to the Director of Community Standards and Counseling or designee.

If not otherwise already submitted, the complaint must contain the name of the complainant, course number and title, name of instructor of record, and a description of the allegations of unfair appraisal or treatment.

Director of Community Standards and Counseling will meet with the student to provide an overview of the formal appeal process. The board will be convened within 7 business days to hear the case.

When the Academic Grievance Board is convened:

- A. The student is offered the opportunity to have an advocate from the college community (defined as a currently enrolled student or current employee) to provide assistance and support prior to and during the hearing. The advocate shall not include professional lawyers or persons trained in the law. Upon request, the College will supply the name of a potential supporter from the college community. The student is responsible for contacting the advocate to obtain their approval to serve in this role. The student shall submit the advocate's contact information to the Director of Community Standards and Counseling no less than three full college business days prior to the hearing date.

The advocate may

- 1) advise the student on the merits of their grievance;

- 2) coach the student in fulfilling the informal grievance procedures;
- 3) review the student's formal written grievance prior to submission to the Director of Community Standards and Counseling or designee; and
- 4) attend the formal hearing with the student.

The advocate cannot

- 1) investigate the complaint outside of the stated Academic Grievance Procedures;
- 2) write the student's formal grievance; and
- 3) question and respond to the Grievance Board or instructor of record on behalf of the student during the formal hearing.

A member of the Academic Grievance Board who is not presiding at the hearing may serve as a liaison to the grieved instructor of record(s) for the purpose of reviewing the Academic Grievance Procedures.

- B. The College Academic Grievance Board is composed of three faculty members and two matriculated students (recommended by the Director of Student Life) who have each completed a minimum of twenty-four credits at Finger Lakes Community College and are in good academic and conduct standing. The chair of the Academic Grievance Board will be a member of the faculty and will be appointed by the Director of Community Standards and Counseling or designee.
- C. The Director of Community Standards and Counseling or designee will disseminate the formal written complaint and all materials submitted by all parties no less than five full college business days prior to the hearing, to all parties associated with the grievance (i.e., Academic Grievance Board, instructor of record(s), student).
 - 1) When a complaint is received following the conclusion of the fall or spring semesters, the hearing will be scheduled to occur in the subsequent spring or fall semester when faculty are back on campus, or when both parties are available.
 - 2) The student or instructor of record have extenuating circumstance, a request to adjust the timeline may be approved by the Director of Community Standards and Counseling. This can be done only once and should be for no more than one calendar month. Both parties will be notified of the request, and the decision, within 72 business hours of being made.
 - 3) If either the student, or instructor of record, fails to schedule or appear before the Academic Grievance Board, following proper written notification, the Board may render a decision using the information available and without the benefit of having the party's input or information. Such decisions do not presume a finding on behalf of the student or instructor of record(s).
 - 4) Personal belongings, other than files and other materials pertinent to the hearing, will not be allowed to be brought into the room by the student, instructor of record(s), supporter, or Board members. Provision will be made to store personal belongings outside the hearing room by the Director of Community Standards and Counseling..
 - 5) The student and the grieved instructor of record(s) may invite witnesses, both factual and character, to the hearing. The student and/or instructor of record(s) must provide the names, contact information, and purpose of desired attendance to the Director of Community Standards and Counseling, or designee, at least five full college business days prior to the hearing. Absent extenuating circumstance, the maximum number of witnesses invited by each party shall not exceed three (six total per hearing). It is the responsibility of the instructor of record(s) and/or student to arrange for the attendance of any witnesses. Hearings will not be postponed for late or absent witnesses.
 - 6) If a desired witness is unable to attend the designated hearing time, the student or instructor of record(s) may obtain a notarized statement from the witness to present at the hearing. Acceptance of

such statements is at the discretion of the Board chair. If the Academic Grievance Board elects to accept a witness's written notarized statement in lieu of live testimony, the identity of the witness and their statements shall be fully disclosed to the student and instructor of record(s) and they shall be given the opportunity to respond to such statements at the hearing.

- 7) The student and faculty member shall have the right to submit evidence and question any witnesses who testify in the matter. All evidence must be submitted to the Director of Community Standards and Counseling, or designee, no less than five full college business days prior to the hearing to be considered.
 - 8) The Board chair shall have the right to determine the acceptability of testimony and other evidence (that is, witnesses, written documentation) during the hearing and may place time limitations on testimony and on closing statements.
 - 9) Both sides shall be given reasonable opportunity to present a closing statement.
 - 10) The hearing shall be closed to the public. The following individuals associated with the complaint shall attend the hearing: the student, the student's advocate (if appropriate), Academic Grievance Board, instructor of record(s), and hearing stenographer. The instructor of record(s) may request the department chair(s) attend the hearing.
 - 11) The hearing shall be recorded on equipment supplied by the College, and a Community Standards and Counseling Office representative will attend the hearing. A copy of the hearing recording will be provided to the student and/or instructor of record(s) upon receipt of a written request to the Director of Community Standards and Counseling or designee. The copy shall be made available to the student and/or instructor of record(s) not sooner than five college business days following the hearing. All records are kept in accordance with the College of the hearing recording will
- D. At the close of the hearing, the Academic Grievance Board shall deliberate privately. The Board will seek to reach consensus in resolving cases. In the event there is no consensus, a majority vote (the chair voting) will determine the outcome. Within five college business days after the close of the hearing, the Academic Grievance Board shall report its findings to the Director of Community Standards and Counseling or designee. The Director of Community Standards and Counseling or designee will notify the student in writing of the Board's decision within five college business days upon notification of the Board's decision. If the Board finds the student's grievance to have merit, the Board will provide a written recommendation of the action(s) to be taken.
- E. The decision of the Academic Grievance Board to sustain or change an assessment, grade, or treatment is final.

STANDARD OF EVIDENCE

The standard of evidence used to determine the outcome of an academic grievance is Preponderance of Evidence, which means "more likely than not".

REVIEW OF PROCESS

The Academic Grievance policy and process shall be reviewed annually under the direction of the Director of Community Standards and Counseling in collaboration with the AVP of Instruction.

Appendix A:
FINGER LAKES COMMUNITY COLLEGE
ACADEMIC GRIEVANCE CHECKLIST

INFORMAL PROCESS: A student must complete the following steps prior to submitting a formal written complaint to the Director of Community Standards and Counseling Office. [Note: Registered Nursing Students may submit a formal complaint directly.]

___ Step 1.

- Schedule a meeting with the instructor(s) outside of class time to explain your complaint.
- It may be helpful for you to:
 - a. Prepare notes for your use during the meeting regarding the specific points related to your concern(s)
 - b. Forward a letter to the instructor(s) outlining your concern(s) prior to the meeting
- Be able to produce documentation, as appropriate, that may support your concern(s)
- Inform the instructor(s) that you are considering a formal academic grievance, and you view the meeting as step one in the informal resolution process
- If the concern(s) is not resolved with the instructor(s), proceed to step two
- Document the date(s) and time(s) you met with the instructor(s) or and any notes you wish to keep regarding the meeting(s)

___ Step 2.

- Schedule a meeting with the appropriate department chairperson(s) to explain your complaint (Note – if the instructor(s) is also the department chairperson(s) you may proceed to step three)
- It may be helpful for you to:
 - a. Prepare notes for your use during the meeting regarding the specific points related to your concern(s)
 - b. Forward a letter to the department chairperson(s) outlining your concern(s) prior to the meeting
- Explain to the department chairperson(s) the outcome of your meeting with the instructor(s) (that is, what is/are the perspective of the instructor(s) regarding your concerns; what is your perspective having met with the instructor(s))
- Be able to produce documentation, as appropriate, that may support your concern(s)
- Explain to the department chairperson(s) that you have met with the instructor(s), you are investigating an academic grievance, and you view the meeting as step two in the informal resolution process
- If the concern(s) are not resolved with the department chairperson(s), proceed to step 2A or step three
- Document the date(s) and time(s) you met with the department chairperson(s) and any notes you wish to keep regarding the meeting(s)

___ Step 2A. (Optional)

- At the discretion of the department chairperson(s), meet with the instructor(s) and the department chairperson(s) together to review your concern(s)

___ Step 3.

- Meet with the AVP of Instruction to determine if there is any further informal resolution steps that can be taken.

FORMAL PROCESS:

After exhausting the informal process, unless exempt from doing so, the student should do the following:

- 1) Meet with the Director of Community Standards and Counseling to review the formal academic grievance hearing procedures.
 - Prepare a formal written complaint, and submit it to the Director of Community Standards and Counseling.
 - Decide if you wish to have an advocate from within the College community (i.e., faculty, staff, or student) to assist you in preparing a formal written complaint and support you during the hearing. If yes, contact the individual to obtain his/her approval to serve as your advocate. Submit the advocate's contact information to the Director of Community Standards and Counseling. The Director of Community Standards and Counseling will provide the advocate with guidelines regarding the informal and formal grievance processes and the advocate's role.
 - When preparing a written complaint, you must demonstrate how the instructor(s) engaged in prejudiced, capricious or unfair academic appraisal or treatment. Your written statement must include the following:
 - a. Your name and address; the course/section number; the course title; and the name(s) of the instructor(s)
 - b. A specific explanation as to the nature of your complaint(s) (for example, "I received a grade of D in the class and I believe I deserve a grade of C for the following reasons...")
 - c. An explanation regarding the steps you have taken to resolve the complaint. For example, "I contacted the instructor and left messages on June 1, 8 and 15. I met with the instructor on September 1. The instructor does not feel my concern is justified because... I met with the department chairperson on September 5. The department chairperson does not feel my concern is justified because..."
 - d. Identify how you would like the complaint resolved. For example, "Based on the documentation I have provided, I feel my grade should be changed from a D to a C."
 - e. Copies of appropriate documentation (e.g., course syllabus) that support your complaint
 - f. If appropriate, identify your supporter (name, address and daytime telephone number). It is your responsibility to notify the advocate of the hearing date, time, and location
 - g. Identify any witness(es) (name, address and daytime telephone number) you wish to have available at the grievance hearing and the relationship of the witness(es) to the complaint. You must provide this information no less than three full College business days prior to the hearing to the Director of Community Standards and Counseling. It is your responsibility to 1) contact any witnesses to determine whether they will support your grievance and appear at the grievance hearing and 2) notify any witnesses of the grievance hearing date, time and location. The Director of Community Standards and Counseling reserves the right to approve or deny your witness request
- A hearing date, time and location will be arranged based on all involved parties' schedules. You will receive written notification from the Community Standards and Counseling Office confirming the hearing date, time, and location, as well as the names of the Academic Grievance Board members. The hearing will be scheduled within a reasonable timeframe and not sooner than seven College business days after the Director of Community Standards and Counseling receives the written complaint.
- You must attend the scheduled hearing time, and be punctual. If you fail to arrive at the scheduled hearing time, the Board may render a decision using the information available and without the benefit of having the student's input or information. Such decisions do not presume a finding on behalf of the student or instructor(s).

At the conclusion of the hearing, the Academic Grievance Board will meet privately and reach a decision. You will be notified in writing of the decision by the Director of Community Standards and Counseling.