

FINGER LAKES COMMUNITY COLLEGE

ACADEMIC GRIEVANCE POLICY

Academic Year 2023-2024



Center for Student Well-Being

Room 3260

585.785.1211

Endorsed by Academic Senate: May 2023
Approved by Board of Trustees: August 2023

ACADEMIC GRIEVANCE PROCEDURES

Finger Lakes Community College has both informal and formal procedures providing for prompt and equitable resolution of complaints alleging prejudiced, capricious, or unfair **academic appraisal** (e.g., grading, assessment, evaluation, examination, judgment). Students who have questions about the academic grievance procedures should contact the Sr. Director, Center for Student Well-Being at standards@fccc.edu or 585.785.1211, the AVP of Student Affairs at studentaffairs@fccc.edu or 585.785.1284, or the Academic Specialist at kelby.lawrence@fccc.edu. Students who feel they have been subject to discrimination should refer to the FLCC Nondiscrimination Notice (<https://fccc.edu/policy/non-discrimination/>)

Freedom to Learn

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.

For most cases*, the student will be required to seek resolution through the **Informal Process** before proceeding to file a formal grievance. The **Informal Process** starts by a student contacting the instructor(s) of record, the instructor(s) of record's department chair, the Academic Specialist or the Sr. Director, Center for Student Well-Being and discussing the concern.

The **Formal Grievance Process** may only begin after a student has gone through the Informal Process and the student files a request for a formal grievance. Formal grievances must *be initiated* no later than four weeks into the next semester, or thirty days after the assigned grade is received if the course is taught in the winter and summer. [Please see the FLCC Academic Calendar for specific dates each academic year.]

*Registered Nursing Grievances will begin at the formal process

Informal Process

- A. Students charging an instructor(s) of record with prejudiced, capricious, or unfair academic appraisal (e.g., grading, assessment, evaluation, examination, judgment) shall notify and discuss the complaint with the instructor(s) of record without fear of reprisal. This will be a meeting between the student and the instructor(s) of record.
- B. If the problem remains unresolved after the first meeting with the student and instructor(s) of record, the student should notify and discuss the complaint with the instructor(s) of record's department chairperson. At the department chairperson's discretion, a meeting may occur with the student, instructor(s) of record, and department chairperson. Upon receipt of the complaint the department should attempt to offer resolution to the complaint within a reasonable timeframe. Any resolution will be provided in writing to the student(s).

If there is no resolution, the student may file to have a formal grievance hearing. The student must submit in writing to the Sr. Director, Center for Student Well-Being a description of the complaint outlining the

alleged prejudiced, capricious or unfair academic appraisal. The complaint must also include the instructor(s) of record's name, course number and title.

Once documentation has been received, the AVP of Student Affairs, or designee, in consultation with the Sr. Director, Center for Student Well-Being will review the documentation to determine if the complaint warrants moving forward with the formal process. The decision maker may seek out information from any person(s) associated with the informal process to gain an understanding of what has transpired during the informal process.

If it is determined that the complaint warrants moving forward, the formal process will begin. The AVP of Student Affairs, or designee, will notify the student and instructor(s) of record in writing of their determination and outline next steps if applicable. If it is determined that the complaint does not warrant moving forward, the AVP of Student Affairs will notify the student and the instructor(s) of record in writing of the finding.

Formal Process

Within five business days of the notification identifying that the complaint warrants moving forward, the student and instructor(s) of record have the right to meet individually with the Sr. Director, Center for Student Well-Being to review the formal grievance procedures and answer any process related questions.

Within fifteen business days of the notification identifying that the complaint warrants moving forward, the Sr. Director, Center for Student Well-Being will convene the Academic Grievance Board. The timeline may be adjusted for various reasons, including but not limited to, compliance with contractual stipulations, pending enrollments for academic programs, and transfer admissions requirement.

The Board is charged with determining, based on a review of all documents available and individual accounts presented during the hearing, if they believe more likely than not that prejudice, capricious or unfair academic appraisal has occurred.

1. Within seven business days of the scheduled hearing, both the student and the instructor(s) of record will receive a list of the Board members. The parties will have 24 hours of receipt of the names to identify if there is a concern about a potential conflict of interest. A request for a change of board member will be entertained by the Sr. Director, Center for Student Well-Being. If a conflict exists, the board make up will be adjusted and all parties will be notified.
2. The student and instructor(s) of record must submit all materials and a list of witnesses (including full name, contact information and purpose of their desired attendance at the hearing) which they wish to include in the hearing process. This must be submitted to the Sr. Director, Center for Student Well-Being five business days before the hearing date.
3. The Board and the participants will receive all documents submitted for consideration and witness lists no less than three business days from the date of the hearing. [Any individual who will be called as a witness may not serve in a role as advisor to either party.]
4. If either the student or instructor(s) 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(s) of record.

5. It is the responsibility of the instructor(s) of record and/or student to notify and arrange for the attendance of any witnesses they are requesting. Hearings will not be postponed for late or absent witnesses. If a desired witness is unable to attend the designated hearing date and time, the witness should submit their statement electronically within five business days prior to the hearing date, directly to the Sr. Director, Center for Student Well-Being.
6. The hearing shall be closed to the public. The following individuals associated with the grievance may attend the hearing: the student, the student's advisor, Academic Grievance Board, instructor(s) of record, instructor(s) of record's advisor, and hearing board advisor or the Sr. Director, Center for Student Well-Being.
7. The presentation of witnesses for both parties will occur at the allotted witness time during the hearing procedures (see Appendix A).
8. The Grievance hearing shall be recorded on equipment supplied by the College for the purpose of formal record keeping and will be maintained in accordance with FLCC Record Keeping policy. See Appendix A for additional details. All participants in the hearing are prohibited from making their own recording during the hearing (including but not limited to audio, video, photographic, and/or written recording).
9. At the time of the hearing, the hearing board advisor or the Sr. Director, Center for Student Well-Being will ensure that all parties are adhering to the formal academic grievance process and ensure all rights of the parties are retained.
10. At the close of the hearing, the Academic Grievance Board shall deliberate privately. The Board will seek to reach a consensus in resolving cases. In the event there is no consensus, a majority vote will determine the outcome.
11. Within five college business days after the close of the hearing, the Academic Grievance Board shall report its findings to the hearing board advisor or the Sr. Director, Center for Student Well-Being.
12. The hearing board advisor or the Sr. Director, Center for Student Well-Being will notify the student and instructor(s) of record in writing of the Board's decision and rationale within five college business days upon notification of the Board's decision.
13. If the Board's decision is to uphold the student's grievance, the Board will provide a written recommendation of the action(s) to be taken, which may include but is not limited to changing an assessment or grade. The written recommendation of action(s) and the rationale for the decision will be included in the final outcome letter.
14. If the Board's decision is that the student's grievance is unfounded, the Board will provide its rationale for the decision in the final outcome letter.
15. The decision of the Academic Grievance Board is final.

Definitions

The following selected terms are defined to facilitate a more thorough understanding of the academic grievance process.

Right to an Advisor:

In accordance with Due Process Rights, the student and instructor(s) of record have the right to an advisor to be with them during the informal and formal grievance process. The advisor to a student can be someone of the student's choosing who is affiliated with the Institution and may be a faculty, staff, or student. **[Attorneys are not permissible in the academic grievance processes.]**

The advisor to a faculty can be someone of the faculty's choosing who is a faculty, staff, or Union Representation member affiliated with the Institution. [Attorneys are not permissible in the academic grievance processes.]

The student and instructor(s) of record are each permitted to have one advisor with them during the grievance process. Individuals who are advisors are not allowed to be called as a witness or serve as a character reference.

In formal grievances, students may have a non-FLCC affiliated advisor at the sole discretion of the hearing board advisor, the Sr. Director, Center for Student Well-Being, Associate Vice President of Student Affairs, Provost and/or designee. The individual may not be a legal representative. The role of the advisor is to be supportive and give consultations to the party they are supporting. The advisor is not allowed to speak on behalf of the party they represent. [Specifics of the advisor role are outlined in Appendix B.]

Academic Grievance Board:

Formal grievances are heard by an Academic Grievance Board composed of a five- or seven-member panel. The Board members represent faculty, staff, and students. Student Board members must have completed at least one semester at FLCC and be in good academic and conduct standing. In most cases the Board will be a seven-member panel composed of three faculty, two staff, and two students. In the event a conflict arises when scheduling an Academic Grievance Board hearing, a five-member board may be utilized. The five-member Board is composed of three faculty, one staff, and one student. The chair of the Board will be a member of the faculty. Members of the Academic Grievance Board may be recommended in a number of ways; most often the recommendations come from Faculty Department Chairs, the AVP of Instruction, the AVP of Student Affairs, and/or the Director of Student Life.

Standard of Evidence:

The standard of evidence used to determine responsibility or uphold a complaint is a preponderance of evidence, which means it is more likely than not that the incident occurred. This burden of proof is different than beyond a reasonable doubt, which is a more stringent standard that is applicable to criminal procedures. The technical rules of evidence used in civil and criminal proceedings do not apply to the Student Code of Conduct or Academic Grievance standards of evidence policy.

Prejudiced:

This term in academic appraisal includes, but is not limited to, a preconceived judgment or opinion, an adverse opinion or leaning formed without just grounds or sufficient evidence, or a tendency for a decision on an improper basis.

Capricious:

This term in academic appraisal includes, but is not limited to, an appraisal not supported by the weight of evidence, or an appraisal characterized by impulse or whim.

Unfair:

This term in academic appraisal includes, but is not limited to, an appraisal that is not equitable, marked by partiality or deception.

Additional Appeals:

Finger Lakes Community College is a member of the National Council for State Authorization Reciprocity Agreements (NC-SARA) and follows the complaint resolution policies and procedures outlined in the SARA

Policy Manual (<https://nc-sara.org/sara-policy-manual>). A summary of the SARA student complaint process is available online (<https://nc-sara.org/student-complaints>). Consumer protection complaints resulting from distance education courses, activities, and operations may be submitted to Finger Lakes Community College as outlined below for investigation and resolution.

In the event the campus grievance procedures have been followed and all avenues of appeals exhausted and documented, and the issue remains unresolved, a complaint may be submitted to SUNY Student Concerns (<https://system.suny.edu/university-life/student-concerns/>).

Please note, this does not include complaints related to grades or student conduct violations, both of which are to be fully addressed via campus processes. See the section on Out-of-State Distance Education Complaints for complaints related to distance education programs when a student resides outside of New York State.

Students who exhaust the campus processes for addressing an academic grievance without success may contact New York State Department of Education (<http://www.nysed.gov/college-university-evaluation/complaints>). The Office of College and University Evaluation will not review a complaint until all grievance procedures at the institution have been followed and all avenues of appeal exhausted and documentation provided that such procedures have been exhausted. Please note: Every New York State college and university is required to establish, publish, and enforce explicit policies related to redress of grievances.

Please do not send a complaint to the Office of College and University Evaluation until you have read all the information below. This will assure that you are sending your complaint to the appropriate agency/office.

The Office of College and University Evaluation handles only those complaints that concern educational programs or practices of degree-granting institutions subject to the Regulations of the Commissioner of Education, with the exceptions, noted below.

- The Office does not handle anonymous complaints.
- The Office does not intervene in matters concerning an individual's grades or examination results, as these are the prerogative of the college's faculty.
- The Office does not handle complaints concerning actions that occurred more than five years ago.
- The Office does not intervene in matters that are or have been in litigation.

Complaints concerning **programs in fields leading to professional licensure** (e.g., nursing) should be directed to:

Office of the Professions
Professional Education Program Review
Education Building, 2 West
Albany, NY 12234

A complaint against a college in the **State University system** should be sent to:

State University of New York
System Administration
SUNY Plaza
353 Broadway
Albany, NY 12207

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APPENDIX A

Academic Grievance Board Hearing Procedures

1. The Board Chair will introduce themselves and identify their role in presiding over the hearing.
2. The Board Chair will identify the purpose of the hearing, specifying it is a Formal Academic Grievance Board Hearing, noting the date and time of the hearing, and the Board Chair will acknowledge to all participants that the hearing is being recorded for record keeping purposes. The Board Chair will verify that the recording is functioning and remind all participants that they are prohibited from making their own recording during the hearing (including but not limited to audio, video, photographic and/or written recording).
3. Introductions: the members of the board will introduce themselves, followed by the student, student's advisor (if present), instructor(s) of record*, instructor(s) of record's advisor (if present), and the hearing board advisor or designee.
4. The Board Chair will review the role of the advisors in the hearing process and answer any related questions.
5. The Board Chair will ask all participants if there are any questions regarding the process, procedures, or their rights in the process.
6. The Board Chair will begin the hearing using the following order of proceeding:
 - a. Opening Statements are given by the student and instructor;
 - b. Questioning of the student and instructor by the board;
 - c. Presentation and questioning of the student's witnesses by the student, the instructor, and the board;
 - d. Presentation and questioning of the instructor's witnesses by the instructor, the student and the board;
 - e. Questioning of the instructor by the student (these questions will be written, and the Board Chair will ask the questions aloud to the instructor);
 - f. Questioning of the student by the instructor (these questions will be written, and the Board Chair will ask the questions aloud to the student);
 - g. Final questioning of the student and instructor by the board;
 - h. Closing statements are given by the student and instructor;
 - i. The Board Chair will thank all participants for their time and remind all participants to keep the details of the hearing private as to protect the integrity of the process and those individuals involved in the process;
 - j. The Board Chair will bring the hearing to a close and note the time and request that the recording be stopped.
- k. The board will stay and deliberate in private to determine an outcome.

*Instructor(s) of record will be referred to as the instructor for purposes of this document.

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APPENDIX B

Role of an Advisor

The role of an advisor is to be supportive and give consultations to the student and instructor(s) of record.

1. The student and instructor(s) of record both may have (1) advisor present throughout the Academic Grievance Process.
2. The advisor's role is limited to providing support and guidance during the grievance process.
3. The advisor may not act as a witness for the student or instructor(s) of record during the grievance process.
4. A current member of the Academic Grievance Board may not serve as an advisor to the student or instructor(s) of record during the grievance process.
5. During the Academic Grievance process the advisor may not speak on behalf of the student or instructor(s) of record.
6. During a formal Academic Grievance Board hearing, the advisor may not speak directly to the board, witnesses, or the opposite party in the hearing.
7. The advisor may confer in a reasonable manner with the student and instructor(s) of record for whom he or she is advising.
8. The student and instructor(s) of record are responsible for notifying their advisor of the date, time and location of the informal meeting and/or formal Academic Grievance Board hearing.
9. In a formal Academic Grievance Board hearing, the student and instructor(s) of record must notify the hearing board advisor or the Sr. Director, Center for Student Well-Being who their advisor will be within five business days of the hearing date.
10. The advisor to a student can be someone of the student's choosing who is affiliated with the Institution and may be a faculty, staff, or student. **[Attorneys are not permissible in the academic grievance processes.]**
11. The advisor to a faculty can be someone of the faculty's choosing who is a faculty, staff or Union Representation member affiliated with the Institution. **[Attorneys are not permissible in the academic grievance processes.]**

FLCC Academic Grievance At-A-Glance

Please note: This does not encompass all examples of complaints

