

## ACADEMIC GRIEVANCE POLICY AND PROCEDURES

### I. PURPOSE

This policy establishes Governors State University procedures for student grievances in order to ensure due process and respect for individuals' rights. This grievance policy may be invoked in order to bring resolution to disputes regarding program admission decisions (beyond admission to the university), academic advising, grades, and other academic matters. This policy applies only to students admitted or enrolled at Governors State University. This policy is not intended to replace or duplicate the protections available to students under Policy 52 (Anti-Discrimination and Harassment Policy and Compliance Procedures) and Policy 78 (Title IX and Anti-Sex Discrimination Harassment and Retaliation). Nothing in this policy prevents a student from filing a complaint under Policy 52 and/or Policy 78 concurrently with an academic grievance.

University students are members of the academic community at Governors State University. As members of the university community, students have a right to request an explanation, reconsideration, and review of an academic advisor's, faculty member's, and/or administrator's professional judgment related to decisions rendered in academic and non-academic complaints.

### II. DEFINITIONS

Definitions used for the purpose of this policy include:

- A. Academic Grievances: This policy is focused on student grievances related to program admission decisions, academic advising, allegations of arbitrary and capricious grades received in a class, and other academic matters that involve a faculty member's and/or administrator's professional judgment. The other university policies that include redress for academic issues include: Policy 24 (Academic Honesty); Policy 26 (Interim Grading and Status Policy); Policy 52 (Anti-Discrimination and Harassment Policy and Compliance Procedures); and Policy 78 (Title IX and Anti-Sex Discrimination Harassment and Retaliation).
- B. Arbitrary and Capricious Grading: This constitutes either or both of the following: (1) the assignment of a grade to a particular student on some basis other than performance in the course; and/or (2) the assignment of a grade representing a substantial departure from the instructor's previously announced standards.
- C. College Grievance Committees: The College Grievance committees conduct hearings on student grievances.

- D. Correspondence: All grievance-related correspondence shall be submitted in writing through GSU email or an alternative communicational means previously approved for grievance processing.
- E. Dual Roles: Dual roles refers to staff or faculty who are assigned more than one level of review of a student's grievance. For example, an advisor or faculty member may be the subject of a grievance while also serving as a division/department chair. Dual roles should be avoided to ensure that a student's complaint is independently reviewed at each level.
- F. Grade Appeal: A grievant may file a grievance appealing a final grade in a course. A grade appeal shall not be used to challenge the academic or professional judgment of the course instructor in evaluating the quality of student work. Grade appeals shall be limited to situations where a student alleges that a course instructor assessed a grade that was arbitrary or capricious.
- G. Grievance: A written statement that describes the academic grievance raised by the grievant against the respondent and the requested resolution. The grievance may include supporting documentation. Examples of supporting documentation include but are not limited to: course syllabi; class assignments; directions for assignments; email communications; assessment criteria; faculty feedback on assignments; created study plans; and logs of verbal conversations.
- H. Grievant: A student filing a grievance under this policy.
- I. Hearing: A hearing is a review conducted by a College Grievance Committee of a grievance brought under this policy in order to make recommendations to the college's division/department chair and academic dean about resolving a grievance.
- J. Hearing Chair: The hearing chair is the member of the College Grievance Committee responsible for conducting the hearing. In most circumstances, the elected Grievance Committee chair will act as the hearing chair for grievance hearings. In situations where the academic grievance arises from the same division/department as the committee chair or when the committee chair is unable to fulfill the duties of hearing chair, the committee vice-chair or a designee who is a tenured faculty member of the Grievance Committee will act as the hearing chair. In this situation, the committee chair may serve as a member at the hearing if both the grievant and respondent approve.
- K. Issue of Substance: An initial determination by a division/department chair, academic dean, or the provost or designee that, based on the submitted evidence, sufficient grounds exist to proceed with a hearing. Examples of issues of substance include but are not limited to: arbitrary and capricious grading; a mathematical or clerical error that remains uncorrected; more exacting standards used for one student than were applied to others; assignment of a grade to a particular student on a basis other than performance in the course; deviation from

approved plans of study; or a grade based on substantial departure from the course syllabus and/or written assignment directions.

- L. Nonacademic Grievances: Nonacademic grievances are described in other University policies, including Policy 52, Policy 78, and Policy 4.
- M. Records: Records related to student academic grievances shall not be reflected on student transcripts or diplomas. Information about student records is described in Policy 12.
- N. Respondent: A faculty member, advisor, or administrator against whom a grievance is filed under this policy.
- O. Support Staff: A staff person appointed by an academic dean to assist the Grievance Committee, schedule hearings, and assemble documents as requested by the committee chair. Once a hearing is completed, the support staff communicates the committee's recommendations to the student and the division/department chair and submits official records for archiving.
- P. University Grievance Committee: A special grievance committee convened for the purpose of hearing an academic grievance that contains issue(s) of substance filed against an academic dean. A University Grievance Committee shall have as members four tenured faculty members and two students selected by the provost or designee.
- Q. Working days: For the purpose of this policy, working days shall mean Monday through Friday, excluding university holidays.

### **III. Academic Grievance Procedures**

#### **A. Informal Resolution**

1. Prior to filing a written grievance, except in instances of academic grievances that also involve allegations of violations of Title IX, sex discrimination, or harassment under Policy 78, or allegations of discrimination or harassment under Policy 52, the student must seek informal resolution of the issue with the faculty member or administrator directly involved in the issue/incident of concern. (In a case where violations of Policy 52 and/or Policy 78 are also alleged, a student may bring a complaint under Policy 52 and/or Policy 78 and an academic grievance under Policy 5 concurrently.)
2. The student must seek this informal resolution within fifteen working days of the occurrence of the issue. If, after reasonable efforts, a satisfactory solution is not reached, the student may file a written grievance with the appropriate division/department chair.

#### **B. Filing a Grievance**

1. To file an academic grievance, the grievant must submit a written grievance with any supporting evidence to the division/department chair of the academic

unit in which the course(s) or advising is offered within thirty working days of the event that led to the grievance.

2. The written grievance must state the reasons for the grievance and the remedy that is sought.
3. Grievants are responsible for complying with the procedures described in this policy.
4. When the division/department chair is named as the respondent in a grievance, the grievant shall submit the written grievance directly to the academic dean of the college in which the class or degree is offered, instead of the division/department chair. In this situation, the academic dean shall be responsible for acting in the place of the division/department chair as set forth in this policy.
5. When a dean is named as the respondent in a grievance, the grievant shall submit the written grievance directly to the provost or designee, instead of the division/department chair or academic dean. In this situation, the provost shall be responsible for acting in the place of the division/department chair as set forth in this policy. When the provost or designee is acting in this capacity and determines that an academic grievance brought against a dean is an issue of substance, they shall convene a special University Grievance Committee to act in place of the College Grievance Committee with regard to this grievance.

#### C. Request for Extension of Filing a Grievance

1. The grievant may request a one-time extension of the thirty working-day time period in which a grievance must be filed.
2. This request must be in writing to the division/department chair prior to the end of the thirty-day period with reasons and requested time for extension.

#### D. Determination of Grievances

1. In order to ensure that grievances are processed in a timely manner, each level of review during the grievance process should be completed within 10 working days, unless the college determines that a different timeline is more appropriate given the circumstances. Either party may request a modification to the grievance timeline, which may be granted at the discretion of the Dean, Division Chair, or Grievance Committee Chair.
2. The division/department chair should make a timely determination (within 5 working days if possible) of whether the grievance is an issue of substance or not.
3. If the grievance is determined to be an issue of substance:
  - a. After receiving the grievance and upon determination that it represents an issue of substance covered by the context of the procedures, the division/department chair shall refer the grievance to the academic dean and the College Grievance Committee chair.
  - b. At the time the grievance is referred to the committee chair and dean, the division/department chair shall provide a copy of the grievance, any

supporting documents, and a written statement of their decision that it represents an issue of substance and that it is being referred to the Grievance Committee to the respondent.

- c. In cases where the grievance arises from the Grievance Committee chair's division/department, the grievance shall be referred to the committee's vice-chair or designee who will serve as the hearing chair. The Grievance Committee chair may continue to serve as a member for the hearing if all parties, including the grievant and respondent, confirm that there is no conflict of interest.
- d. After the referral of the grievance to the Grievance Committee, the hearing chair shall request from the respondent a written response to the grievance. The written notice must include the due date by which the written response is due. The hearing chair shall also send a copy of the notice to the grievant.
- e. At the same time, the hearing chair shall provide the grievant with a copy of this policy.
- f. Upon receipt of the respondent's written response to the grievance, the hearing chair shall send a copy of the response to the grievant.
- g. All communication about the grievance and hearing will be maintained as part of the official record.
- h. Upon receiving a written response from the respondent, the hearing chair shall convene a hearing of the Grievance Committee. If the respondent fails to submit a timely written response, the hearing chair shall convene a hearing of the Grievance Committee within ten working days of the due date of the written response. All parties shall receive notice of the date of the hearing and their right to attend and speak to the Grievance Committee at the scheduled hearing.

4. If the grievance is determined NOT to be an issue of substance

- a. If the division/department chair decides that the grievance does not represent an issue of substance covered by these procedures, the division/department chair shall so inform the grievant in writing with reasons.
- b. The grievant may appeal the division/department chair's decision of no substance to the academic dean in writing.
- c. The decision of the academic dean shall be submitted in writing to the division/department chair and the grievant.
- d. The grievant may appeal the academic dean's decision to the provost (or designee) in writing.
- e. The decision of the provost (or designee) shall be provided in writing to the academic dean, the division/department chair, and the grievant, and is final and binding.
- f. In cases where the division/department chair is the respondent in the original grievance, to avoid the division/department chair serving in a dual role, the determination of substance shall be made by the dean. If the

grievant appeals a dean's decision of no substance, the appeal is submitted to the provost (or designee), whose decision is final and binding.

#### E. Composition and Election of College Grievance Committee Members

1. Membership. Each College Grievance Committee is made up of faculty members and student members.
  - a. Faculty members and alternates. Four full-time tenured faculty from at least two divisions/departments, as defined by college structure, shall serve as committee members for two-year staggered terms. Two additional full-time tenured faculty shall serve as alternates for one-year terms. Faculty members and alternates shall be elected by the college's full-time faculty (Unit A & B) at the start of each academic year. Election results will be announced no later than September 1 of each year. Members may be re-elected for subsequent terms.
  - b. Student members and alternates. Two students from the college shall serve as committee members. Two students from the college shall serve as alternates. Student members and alternates shall be appointed by the academic dean each year.
2. The members of the College Grievance Committee shall elect the chair and vice-chair and report the election results to the academic dean and division/departments chairs no later than September 10 of each academic year.

#### F. College Grievance Committee/Grievance Hearing Guidelines

1. The grievant shall be responsible for establishing the prima facie validity of the grievance. The grievant shall establish the basis or grounds for the grievance by providing sufficient evidence.
2. Hearings shall be conducted by the hearing chair.
3. At their discretion, the grievant and respondent may each have one advisor present during the hearing. However, the advisor shall not participate in the grievance hearing in any way, including, but not limited to asking or responding to questions, making arguments, or presenting witnesses or evidence, and may only advise the grievant or respondent. If an advisor is an attorney, the grievant or respondent must notify the Grievance Committee chair, division/departments chair, and dean of that fact a minimum of five working days prior to the hearing.
4. The hearing shall be closed, except when both parties agree that other selected people may attend. Except in situations where extenuating circumstances occur, both the grievant and respondent shall be present for the entire hearing.
5. The hearing chair shall make a written record of the hearing, which shall include:
  - a. The hearing date and names of those present;
  - b. A copy of any evidence (records, written testimony, duplicated materials, etc.) that is introduced; and
  - c. A written record of the final recommendation of the committee.
6. The hearing shall be conducted so that all parties to the dispute have an opportunity to present their views and to rebut those of others.

7. Both the grievant and respondent must have the opportunity to review all submitted materials prior to the hearing. Both shall also have the opportunity to address the hearing committee.
8. The committee shall not hear testimony nor make final recommendation unless a majority of voting members are present.
9. All final recommendations shall require the agreement of a simple majority of voting members present at the hearing. These hearings are not a court of law and formal rules of evidence and procedure need not be followed or adopted. The hearing chair has authority to ensure the proceedings are conducted with decorum and to bar witnesses if necessary to ensure such decorum.

#### G. Final Recommendation of the Grievance Committee

1. The final recommendation of the Grievance Committee shall include:
  - a. A statement that the grievance is founded or unfounded;
  - b. The committee's rationale for its decision that the grievance is founded or unfounded; and
  - c. A recommendation for resolving the grievance if founded.
2. The final recommendation of the Grievance Committee shall be submitted to the academic dean or designee along with all materials related to the complaint, response, and hearing.
3. The academic dean or designee shall communicate the recommendations to the grievant, the respondent, and the department/division chair.

#### H. Division/Department Chair's Role Following Committee's Final Recommendation

1. The division/department chair may affirm, reverse, or ask the committee to clarify or reconsider its recommendations.
2. The division/department chair may also request further information from the grievant and respondent in rendering a decision.
3. The division/department chair shall render a written decision within ten working days of receipt of final documentation from the Grievance Committee and shall send the written decision to the grievant, the respondent, and hearing chair.

#### I. Appeal of the Division/Department Chair's Decision

1. If the decision by the division/department chair is unsatisfactory to the grievant, the grievant may appeal the decision in writing to the academic dean. If the academic dean has assumed the duties of the division/department chair and issued the initial decision, the grievant may appeal the decision in writing directly to the provost or designee.
2. The grievant must submit the written appeal to the academic dean or provost within ten working days of receipt of the division/department chair's decision.
3. The academic dean shall issue a written decision within ten working days of receipt of the appeal and shall send the written decision to the grievant, the respondent, and the hearing chair.
4. The student may appeal the academic dean's decision to the provost or designee in writing no later than ten working days of receipt of the academic dean's decision.

5. The provost or designee shall issue a final and binding written decision within ten working days and shall send the written decision to the grievant, the respondent, and the hearing chair.

#### **IV. ACKNOWLEDGEMENT**

The university wishes to acknowledge consulting documents from the University of Illinois, Eastern Illinois University, Northeastern University, and Southern Illinois University in the preparation of this policy.

#### **V. RESPONSIBLE PARTIES**

The Provost (or designee) in conjunction with the Academic Deans are responsible for establishing procedures that address academic grievances and complaints with academic content, under this policy.

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