



**BOISE STATE UNIVERSITY**

University Policy 3140

## Academic Grievance

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### **Effective Date**

July 1987

### **Last Revision Date**

May 2011

### **Responsible Party**

Provost and Vice President for Academic Affairs, (208) 426-1202

### **Scope and Audience**

This policy applies to all University students.

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## **1. Policy Purpose**

To establish the University's policy outlining procedures, power and authority, limits, and responsibilities for student appeals (graduate and undergraduate) for non-grade related academic grievances when a student believes he/she has been maltreated in a course and/or academic situation.

## **2. Policy Statement**

The University takes its academic integrity and student concerns seriously. Therefore, it is imperative that a mechanism be created and maintained that will give recourse to students who believe they have been maltreated by faculty. This policy is established to maintain high academic standards and to protect objectivity and fairness in academic situations.

### 3. Responsibilities and Procedures

#### 3.1 Student Academic Grievance

- a. The spirit behind the policy is for a student to have recourse for situations when he/she feels he/she has been treated unfairly. The goal is to address “unfair treatment” that does not fall into other categories e.g. discrimination based on a protected class. This grievance policy does not pertain to discrimination grievances or sexual harassment grievances, academic grievances related to grades, or matters of academic freedom, which are all covered by other University policies.
- b. Grievance procedures apply only in those cases involving a perceived academic impropriety arising from a decision taken and/or demonstrated behaviors by a faculty member. They do not pertain to complaints expressing dissatisfaction with a University policy of general application challenged on the grounds that the policy is unfair or inadvisable, nor do they pertain to individual college, school, department, or program policies, as long as those policies are not inconsistent with general University policy.
- c. The complaint may be the result of an alleged action or omission by the faculty that meets all of the following conditions:
  - (i.) It must concern an academic decision, action, omission, or judgment, affecting the grievant personally, for which no existing university complaint procedure is available;
  - (ii.) It must not involve a grade;
  - (iii.) It must be a matter for which the Grievance Board can identify a remedy.
- d. In cases where the academic grievance is coupled with a grade appeal, in the interest of time and simplicity, the additional grievance will be presented and heard alongside the grade appeal and will follow the policies and procedures outlined for an academic grievance.

#### 3.2 Procedure for Academic Grievance

Two phases will guide the overall outcome of the process. The Initial Phase is less formal and is intended to resolve the situation at a departmental/college level without the filing of a formal grievance. If it cannot be resolved, the Second Phase, a more formal approach, may be pursued.

Timelines for the initial phase are somewhat informal and dependent upon the parties involved; however, if a formal grievance is to be filed, it must be filed by the end of the regular semester following the semester in which the aggrieved incident occurred.

### 3.2.1. Initial Phase – Process and Timeline

- a. A student complaint will first be presented by the student to the faculty member associated with the grievance. The student should contact the faculty member as soon as possible after the incident and attempt to resolve the issue.
- b. The faculty member will respond to the student as soon as possible. It is important that the student document date, time and manner of attempt to communicate with the faculty member.
- c. If the student is unable to resolve his/her concern with the faculty member, the student may forward the complaint to the chair of the department in which the course is offered. The chair will review the concern and seek a resolution in a reasonable time. It is important that the student document date, time and manner of attempt to communicate with the chair.
- d. If the student is unable to resolve his/her concern with the chair, the student may forward the complaint to the dean of the college in which the class is taught and/or alleged decision occurred. The student's complaint to the dean will be in writing and needs to include:
  - The grounds on which the original academic decision is being challenged,
  - A description of the remedy sought, and
  - A description and documentation of the informal efforts taken to date to resolve the matter.
- e. The dean (or designee) will review the concern and seek a resolution in a reasonable time. If the original parties have not had a conversation attempting to find a resolution, the dean will facilitate a discussion seeking an acceptable outcome. This discussion shall occur in person with the student and faculty member unless circumstances prohibit a face-to-face interaction.
- f. Exceptions
  - (i.) If the faculty member involved is also serving as chair, after an initial attempt to resolve the concern directly with the faculty member, the student may take the concern directly to the dean.

(ii.) If the faculty member involved is also serving as dean, after an initial attempt to resolve the concern directly with the faculty member, the student may take the concern directly to the provost.

(iii.) If the faculty member involved is also serving as provost or vice president, after an initial attempt to resolve the concern directly with the faculty member, the student may take their complaint directly to the President.

### 3.2.2. Second Phase – Process and Timeline

- a. If the problem is not resolved during the initial phase, the student may submit their complaint to the Provost. The student's complaint to the Provost will be in writing and must include the same items included in the complaint to the dean. It is also important that the student include all information related to date, time and manner of attempt to communicate with the faculty member, chair and dean. The complaint must be filed with the Provost within 20 business days following the last attempt at resolution through the dean.
- b. Upon receiving notification of a complaint by the student, the Provost (or designee) will request written responses to the complaint from the faculty member, chair and dean.
- c. The Provost (or designee) will convene a Preliminary Panel.
- d. The Provost is responsible to ensure that those designated to serve are not directly involved with the concern nor have any other conflict of interest. The Preliminary Panel shall consist of the following members:
  - (i.) The Faculty Senate Vice President or his/her faculty appointee (voting),
  - (ii.) A chair, dean or associate dean, selected by the Provost (or designee), who will serve as chair (voting), and
  - (iii.) The ASBSU Vice President or his/her student appointee (voting).
- e. The Preliminary Panel will review all of the written documentation from the student and university personnel and determine if the case has merit based upon the parameters provided herein.

- f. The Preliminary Panel's finding of merit does not constitute a finding of fact or a judgment of the case but is merely a recognition that the complaint falls within the conditions for an academic grievance review.
- g. The Preliminary Panel will submit their findings to the Provost's Office within 15 business days. The Provost will issue a decision upholding or overturning the Preliminary Panel's finding within 5 business days of receiving the documentation.
- h. If the complaint is deemed to be grievable, the Provost (or designee) will convene an Academic Grievance Board as soon as possible.

### **3.3 Academic Grievance Board**

#### **3.3.1 Academic Grievance Board Members**

The Academic Grievance Board will review the grievance to provide recommendations to the Provost and will consist of:

- The Preliminary Panel as it was constituted during the second phase (3 members)
- A second chair, dean or associate dean, selected by the Provost (voting)
- A second student, selected by the ASBSU President (voting)
- The Chair of the Faculty Senate Professional Standards Committee or his/her representative from the committee (voting)
- Faculty Ombuds or his/her representative (non-voting)
- The Director of Student Rights and Responsibilities or his/her representative (non-voting)

#### **3.3.2 Parameters for the Academic Grievance**

The Academic Grievance Board has the responsibility to review complaints arising from grievances filed by students against faculty. It is the student's responsibility to demonstrate the nature of the maltreatment associated with the grievance. It should be assumed that this is a mechanism to resolve differences between two reasonable, but conflicting, parties. Furthermore, unless clear and/or repetitive patterns of behavior with respect to academic treatment are displayed, academic grievances will in no way be used as criteria in matters of tenure and promotion.

### 3.3.3 Procedures for the Academic Grievance Board

- a. If it is shown that a member of the Board is directly involved in the case or has any other conflict of interest, that person will be replaced by the appropriate body.
- b. The Chair of the Preliminary Panel will chair the Academic Grievance Board. The Chair of the Academic Grievance Board does not vote.
- c. The Academic Grievance Board will convene a hearing in which both parties have an opportunity to speak.
  - (i.) A single record, such as a written record or audio recording, of every hearing before an Academic Grievance Board will be maintained by the Office of the Provost.
    - The record will be the sole property of Boise State University.
    - No other audio or visual recordings of hearings will be allowed.
    - Deliberations will not be recorded.
    - The written decision letters will remain as the official University record and be maintained per the University records policy.
  - (ii.) Each party will have an equal amount of time to present their case. The specific amount of time allowed will be at the discretion of the chair.
  - (iii.) Board members will be allowed to question either party. The question period will continue until all board members are finished with their questions.
  - (iv.) Questions between parties will be directed to the chair, who may choose to disallow questions if he/she feels they are not relevant to the topic.
  - (v.) Both parties will have an opportunity to respond to the evidence and information provided during the hearing.
  - (vi.) All parties subject to an academic grievance shall cooperate with the Academic Grievance Board; provide truthful and accurate testimony and information; and conduct themselves respectfully and in accordance with Boise State University's Shared Values, Student Code, and rules and policies applicable to students and employees. Abuses of the processes outlined herein, including, without limitation, the filing of a frivolous or

- false grievance, the provision of false testimony or information, falsification or intentional destruction of evidence, coercion or attempted coercion of witnesses, or any other acts or omissions, singularly, or in the aggregate, designed to obscure the truth, undermine principles of fairness, or abuse the processes provided herein may result in immediate dismissal of a grievance, and subject the offending party to appropriate disciplinary action.
- (vii.) Parties are expected to appear at hearings personally and to advocate on their own behalf. Parties may have a representative present during a hearing if they so elect, however, representatives may not advocate on a party's behalf or otherwise participate in the proceedings. Any representatives allowed at a hearing must agree to protect the confidentiality of the proceedings.
- d. Once all information has been heard, the Board will then adjourn and deliberate.
- (i.) All deliberations are made in a closed session.
- (ii.) A decision will be made by a majority vote, based on the information presented to the Board.
- (iii.) The Board will provide its written recommendations and minority opinion to the Provost along with justification.
- (iv.) The Provost may uphold or overturn the recommendation of the Board.
- (v.) The Provost will inform the parties of the final decision in writing within ten (10) business days of the receipt of the recommendation.
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## Revision History

July 1995; April 1998; November 2001; May 2011