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**College of Education and Human Development  
Student Academic Grievance Procedures**

**University of Louisville**

**Approved by CEHD Faculty**

**On**

**December 9, 2014**

## Student Academic Grievance Procedures

### Section 1: Introduction

These procedures are designed to provide a fair process for dealing with academic complaints other than grades. Students who believe that they have been treated unfairly, discriminated against, or have had rights abridged due to a specific action or decision involving academic matters may seek resolution. Students, faculty, and administrators shall first seek to resolve the matter through informal discussion and administrative channels (see Section 2). If resolution through informal discussion fails, this document outlines the process for seeking formal resolution.

The College of Education and Human Development (CEHD) Student Academic Grievance (SAG) committee will hold original jurisdiction for undergraduate and graduate students enrolled in CEHD programs. The SAG committee consists of one faculty representative from each CEHD department and at least one undergraduate student representative and one graduate student representative, all of whom have voting rights during any grievance proceedings which may arise. The Office of the Dean is represented on the committee by an Ex Officio member who does not have the right to vote during grievance proceedings.

All grievance procedures shall be conducted in accord with Redbook Section 6.8. The SAG committee has the power to hear all grievances of CEHD students involving academic matters not related to grades. Because the "authority for the determination of grades in any course shall rest with the faculty of the academic unit offering the course, each student shall have the right to discuss any grade with the appropriate faculty member or Academic Dean in accordance with the procedure of the academic unit." (The Redbook, Section 6.6.2). "Academic matters are defined as those concerning instructional activities, research activities, activities closely related to either of these functions, or decisions involving instruction or affecting academic freedom" (The Redbook, Section 6.8.3).

The standard of proof for academic grievances is a preponderance of information. Preponderance of information is defined as information that a reasonable person would find persuasive or more likely than not to have occurred. The technical rules of evidence applicable to civil and criminal cases shall not apply when resolving academic grievances as outlined by these procedures.

To assist the student, the ex officio member of the CEHD SAG Committee and the University Student Grievance Officer are available to inform students of their rights and obligations under the grievance procedure and especially the deadlines that have been established. The University Student Grievance Officer shall seek to resolve informally as many grievances as possible" (The Redbook, Section 6.8.2). Students are encouraged to seek the assistance of the ex officio member of the CEHD SAG Committee or the Student Grievance Officer at any stage of the grievance process at <http://louisville.edu/dos/help/studentgrievance>

## Definitions

- a. **Incident** – an occurrence concerning academic matters, not related to grades (e.g. instructional activities, research activities, activities closely related to either of these functions, or decisions involving instruction or affecting academic freedom) in which a student has a concern
- b. **Grievance** – a complaint based on an incident as described in Section 1a of this document. Students must formally identify a complaint via the Student Academic Grievance Form (see Section 3).
- c. **Evidence** – documentation or verbal/written statements by witnesses used to support or refute a grievance and must be directly relevant to the complaint. Evidence may be submitted by grievant(s) and the respondent(s).
- d. **Working days** – academic days (M-F) in which University offices are open during fall and spring semesters.

## Section 2: Prerequisites to Filing a Grievance

Prior to filing a grievance concerning academic matters within the CEHD, the following steps of the grievance procedure must be observed:

The student must request a scheduled meeting with the person(s) directly involved via University e-mail within twenty (20) working days of the incident that gave rise to a possible grievance, unless the Committee Chair agrees that this step would cause undue distress to the student (e.g., sexual harassment or threat of physical harm). The student must directly discuss any dispute they have to attempt to resolve the possible grievance. The meeting must occur within twenty (20) working days of the request.

If there is no resolution, the student must request a meeting with the immediate supervisor (e.g., Department Chair and/or Dean) of the person(s) directly involved via University e-mail within ten (10) working days of the meeting referenced above to attempt to resolve the possible grievance. The meeting with the immediate supervisor must occur within twenty (20) working days of the request.

## Section 3: Filing a Grievance

If the matter has not been satisfactorily resolved through the above process, the student shall submit a written Student Academic Grievance Form to the CEHD SAG Committee through the ex officio member of the SAG Committee in the Office of the Dean. This form is attached at the end of this document, is available on the CEHD website, or the student may obtain a copy from the ex officio member of the SAG Committee. The form must be completed and submitted within ten (10) working days after the meeting with the immediate

supervisor. The ex officio member of the SAG Committee is the contact person for grievant(s) and respondent(s). The ex officio member cannot provide advice or advocacy but will clarify the process for all parties.

#### Section 4: Committee Action

Upon receipt of the Student Academic Grievance Form, the Chair of the SAG Committee, shall review the submitted form within five (5) working days of receipt to ensure that all prerequisites in Section 2 were completed and that the issues presented in the SAG form were discussed at all levels in the informal process. If any part of the submitted form is incomplete or if any response is not directly related to the questions asked, the form shall be returned to the student for revision. The student shall have five (5) working days to resubmit the form. The student is encouraged to ask clarifying questions of the ex officio member. If upon resubmission, the form is deemed incomplete or responses are not directly related to the questions asked, the grievance shall not be considered.

If the submitted form is accepted, the committee shall take the following steps:

- Provide a copy of the submitted form to named parties and committee members. In that communication, the committee will reiterate that no review of the facts has been conducted nor has a determination been made regarding the merits of the case.
- Notify each party of the right to challenge committee members for cause. Included in this notification will be a list of the names of all current voting grievance committee members. Challenges must be received no more than ten (10) working days after the right to challenge notification(s) is emailed. If no challenges are received within this timeframe, the process will continue. The Dean, or the Dean's representative, will determine if sufficient cause is represented in any challenge to exclude a committee member from participating in the grievance process. If a challenge is accepted, the Committee on Committees department representative will appoint a replacement from the same department as the excluded committee member. If the challenged committee member is a student representative, the SAG Committee Chair will appoint a student representative replacement.
- Meet within twenty (20) working days after receiving the responses to the notification of the right to challenge committee members, evaluate the grievance form, and determine if it meets the minimum criteria (i.e. that the alleged grievance relates to a grievable policy) to move forward with a grievance hearing. **At this point the committee will not make any determination concerning the merit of any allegation or facts presented.**
- Recommend to the Dean of the CEHD whether or not a hearing should be held.

If the committee recommends against holding a hearing and the Dean concurs, the grievance process ends. If the committee recommends against holding a hearing and the Dean does not concur, the Dean can instruct the committee to hold a hearing. If the committee recommends that a hearing be held, the committee shall hear the case. The committee shall notify, in writing, all persons directly involved as to the reasons for its recommendation. If a grievance form is received less than fifteen (15) working days before the end of the spring or fall semester, the SAG Committee will meet within ten (10) working days after the beginning of the following semester. If extenuating circumstances exist (e.g., the timeframe places student

at a significant disadvantage in regard to programmatic decisions and/or financial aid or the respondent will be on sabbatical), the student or respondent(s) must submit a letter requesting an exception to the CEHD SAG Committee through the Office of the Dean. The committee will determine if the exception is warranted and, if so, the appropriate timeline for addressing the grievance.

If a hearing will be held, the committee shall take the following steps:

- Notify in writing all the parties involved of the date, time, and place of the hearing at least ten (10) working days prior to the hearing date. The hearing must be held within fifteen (15) working days of the decision to hold a hearing.
- Request in writing from all parties involved any pertinent material deemed necessary for review by the committee prior to the hearing. These materials include lists of witnesses both the grievant(s) and respondent(s) have invited to the hearing. Witnesses are individuals who have information relevant to the grievance. These materials must be submitted to the committee no later than five (5) working days prior to the hearing.
- Request in writing from all parties involved to indicate if they wish to bring an advisor with them to the hearing and whether or not that advisor is an attorney. (Note: See Section 5 for the limitations of the role of an advisor.) This information should be submitted to the committee at least five (5) working days prior to the hearing. If the grievant(s) chooses to have an attorney present, the University may decide to retain an attorney to act as advisor to the Committee members or to the respondent(s).
- Maintain confidentiality throughout the entire grievance process.

## Section 5: Hearing Process

As parties prepare for the hearing, they may contact the Ex Officio member for clarification regarding the hearing process. The Committee Chair will preside over the hearing process and format. If the Committee Chair is unable to serve, the committee will appoint a presiding officer. The grievant(s) and the respondent(s) should be present during the hearing. If the grievant(s) and/or respondent(s) fail to appear at the hearing, the committee will decide if the hearing will be held as scheduled. Witnesses will be available and will be called when needed. The committee reserves the right to allow the presence of a secretary and/or a technology assistant.

The grievant(s) or respondent(s) may have one advisor present at the hearing. An advisor may act only as a consultant to the grievant(s) or respondent(s) and is not permitted to speak to the committee, opposing parties, or witnesses, or present any evidence.

- All statements during the presentation of evidence will be audio-recorded. This record will be preserved in the University Archives for a minimum of five (5) years and shall be confidential.
- The grievant(s) will present their statements and/or witnesses to the committee.
- The respondent(s) will have the opportunity to question the grievant(s) and the

- grievant(s') witnesses about their statements.
- The respondent(s) will present their statements and/or witnesses to the committee.
  - The grievant(s) will have the opportunity to question the respondent(s) and the respondent(s') witnesses about their statements.
  - Any committee member may ask questions after the testimony of grievant(s), respondent(s), and the witness(es).
  - After all evidence has been presented, all persons except the committee members and the recording secretary will leave the committee room.
  - The Committee will meet in closed session to decide upon its recommendation(s) to the Dean based on the evidence presented.
  - The grievant(s), the respondent(s), and the witness(es) should remain in the vicinity during the closed session. All parties and witnesses should continue to be available to the committee until the recommendation(s) of the committee is submitted to the Dean.
  - The recommendation(s) of the committee will be submitted to the Dean within five (5) working days of the hearing.

Until the grievance is resolved, the student may continue the natural academic progression through the academic unit, subject to the requirements of Article 6.6, "Academic Review, Advancement, Probation, and Dismissal of Students," and Article 6.7, "Nonacademic Disciplinary Procedures," of The Redbook.

#### Section 6: Decision

The Dean shall approve or reject the committee's recommendation(s) within 10 working days after receiving it (them). If the decision of the Dean is not in accord with the committee's recommendation(s), the Dean shall state the reasons for that decision, in writing, to all persons directly involved in the grievance and to the committee.

Documentation of the student(s') grievance or the decision will not be included as part of the student's record, unless it results in a change in student status or the student(s) requests to include the documentation in their record.

#### Section 7: Appeal

An appeal by an undergraduate student is only permitted if the final decision of the Dean does not concur with the recommendation of the SAG Committee. An appeal to the University Student Grievance Committee must be submitted within twenty-one (21) working days from the date of the final decision of the Dean (Redbook 6.8.11).

Any party to a grievance brought by a graduate student may appeal to the Graduate Student Grievance Committee within twenty-one (21) working days from the date of the final decision. This appeal is permitted regardless of whether the final decision of the Dean concurs with the recommendation of the SAG Committee (Redbook 6.8.11.).

Appeals to the University Student Grievance Committee or the Graduate Student

Grievance Committee will be based on the record established by the CEHD SAG Committee.

After the time for appeal has elapsed, the Dean shall take appropriate action to implement the decision.