WINDWARD COMMUNITY COLLEGE
Academic Affairs

STUDENT ACADEMIC GRIEVANCE PROCEDURES

1. Purpose:
   To establish a procedure for students to resolve their academic-related grievances.

2. Introduction and Authority:
   It is a historically established rule of higher education that an instructor has the authority to
   conduct classes, provide for the discussion of ideas, make assignments or other exercises,
   require examinations, and render judgments on the performance of students. The exercise of
   this authority provides the foundation for an academic relationship between individual faculty
   members and individual students that is unique to colleges and universities. At a basic
   transactional level this relationship is maintained by the interplay of traditional and customary
   standards of conduct and courtesies, the observance of which is the responsibility of both
   faculty and students. Certain basic expectations, relevant to teaching and learning, are
   summarized in part 3 of this procedure. Inevitably, issues associated with the faculty
   member's responsibilities as a teacher and the student's responsibilities as a learner may
   occasionally arise. In order to address these issues, the University of Hawai'i has instructed
   its constituent campuses to provide for the consistent and equitable resolution of legitimate
   student academic grievances.

   Accordingly, the Chancellor for Community Colleges, upon the recommendation of the Provost
   of Windward Community College, and with the concurrence of the Faculty Senate, has
   established this student academic grievance procedure, effective November 1, 1987.

3. Academic Rights and Responsibilities of Students:

   Windward Community College subscribes to that part of the 1968 "Joint Statement on Rights
   and Freedoms of Students", adopted by a diverse number of higher education organizations
   including the American Association of University Professors, which relates to Classroom
   instruction:

   "The professor in the classroom and in conference should encourage free discussion, inquiry
   and expression. Student performance should be evaluated solely on an academic basis, not
   on opinions or conduct in matters unrelated to academic standards.

   a. Protection of Freedom of Expression. Students should be free to take reasoned
      exception to the data or views offered in any course of study and to reserve judgement
      about matters of opinion, but they are responsible for learning the content of any
      course of study for which they are enrolled.

   b. Protection Against Improper Academic Evaluation. Students should have protection
      through orderly procedures against prejudiced or capricious academic evaluation. At
      the same time they are responsible for maintaining standards of academic
      performance established for each course in which they are enrolled.

   c. Protection Against Improper Disclosure. Information about student views, beliefs and
      political associations which professors acquire in the course of their work as
      instructors, advisors, and counselors should be considered confidential. Protection
      against improper disclosure is a serious professional obligation. Judgments of ability
      and character may be provided under appropriate circumstances, normally with the
      knowledge or consent of the student."
4. **Definitions:**

**Student:** Any individual enrolled in a credit course.

**Faculty Member:** Any individual who is engaged in providing scheduled instruction for credit.

**Assistant Dean:** The individual designated as the administrative head of any division offering credit instruction.

**Dean of Instruction/Designee:** The Dean of Instruction of Windward Community College or other officer of the campus who has been designated to act for the Dean in matters involving academic grievances.

**Remedy:** An action to correct an individual student's situation which does not involve the imposition of a sanction against a faculty member.

**Semester:** Any scheduled term of instruction including those of continuing education programs and summer session.

**Report of Alleged Academic Impropriety:** A verbal expression of inquiry by a student about an action or series of actions taken by a faculty member which the student feels may be improper or otherwise inconsistent with the faculty member's responsibilities or the student's customary academic expectations.

**Complaint of Alleged Academic Impropriety:** A written charge filed by a student with the Dean of Instruction or Dean's Designee alleging that a faculty member has acted improperly or in a manner otherwise inconsistent with the faculty member's responsibilities or the student's customary academic expectations.

**Academic Grievance:** A written statement of complaint filed with the chairperson of the Academic Grievance Committee requesting a formal review of an academic complaint which the student believes to have been unsatisfactorily resolved by the Dean/Designee.

**Patently Frivolous Grievance:** A written grievance that is so weak and unsubstantial as to be void of merit on its face or for which there is no identifiable or appropriate remedy. Examples of such grievances may include but are not limited to: those that do not describe an improper or uncust omorry situation; those that are best pursued under other more appropriate procedures; or those that have been pursued and concluded through other grievance or appeal procedures.

5. **Procedures for the Resolution of Academic Grievances:**

Any student who believes that a faculty member has acted improperly or in a manner otherwise inconsistent with the faculty member's responsibilities or the student's customary academic expectations, may initiate action to achieve a remedy. The actions available are outlined herein and must be initiated within fourteen (4) calendar days after the student become aware, or could have reasonable been expected to become aware, of the alleged impropriety.

a. **Report of Alleged Academic Impropriety**

1) A student who believes that a faculty member acted improperly should make every reasonable attempt to discuss the matter with the faculty member involved.

2) Failing to resolve the matter with the faculty member involved, the student should discuss the matter with the faculty member's Assistant Dean of Instruction, reporting the facts as the student perceives them, specifying the
remedy sought, and outlining the faculty member's response, if any, to the consultations at step 1. Such discussion should be initiated with the Assistant Dean within seven (7) calendar days after the final scheduled discussion at step 1 with the faculty member involved. The Assistant Dean shall meet separately with the student and the faculty member, and then if both agree, jointly to discuss the matter. Within seven (7) calendar days of receipt of the student’s unresolved report, the Assistant Dean shall complete the consultations and shall notify the student and the faculty member in writing of his or her conclusion(s) and recommendation(s).

3) In the attempt to resolve the matter both the student and faculty member are encouraged to utilize campus mediation services where these are available. Additionally, the faculty member's Assistant Dean may seek mediation services in helping to resolve any outstanding matters.

4) Should the faculty member involved in step 1 be the Assistant Dean, the student should present his or her unresolved report, in accordance with item 2 above directly to the Dean of Instruction or Dean's Designee, noting the apparent "conflict of interest" in his or her report.

b. Complaint of Alleged Academic Impropriety

1) Failing to achieve satisfactory resolution of a report of an alleged academic impropriety, either party may file a written complaint with the Dean of Instruction or the Dean's Designee. Such complaint must be filed within seven (7) calendar days after the parties have been notified by the Assistant Dean of the resolution of the student's report of alleged academic impropriety, either party may file a written complaint with the Dean of Instruction or the Dean's Designee. (Such complaint must be filed within seven (7) calendar days after the parties have been notified by the Assistant Dean of the resolution of the student's report of alleged academic impropriety.)

2) The student or faculty member shall provide, as a part of the written complaint, the facts of the matter as he/she perceives them, the remedy sought, the other party's response to initial consultations, and the Assistant Dean's resolution of the report. In addition, the student or faculty member shall identify the custodians of any relevant documents which he/she does not possess.

3) Upon receipt of a written complaint, the Dean of Instruction or the Dean's Designee shall immediately notify the faculty member's Assistant Dean. If new material or information relevant to the situation, which was not introduced as a part of the student's report to the Assistant Dean, becomes available, the Dean or Dean's Designee shall refer the complaint back to the Assistant Dean for review and recommendation.

4) The Dean or Dean's Designee shall have fourteen (14) calendar days to review the complaint, consult with the parties involved, and resolve the complaint. This timetable may be extended for no more than fourteen (14) days if, in the Dean's or Dean's Designee's judgment, such extension would be of benefit in resolving the complaint.

5) Upon expiration of the time provided for resolving the complaint, the Dean or Dean's Designee shall inform the student and faculty member in writing of his or her disposition of the complaint.
c. **Academic Grievance**

1) Failing to achieve satisfactory resolution of a complaint of an alleged academic impropriety, the student may file a grievance, in writing, with the chairperson of the academic grievance committee. Such filing must be done within seven (7) days after the student has received written notification from the Dean or the Dean's Designee regarding the resolution of the student's complaint.

2) The student's or faculty member's written grievance shall contain all information previously provided in the original complaint to the Dean/Designee as well as a copy of the Dean's/Designee's written notification to the parties regarding the disposition of his/her complaint.

6. **Academic Grievance Committee**

There shall be an academic grievance committee appointed by the Provost which shall be composed of an equal number of faculty and students. Academic Grievance Committee hearings will usually not be available during the last two weeks of each semester nor during the summer. During these periods, a hearing before a designated campus administrator may be conducted, or grievances may be deferred until such time as a committee hearing is available.

a. **Composition of the Academic Grievance Committee**

1) The Academic Grievance Committee at Windward Community College will be composed of two faculty members and two students, in addition to the chairperson.

2) The Provost shall appoint as chairperson a tenured member of the faculty, who shall be a non-voting member of the Committee except in the case of a tie. The selection of the chairperson shall be made prior to October 1 of each year, and will serve for one year.

3) The Faculty Senate chairs will choose the two faculty members and one alternate at random from all of the members of the Faculty Senate (senators, senate chairs, and standing committee chairs) at one of the early meetings of the Faculty Senate each fall semester. The members will serve for one year.

4) The WCKC (Student Government) will choose the two student members and one alternate at random from all of the members of the WCKC at one of the early meetings of the WCKC each fall semester. The members will serve for one year terms if the student remains enrolled. When a member withdraws or does not re-register at the College, the WCKC will randomly select a replacement from the same group.

5) A majority of the members of the Academic Grievance Committee present shall constitute a quorum for the purposes of a hearing.

6) If any member of the Committee feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the committee member shall disqualify him/herself. This does not relieve the Committee of maintaining a quorum, thus, it may be necessary to supplement the membership of the Committee.

b. **Responsibilities and Procedures of the Academic Grievance Committee**

Upon receipt of a written grievance requesting a formal hearing by the Academic grievance committee, the chairperson shall notify the student and faculty member involved, the Assistant Dean and the Dean/Designee.
1) The chairperson of the academic grievance committee shall have the authority to dismiss all patently frivolous grievances. The committee shall not proceed on any grievance for which there is no identifiable or appropriate remedy.

2) Having determined that a grievance is not patently frivolous, the chairperson shall convene a hearing of the academic grievance committee within 10 calendar days after receipt of the grievance.

3) The committee chairperson shall have the authority to waive specified timelines for a specific period, when necessary, in order to ensure proper notice and a fair hearing.

4) Having scheduled a hearing, the committee chairperson shall give written notice to the student, the faculty member involved, and to the faculty member's Assistant Dean and Dean/Designee. Such notice shall be given at least five (5) calendar days prior to the hearing and shall include:
   a) The date, time, and place of the hearing;
   b) Any particular section(s) of the statement of Academic Rights and Responsibilities of Students, that is alleged to have been violated;
   c) An explicit statement of the issue(s) involved, the facts alleged by the student, the conclusions and recommendations, if any, reached by the Assistant Dean and Dean/Designee;
   d) The fact that the burden of proof rests upon the party requesting a hearing; and,
   e) That the hearing shall be closed.

5) The academic grievance committee shall conduct its fact-finding in accordance with the following provisions which are designed to assure a fair hearing and equitable treatment for those involved.
   a) The chairperson shall be responsible for recording the hearing and maintaining order, and shall have the authority to rule on points of order and to exclude immaterial and/or repetitious evidence.
   b) The student and the faculty member shall have sufficient opportunity to discuss all issues involved.
   c) Oral and documentary information may be presented to the committee.
   d) All members of the committee shall have the right to raise additional questions or seek clarification on all relevant points.
   e) The committee may secure additional information from sources other than those presented by the student or the faculty member. The committee may also secure other documents relevant to the issue which were not introduced at any previous step by the student or faculty member.
   f) The grieving party is expected to be present at the hearing. Either party may provide written information to the committee for its consideration. In the absence of either party, the committee shall consider the information in its possession and render a decision. The deliberations of the committee after receipt of all relevant information, shall be closed.
g) In the absence of the grieving party, except for good and sufficient cause, the grievance shall be dismissed with prejudice. The decision of the academic grievance committee as to good and sufficient cause, is final within the University.

6) After hearing a grievance, the committee will decide if the University has reasonable cause to remedy a student's situation. Accordingly, the committee may decide the following:
   a) No cause for remedy: Wrongful or uncustomary behavior on the part of the faculty member has not been established.
   b) Cause for remedy: Wrongful or uncustomary behavior on the part of the faculty member has been established. In this cause, the academic grievance committee may recommend an appropriate academic remedy.

7) After the committee has made its findings, decision as to cause, and any recommended remedy the chairperson shall inform the Provost in writing of the findings and recommendations within five (5) calendar days of the hearing.

c. Final Decision and Orders by the Chancellor/Provost

Within ten (10) calendar days from the receipt of the committee's findings, decision as to cause and recommendations as to remedy, the Provost shall notify, by certified mail with return receipt requested, both the student and the faculty member of his/her final decision regarding any remedy to be undertaken.

1) Upon receipt of the committee's findings, decision as to cause and recommendations, the Provost may take the following actions:
   a) Direct the committee to rehear the grievance if there is substantial reason to doubt the fairness of the hearing. A determination of the fairness of the hearing shall be based on four issues: (1) Did the committee follow the procedures contained herein? (2) Was the committee hearing conducted in such a way as to provide the student adequate opportunity to present his or her grievance? (3) Did the evidence presented at the hearing satisfy the requisite burden of proof? and, (4) Is the remedy reasonable in relation to the grievance?

2. The decision of the Provost shall be final within the University.

d. Records of the Academic Grievance Committee

The chairperson of the committee shall maintain a log of the hearing. This log shall include a brief description of the subject matter of the grievance and the outcome of the hearing but shall not contain any personally identifiable information. This log shall be open to outside inspection.

Other records of the committee which are not open to outside inspection include: tape recordings of the hearing, all written information presented, the actions of the committee and the chairperson's final report including the committee's findings, decision as to cause, and recommended remedies.

7. Effective Date:

This policy is effective as of August 1, 1995

Peter T. Dyer
Provost