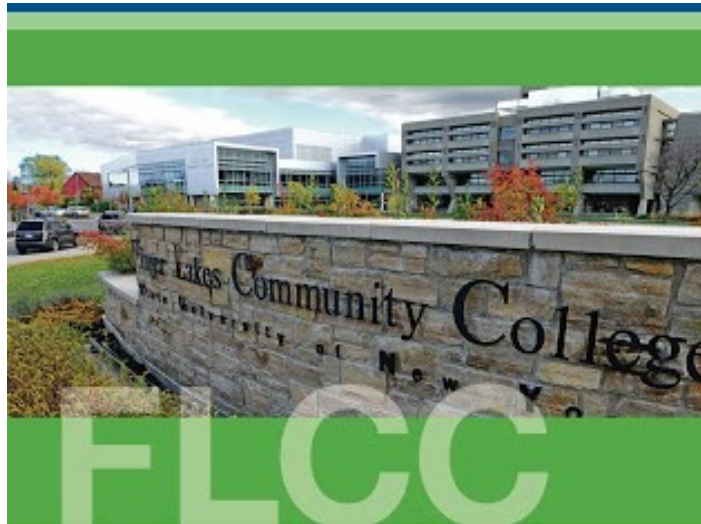


# FINGER LAKES COMMUNITY COLLEGE

## ACADEMIC GRIEVANCE POLICY

Academic Year 2021-2022



**Office of Community Standards and Counseling**

Room 3260

585.785.1211

*Endorsed by Academic Senate: May 2021*  
*Approved by Board of Trustees: May 2020*

## ACADEMIC GRIEVANCE PROCEDURES

Finger Lakes Community College has adopted an internal grievance procedure 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 Director of Community Standards and Counseling at [standards@flcc.edu](mailto:standards@flcc.edu), or 585.785.1211, or the AVP of Student Affairs at [studentaffairs@flcc.edu](mailto:studentaffairs@flcc.edu), or 585.785.1284.

### Freedom to Learn

In accordance with Federal regulations, the New York State Human Rights Law, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and Title VI and Title IX of the Higher Education Act, Finger Lakes Community College has adopted an internal due process procedure providing for prompt and equitable resolution of complaints alleging discrimination on the basis of race, color, ethnicity, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction in its educational programs, activities, admissions, and employment policies. The name of the current Affirmative Action Officer is available from the Human Resources Office. The ultimate criterion for admission shall be the student's ability to benefit from the educational experience.

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.

Academic Grievance procedures begin with the Informal Process by a student contacting the instructor(s) of record, the instructor(s) of record's department chair, or the Director of Community Standards and Counseling. The Formal Grievance Process is initiated after a student has gone through the Informal Process (Registered Nursing Grievances will begin at the formal process). 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. [Please see the Student Handbook for specific dates each academic year.]

For most cases\*, the student will be required to seek resolution through the informal process before proceeding with the formal grievance process.

\*Registered Nursing Grievances will begin at the formal 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. [Only in Sexual Misconduct cases may an advisor be an attorney.]

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. 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 a character reference.

In formal complaints, students may have a non-FLCC affiliated advisor at the sole discretion of the Director of

Community Standards and Counseling 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. [Specific overview of the advisor role is outlined in Appendix B.]

### **Academic Grievance Board:**

The Academic Grievance Board is comprised of a five or seven member panel. The Board members are comprised of 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 comprised 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 comprised 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, AVP of Instruction, AVP of Student Affairs, and the Director of Student Life.

### **Standard of Evidence:**

The standard of evidence used to determine responsibility is a preponderance of evidence which means more likely than not. 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 standards of evidence policy.

The Academic Grievance Policy shall be reviewed annually under the direction of the Director of Community Standards and Counseling and the AVP of Student Affairs. Regulations governing student conduct shall be approved by the FLCC Board of Trustees.

### **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 seven business days. Any resolution will be provided in writing to the student(s).

If there is no resolution, and the student wishes to move forward with the formal grievance process, the student must submit in writing to the Director of Community Standards and Counseling a description of the complaint alleging prejudiced, capricious or unfair academic appraisal. The complaint must also include the instructor(s) of record's name, course number and title. The instructor(s) of record will be notified of the Formal Academic Grievance by the Director of Community Standards and Counseling. The instructor(s) of record or the department chair will submit a summary of the informal grievance meeting along with the original grievance to the Director of Community Standards and Counseling.

Once documentation has been received, the AVP of Student Affairs, or designee, in consultation with the Director of Community Standards and Counseling will review the complaint to determine if there is merit to move forward with the formal process. Upon determining merit, 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 no merit exists, the AVP of Student Affairs will notify the student(s) and the instructor of record in writing of the finding.

### **Formal Process**

Within five business days of receiving notice of merit, the student and instructor(s) of record have the right to meet individually with the Director of Community Standards & Counseling to review the formal grievance procedures and answer any questions related to the process.

Within fifteen business days of receiving notice of merit, the Director of Community Standards & Counseling will convene the Academic Grievance Board. *\*The timeline may be adjusted for the following reasons, including but not limited to compliance with contractual stipulations, pending enrollments for academic programs, and transfer admissions requirement, etc.*

- 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 Director of Community Standards and Counseling. 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 Director of Community Standards and Counseling five business days before the hearing date.
  3. The Board, and the participants will receive all document 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(s).
  5. It is the responsibility of the instructor(s) of record(s) 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 Director of Community Standards & Counseling.
  6. The hearing shall be closed to the public. The following individuals associated with the grievance shall attend the hearing: the student, the student's advisor (if appropriate), Academic Grievance Board, instructor(s) of record(s), instructor(s) of record(s) advisor and hearing board advisor or designee.
  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 Director of Community Standards & Counseling 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 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 Director of Community Standards and Counseling or designee.
12. The Director of Community Standards and Counseling or designee will notify the student and instructor(s) of record in writing of the Board's decision within five college business days upon notification of the Board's decision.
13. If the Board finds the student's grievance to have merit, the Board will provide a written recommendation of the action(s) to be taken.
14. The decision of the Academic Grievance Board to sustain or change an assessment, grade, or treatment is final.

# ACADEMIC GRIEVANCE POLICY

## 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 taking place on [DATE & TIME].
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. Recording: the Board Chair will acknowledge to all participants that the hearing is being recorded for record keeping purposes, 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).
5. The Board Chair will review the role of the advisors in the hearing process and answer any related questions.
6. The Board Chair will ask all participants if there are any questions regarding the process or their rights in the process.
7. The Board Chair will begin the hearing and the following order of proceeding will be applied:
  - 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 board and the instructor;
  - 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 ask aloud the questions to the instructor);
  - f. Questioning of the student by the instructor (these questions will be written and the Board Chair ask aloud the questions 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.

# ACADEMIC GRIEVANCE POLICY

## 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 address the board directly or speak directly to witnesses.
7. The advisor may confer in a reasonable manner with the student and/or 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 Director of Community Standards and Counseling 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. [Only in Sexual Misconduct cases may an advisor be an attorney.]
11. The advisor to a faculty can be someone of the faculty's choosing who is a faculty, staff member or union representation affiliated with the Institution.