



University of Hawai'i at Manoa
Academic Grievance Procedures

December 2016
Office of Judicial Affairs

Policies and Procedures

Policy

It is the policy of the University of Hawai‘i at Mānoa (UHM), that faculty and students of UHM be provided consistent and equitable treatment in resolving disputes arising from the academic relationship between faculty and student(s). The applicability of this policy is limited to those issues directly associated and concomitant with the faculty member’s responsibilities as a teacher and the student’s responsibilities as a learner [note sections I and II, below]. For matters involving alleged academic dishonesty the Student Conduct Code should be consulted.

This policy, with included procedural provisions, was established by the Vice President for Student Affairs with the concurrence of the Faculty Senate, the Associated Students of the University of Hawai‘i (ASUH), and the Graduate Student Organization (GSO).

Information on the Academic Grievance Procedures is available from the Office of Judicial Affairs, the campus office responsible for facilitating the grievance process described below.

Students enrolled in the professional schools of law and medicine are not governed by this procedure. Law and medical students have access to academic grievance procedures established by their schools and they may seek redress through those procedures. Decisions reached through University academic grievance procedures shall be considered final within the UHM.

Definitions

AGC – Academic Grievance Committee

Department Chairperson – The individual designated as administrative head of any department or University unit.

Faculty Member – Any individual employed to conduct research, advising and/or offer instruction at UH Mānoa.

Graduate Faculty Chairperson – The individual designated as administrative head of a graduate field of study.

Graduate Student – Any student who has received a baccalaureate degree.

Grievant – A student who files a formal academic grievance.

Remedy – An action to correct an individual student’s situation.

Respondent – One or more faculty members against whom a grievance is filed.

Semester – Any scheduled term of instruction including Continuing Education and Summer Session.

Student – Any individual enrolled in credit or noncredit courses or matriculated in a program at UH Mānoa.

UHM – University of Hawai‘i at Mānoa

Undergraduate Student – Any student who has not yet received a baccalaureate degree.

I. RESPONSIBILITIES OF FACULTY

In the classroom, in seminars, in the laboratory, studio, practicum or other instructional setting, and in conference, faculty members are expected to adhere to the highest professional standards of behavior and conduct. The responsibilities of faculty members include, but are not limited to, the following:

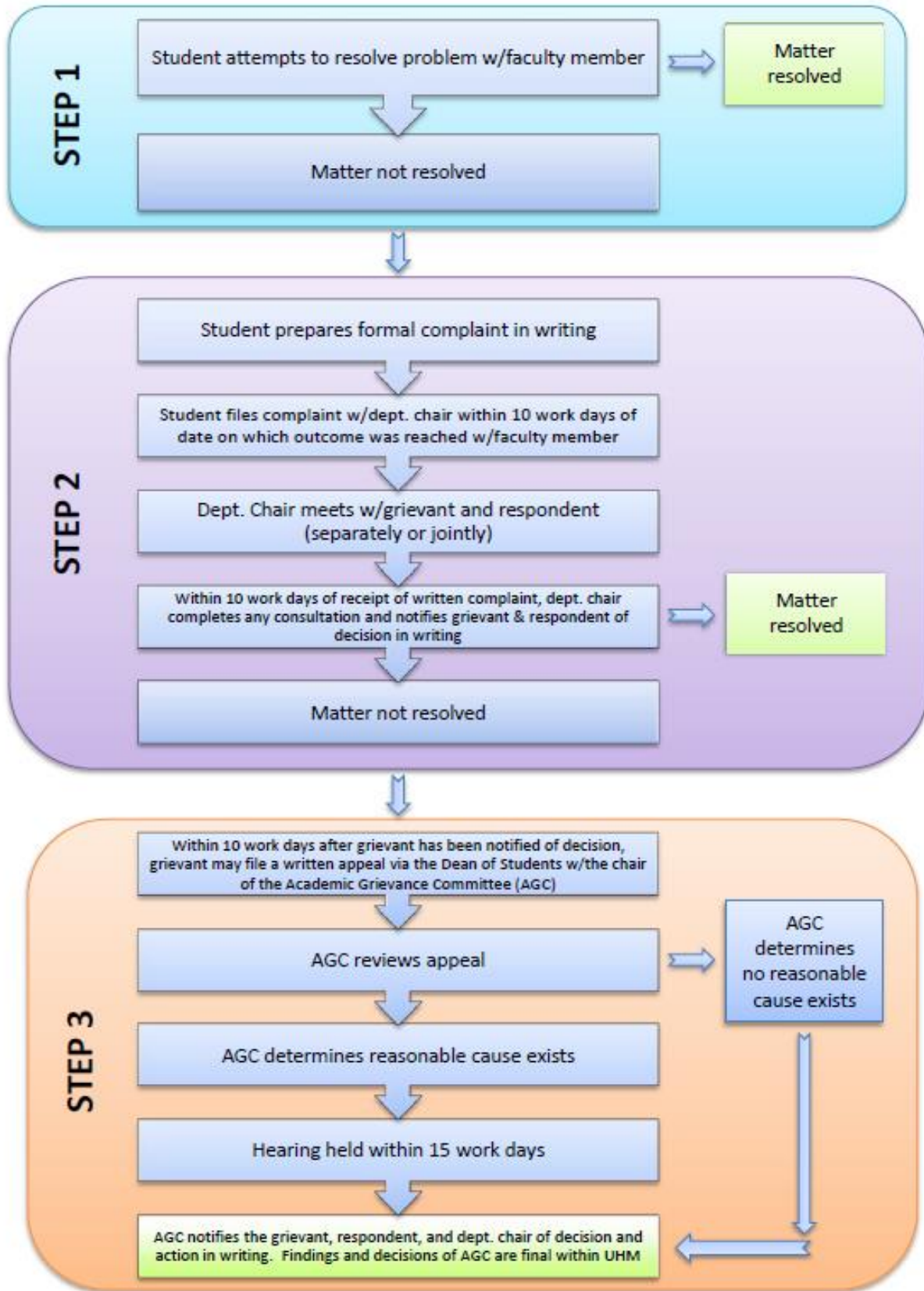
- A. to exhibit behavior which does not interfere with the rights of other faculty and students to learn or carry out their research or creative activities;
- B. to provide students equitable and unbiased treatment in an educational climate free from harassment and discrimination based on race, color, religion, national origin, status as veteran, sex, disability, arrest and court record, age, and sexual orientation;
- C. to provide students with sufficient and timely information, in writing, on the standards they are expected to meet and the procedures used to evaluate their achievements in their academic program, including (if relevant) an explanation of degree requirements, course objectives, general grading policy, attendance policy (see Section II,B), and related matters;
- D. to ensure that each course offered is in fundamental accord with the latest course description provided at the beginning of the course;
- E. to permit students who act in accordance with the responsibilities indicated in "Responsibilities of Students" (Section II) to complete any course in which they are enrolled;
- F. to provide instruction as scheduled with class meetings beginning and ending at the stated times, and to comply with other stipulations of the UHM calendar and examination schedule;
- G. to provide students timely evaluation in a fair, objective, and consistent manner;
- H. to retain student papers, tests, projects, reports, and examinations, as well as any other records maintained for the purpose of issuing grades, through the ensuing semester unless returned to the students; Summer Session papers should be retained through the Fall semester;
- I. to allow students to question and discuss the options, written materials, and other data considered part of each course or instructional program;
- J. to maintain reasonable office hours during the semester at times which are mutually convenient to students and faculty;
- K. to adhere to the policies of the Faculty Senate and the Graduate Division concerning authors' recognition of contributions to their work by students and others (refer to Board of Regents Policy on Ethical Standards of Conduct (RP 12.201), Policy for Responding to Allegations of Research and Scholarly Misconduct (EP 12.211) and Administrative Procedure for Responding to Allegations of Research and Scholarly Misconduct (AP 12.211)); and
- L. to refrain from any interference with these academic grievance procedures, or from any retaliatory action against a student because the student has filed a grievance.

II. RESPONSIBILITIES OF STUDENTS

In the classroom, in seminars, in the laboratory, studio, practicum or other instructional settings, and in conference, students are expected to adhere to the highest academic standards of behavior and conduct. The responsibilities of students include, but are not limited to, the following:

- A. to exhibit behavior which does not interfere with the rights of other students and faculty to learn or carry out their research or creative activities;
- B. to attend classes, seminars, and laboratories or follow other courses of study as required by the instructor and/or degree committee, recognizing that absences or deviation from required courses of study may adversely affect the final grade and/or progress in a degree (or certificate) program;
- C. to fulfill assignments and requirements as described by the instructor and/or degree committee, recognizing that failure to do so may adversely affect the final grade and/or progress in a degree (or certificate) program;
- D. to provide required written, artistic, or other required materials to the degree committee in a timely fashion, allowing the faculty sufficient time to adequately review such materials;
- E. to abide by the UHM Student Conduct Code and other academic regulations in effect at UHM;
- F. to follow these Academic Grievance Procedures in pursuing redress of an academic grievance, as failure to do so may result in dismissal of the grievance;
- G. to recognize that the burden of proof rests upon the grievant; and
- H. to refrain from frivolous grievances.

III. RESOLUTION OF ACADEMIC GRIEVANCES



If a student has fulfilled all of his/her responsibilities as set forth in this document (Section II) and believes that a faculty member has failed to meet any of the responsibilities stated in this document (Section I), or has acted arbitrarily and/or capriciously in the exercise of these responsibilities, the student may initiate action to achieve remedy. Such action should be taken in accord with these Academic Grievance Procedures.

The procedure to resolve grievances is outlined below and must be initiated no later than the end of the semester following the one in which the cause of the grievance occurred. Since the AGC is not ordinarily convened during Summer sessions, grievances deriving from Spring semester or from either Summer sessions will usually be heard during the subsequent Fall semester. However, if necessary and as requested by the grievant, a hearing before an ad hoc grievance committee may be arranged by the Office of Judicial Affairs.

A. Step 1 – The student shall attempt, insofar as possible, to resolve the problem with the faculty member(s) involved.

In the attempt to resolve the matter with the faculty member, the student may wish to consult, in the following suggested order:

1. the Department Chairperson (or the graduate faculty chairperson, if appropriate);
2. the Office of Judicial Affairs; and/or
3. the Dean of Students.

In addition, any combination of the above may be approached to assist in an informal resolution.

B. Step 2 – Failing to resolve the problem at Step 1, the student/grievant shall prepare a formal complaint in writing indicating:

1. the statement of facts as the grievant perceives them, citing specific violations where possible;
2. the remedy sought by the grievant; and
3. the respondent's statement or actions, if any, during or after the consultation(s) under Step 1.

This written complaint is presented to the Department Chairperson (or the Graduate Faculty Chairperson, if appropriate) of the respondent, with a copy for the respondent, and must be filed within 10 work days of the date on which the outcome reached in Step 1 is known to the grievant.

The department chairperson (or graduate faculty chairperson) shall meet separately with the grievant and the respondent, or if both parties agree, jointly, to discuss the complaint.

Within 10 work days of receipt of the written complaint, the department chairperson (or graduate faculty chairperson) shall complete any consultation and shall notify in writing the grievant and respondent of the department chairperson's determination and decision in writing, with a copy of the findings to the dean of the school or college and/or to the Graduate Division Dean, as relevant.

If the Department Chairperson (or the graduate faculty chairperson, as appropriate) becomes aware that sexual harassment is a possible basis of the academic grievance and the grievant confirms this opinion, the Department Chairperson (or graduate faculty chairperson) will notify, in writing, the Director of the Office of Title IX that said academic grievance may involve sexual harassment. In such cases the Department Chairperson (or graduate faculty chairperson) will provide the grievant a copy of the UHM

Policy and Procedure on Sex Discrimination and Gender-Based Violence (E1.204) and the Discrimination Complaint Procedures for Employees, Students, and Applicants for Employment or Admission (A9.920). Notwithstanding this notification, the procedures for academic grievance shall continue as stated below.

For the purpose of this procedure, where there are no departments or where the respondent is the chairperson of the department, the dean of the school or college shall assume the responsibilities of a department chairperson.

- C. Step 3 (Appeal) – Failing to achieve a satisfactory resolution at Step 2, the grievant may file an appeal in writing via the Office of Judicial Affairs with the Chairperson of the AGC.

Such filing must be done within 10 work days after the grievant has been notified of the decision reached and any action(s) taken at Step 2. The grievant shall 1) provide as part of the appeal complete copies of all materials associated with Steps 1 and 2 and 2) shall notify the chairperson of the AGC of the names of other custodians of relevant material which the grievant may not possess.

It is the responsibility of the Chairperson of the AGC to ensure that all notifications required under Section IV,B, are accomplished.

IV. THE ACADEMIC GRIEVANCE COMMITTEE

- A. Composition of the AGC and its Hearing Committee. The AGC has ten (10) members: a chairperson, three (3) undergraduate students, three (3) graduate students, and three (3) faculty members. For pre-hearings and hearings, the AGC shall have seven (7) members: the AGC Chairperson serving as chair of the hearing committee, the three faculty members, and three undergraduate students when the grievant is an undergraduate student, or three graduate students when the grievant is a graduate student.

Five (5) members of the AGC shall constitute a quorum for a hearing.

The Office of Judicial Affairs shall appoint the AGC members as follows: 1) the AGC Chairperson, from the faculty; 2) four undergraduate students, nominated by ASUH; 3) four graduate students, nominated by GSO; and 4) four faculty, nominated by the Faculty Senate, at least two of whom shall have regular graduate faculty standing. The ASUH, GSO, and the Faculty Senate shall each nominate a minimum of six additional representatives who shall be appointed alternates.

All members of the AGC serve for one academic year with terms beginning on the first day and ending on the last day of the 9 month duty period (of nine-month faculty). Members may be reappointed.

- B. Responsibilities and Procedures of the AGC

1. Pre-hearing Procedures

- a. Upon receipt of an appeal the chairperson of the AGC shall:

- (1) review and act upon the appeal or transmit the appeal to the AGC for discretionary review and recommendation;
- (2) notify, in writing, the grievant, the respondent, and the respondent's department chairperson of its action on the appeal; and

N.B. THE PRESENTATION OF AN APPEAL IS A REQUEST BY THE GRIEVANT TO THE AGC. HOWEVER, SHOULD THE AGC DECIDE IN THE PRE-HEARING THAT NO REASONABLE CASE EXISTS, NO HEARING WILL BE HELD. COMPLETION OF STEPS 1 AND 2 DOES NOT AUTOMATICALLY LEAD TO A HEARING.

(3) in the event of a decision that a reasonable case exists, hold a hearing within 15 work days.

Note that the Office of Judicial Affairs or the chairperson of the AGC may waive any and all specified time deadlines for a specific period when there is evidence that a good-faith effort to meet the deadline has been made. The AGC Chairperson shall determine if any prospective member of the hearing committee has a conflict of interest in the particular case and, should such determination be made, exclude that person as a member for a hearing. Provisions for determining a quorum will apply in the usual manner.

b. Upon scheduling a hearing the AGC chairperson shall:

(1) give written notice of the hearing, at least 10 work days prior to the hearing date, to the grievant, the respondent, and the appropriate departmental chairperson, the relevant dean, and the Graduate Division Dean (where appropriate);

(2) inform grievant and respondent of the date, time, and place of the hearing;

(3) give notice that the burden of proof rests upon the grievant; and

(4) distribute to grievant and respondent copies of the UHM Academic Grievance Procedures.

2. Hearing Procedures

The AGC operates under guidelines for the conduct of the hearing which include but are not limited to the following:

a. The grievant and/or respondent may have an advisor present provided that notice of such intent and the name of the advisor are given to the Office of Judicial Affairs at least five work days prior to the hearing. The other party to the appeal shall be notified by the Office of Judicial Affairs of such notice within 24 hours of having received notice and may, without further notice, have an advisor present.

b. The hearing is closed unless both the grievant and respondent request, in writing, an open hearing. This request must be made to Office of Judicial Affairs at least 24 hours prior to the hearing.

c. The chairperson of the AGC is responsible for recording the hearing, maintaining order, and shall have the authority to rule on points of order and to exclude immaterial and/or unduly repetitious evidence.

d. The grievant and respondent shall be provided the opportunity to present evidence and arguments on all issues involved.

e. Oral and documentary evidence may be introduced.

- f. The grievant and respondent shall have the right to question witnesses and submit rebuttal testimony.
- g. All members of the hearing committee may question witnesses.
- h. The AGC hearing committee may secure testimony from witnesses other than those presented by the grievant or respondent. The AGC hearing committee, with due notice to the grievant, may also secure documents relevant to the issue which were not introduced at any previous step, or introduced in the hearing by the grievant or respondent. Confidential documents may be secured only with the consent of appropriate parties.
- i. The hearing will be held as scheduled even in the absence of the respondent, unless such absence is for good and sufficient cause. The decision of the AGC as to good and sufficient cause is final within UHM.
- j. Should the grievant not appear, except for good and sufficient cause, the grievance may not be refiled. The decision of the AGC, as to good and sufficient cause, is final within UHM.
- k. The deliberations of the AGC after receipt of all testimony are closed.
- l. After the AGC has made its findings and reached a decision, a formal report shall be made. The chairperson of the AGC shall send a copy of the formal report in writing to the grievant and to the respondent within seven work days after completion of the formal report. A copy shall be sent to the faculty member's department chairperson, dean, and the Dean of the Graduate Division (where appropriate).
- m. Remedies imposed by the AGC shall be appropriate to the elements of the grievance and may include a change of grade.

3. Records of the Academic Grievance Hearing

- a. The chairperson of the AGC shall maintain a log of the hearings. The log shall include a brief notation as to the subject matter of the dispute but no personally identifiable information. This log shall be open to inspection at the Office of Judicial Affairs.
- b. Other records to be maintained by the AGC shall be limited to the following and shall not be open to inspection except to the grievant or respondent and only upon written request to the Office of Judicial Affairs. Such records include all pleadings, motions and rulings, all evidence, including oral testimony, the report of the AGC, and audio recording of the hearing. This material will be filed in the Office of Judicial Affairs. Any costs associated with preparing copies of such records may be charged to the requestor.

V. AUTHORITY OF THE ACADEMIC GRIEVANCE COMMITTEE

- A. The findings and decisions of the AGC are final within UHM.
- B. The AGC has the authority to direct the execution of remedies as specified in its decision.

VI. REPORTS OF THE ACADEMIC GRIEVANCE COMMITTEE

The chairperson of the AGC shall submit a report of the decisions of the AGC, in summary form, by May 1 each year to the Office of Judicial Affairs who shall provide copies to the Vice Chancellor for Students, the chairperson of the Faculty Senate, and the presidents of ASUH and GSO. The report shall not include any personally identifiable information which must be kept confidential under the Family Educational Rights and Privacy Act (20 U.S.C. §1232g) and the Uniform Information Practices Act (Modified) (Hawai'i Revised Statutes, Chapter 92F).

VII. REDRESS BEYOND THE UNIVERSITY

Nothing in this document shall preclude either the student or the faculty member from seeking redress through a court of competent jurisdiction or an outside enforcement agency.

Students are encouraged to exhaust all available internal, UHM procedures to achieve a resolution of an academic grievance before seeking redress outside the University.

ACADEMIC GRIEVANCE PROCEDURES: APPEAL PACKET CHECKLIST

The sample checklist below is a tool to assist students in navigating the University of Hawaii at Mānoa (UHM) Academic Grievance Procedures and in preparing a complete and detailed academic grievance appeal packet for the Academic Grievance Committee (AGC). Students who wish to file a grievance should contact the Office of Judicial Affairs for a current checklist. The UHM Academic Grievance Procedures are located at http://studentaffairs.manoa.hawaii.edu/policies/academic_grievance/.

Students should complete and document each step in the Academic Grievance (AG) process in order to ensure that grievances are given due consideration. Be sure to collect the information and documentation below when compiling a grievance. Additional supporting documents may be included as appropriate for each step. If you have any questions or concerns, please contact the UHM Office of Judicial Affairs.

Name (Last, First): _____

UH Student ID#: _____

Contact email: _____

Contact phone: _____

Major: _____

Undergraduate Graduate

Course & CRN: _____

Term & Year: _____

Course Instructor: _____

Department: _____

Department Chair: _____

Step 1: Student shall attempt to resolve issue with the Instructor.

Grievances must be initiated no later than the end of the semester following the end of the course in question.

Step 2: Student submits formal written complaint to Department Chair.

If issue is not resolved upon completion of Step 1, Student should then prepare a formal, written complaint. Please see 2a to 2c below. Provide all information and documentation requested.

Step 2a: Student files a formal complaint in writing to the Department Chair; a copy of the written complaint must be provided to the Instructor. The formal complaint must include:

- A statement of facts as the grievant perceives them, citing specific violations where possible.
- The remedy sought by the grievant.
- The respondent's statement or actions, if any, during or after the Step 1 consultations.
- Attach appropriate documentation or correspondence, such as email or assignments.

Step 2b: Within 10 days of receipt of formal written academic grievance complaint, the Department Chair shall meet with Student and Instructor (separately or jointly) to discuss the complaint.

Step 2c: Department Chair shall notify Student and Instructor of determination or decision in writing

Step 3: Student submits written appeal to Academic Grievance Committee.

If a satisfactory solution is not achieved in Step 2, the student may file a grievance appeal in writing via the Office of Judicial Affairs (OJA) with the Academic Grievance Committee.

Please remember:

- The burden of proof rests upon the *student* filing the complaint
- The findings and decisions of the Academic Grievance Committee are final and binding within the University of Hawai'i at Mānoa

N.B. THE TIME LINE FOR THE GRIEVANCE PROCESS IS NOTED IN THE ACADEMIC GRIEVANCE PROCEDURES. DEADLINES MAY BE EXTENDED BY THE OFFICE OF JUDICIAL AFFAIRS ONLY IN EXCEPTIONAL CIRCUMSTANCES.