Procedure:	Academic Appeals Procedure	**Reference No.:**	3.17
Authority:	College President	**Cross Reference:**	Policy 1.1
Approved:	June 16, 2009		
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Purpose

The purpose of this procedure is to guarantee the student ability to appeal academic decisions made on the part of instructors at Broome Community College, believed by a student to have been made in violation of Student Rights.

Introduction

Broome Community College's Student Academic Appeals Procedure has its origins in the Joint Statement on Rights and Freedoms of Students [1], and subscribes to the spirit of that Statement. To protect the rights and freedoms of students and faculty members consonant with that document and to signal the College's commitment to the mutual obligation of respect and civility fundamental to an academic community, the College establishes the following procedures to provide for the orderly, fair, and prompt resolution of student academic grievances. These procedures are intended to ensure due process and the equitable treatment and protection of all parties involved in academic appeals.

What Is an Academic Grievance?

An Academic Grievance is a complaint by a student that alleges a violation of student academic rights. A student may file an academic grievance when the following rights of the student are alleged to have been violated.

Student Rights

Students have the right to

1. Be evaluated fairly and in accordance with the policies established for the course. Both in the classroom and in conferences with students, the instructor should encourage free discussion, inquiry, and expression.
2. Take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion. They are, however, responsible for learning the content of any course of study in which they are enrolled.

Student Responsibilities

Students have the responsibility to

1. Fulfill course requirements as presented by the instructor.
2. Comply with course and classroom regulations established by the instructor and by the College relative to attendance, punctuality, and personal behavior.
3. Treat instructors and fellow students with respect, and ensure that behavior in and out of class does not interfere with the learning of their classmates.

Academic grievances may not be used to challenge policies or procedures of general applicability.

Terms

Academic year – five days prior to the beginning of the fall semester classes through two days after graduation.

College – Broome Community College.

Grievant – a student who complains that a violation of student rights has occurred.

Instructor – refers to any person or persons hired by the College to provide academic instruction.

Principals – refers to the grievant and the instructor.

Semester – refers to the fall and spring semesters and specifically excludes the summer term.

Teaching day – any weekday that classes are in session during the academic year. (Saturdays, Sundays, holidays, scheduled breaks, and closures of the College as directed by the College are not considered teaching days for purposes of this procedure).

Who May Grieve?

A student currently enrolled at the College who thinks that his/her academic rights have been violated or that a wrong action has been taken or a wrong decision made concerning a grade may grieve. The person initiating the grievance must be the alleged victim of unfair treatment; a grievance cannot be filed on behalf of another person.

Time Limits in General

- Every effort should be made to resolve the grievance as soon as possible. The student has sixty (60) calendar days after the beginning of the following semester to file a formal written academic grievance. Summer calendar days are not counted.
- All academic grievance procedures must occur during the academic year unless all parties are willing to meet outside the academic year to resolve the grievance.

- Grievances can only be initiated after the final grade for the course has been posted to the student's transcript by the Registrar's office.
- If College personnel fail at any step to review and/or respond to a student's grievance within the time limits provided, the grievance may proceed to the next step.
- Since the burden of proof lies with the grievant, if the student fails to respond to any resolution or finding within the time limits provided, the grievance shall be deemed to have been withdrawn.
- Time limits may be extended due to unforeseen circumstances if all parties are in agreement. Requests to extend time limits must be submitted in writing and signed by all parties involved in the grievance.

Procedure

All parties involved in a student academic grievance will follow the procedure and steps described herein. During the time that a grievance is in progress, the student may attend classes; however, if the grievance involves a safety issue or disruptive student behavior, continued attendance of the student will be at the discretion of the instructor involved.

Both the student and the instructor must be present for Steps 1 and 2 proceedings. All meetings will be conducted on campus during regular business hours. In the case of evening, weekend, or online classes, alternative meeting arrangements can be made as agreed upon by all parties. Both principals have the right to the presence of an adviser of their choice commencing with Step 2. The advisers will not be attorneys nor act in the capacity of attorneys. The principals may consult freely with their advisers, but their advisers will not be permitted to speak during the Step 1 and Step 2 Meetings. Both principals and their advisers are entitled to review all written documents pertaining to the grievance. Both principals will be accorded equal time for statements and rebuttals. In order to prevail at any of the meetings after an informal resolution attempt has been made, the student must show clear and convincing evidence that she/he has been subjected to a violation of her/his student rights. In keeping with the intent and spirit of the Academic Appeals Procedure, it is incumbent upon all parties involved to show respect, restraint, and responsibility in their efforts to resolve grievances and to participate in good faith during all meetings and conferences. In consideration for all parties involved, efforts should be made to resolve grievances and communicate decisions as expeditiously as possible.

Informal Resolution

The student and the instructor meet to discuss and attempt to resolve the grievance within a reasonable period of time after the action that gives rise to the complaint. If the student and the instructor are unable to resolve the complaint, the student is entitled to initiate a formal grievance.

Step 1 Meeting with the Department Chair

If after meeting informally with the instructor, the student elects to initiate a formal grievance, he/she must notify both the instructor and the department chair. The student will do so by completing and submitting an Academic Grievance Notification Form available in the appropriate Divisional Dean's office. The Dean's office will forward copies of the completed form to the Department Chair and instructor. The Chair will then schedule a meeting with the instructor and the student in a venue determined by the Department Chair. This meeting must take place within ten (10) teaching days of the student's submission of the Academic Grievance Notification Form.

The student, the instructor, and the Department Chair meet to discuss the grievance. The student proceeds first, outlining his/her grievance and allegations of violations of student rights. At the conclusion of the student's presentation, the instructor and the Department Chair are entitled to ask the student questions. The instructor is then entitled to present information concerning the grievance. At the conclusion of the instructor's presentation the student and the Department Chair are entitled to ask the instructor questions. The Department Chair then leads a discussion in an attempt to resolve the grievance. If no resolution can be reached, the Department Chair issues a finding to the principals and the Dean, in writing, within five (5) teaching days of the meeting.

Step 2 Appeal to the Dean

If the student, the instructor, and the Department Chair are unable to resolve the grievance at Step 1, and the student disagrees with the Department Chair's finding and wishes to appeal the Department Chair's finding, the student must put the grievance in writing and forward it to the appropriate dean, with copies to the instructor and the Department Chair, within five (5) teaching days after receiving written notice of the finding from the Department Chair.

The written grievance statement submitted by the student should include:

- The name of the instructor involved and the course number and title, and the time and place of the alleged action(s) that led to the grievance, if applicable.
- A description of the alleged action(s) that led to the grievance.
- A statement of how the decision or action is unfair and/or harmful to the grievant. The statement may reference those policies, rules, or regulations, that have been violated, misapplied, or misinterpreted, if known.
- A list of documents related to the grievance.
- A statement of a desired outcome requested by the student to resolve the grievance.
- The grievance will be dated and include the student's signature, student identification number, local telephone number, residential address and email address.

The instructor shall provide a written response to the student, Department Chair, and Dean within five (5) teaching days of receipt of the written grievance statement from the student. The Dean will arrange and conduct a meeting within five (5) teaching days of

receipt of the written position of the instructor and Department Chair, in a venue determined by the Dean, to be held with the student, the instructor, and the Department Chair. Advisers to the student and the instructor are welcome to attend this meeting.

In the Step 2 Meeting the student, instructor, Department Chair, and Dean meet to discuss the grievance. The student proceeds first, outlining his/her grievance and allegations of violations of student rights. At the conclusion of the student's presentation, the instructor and the Dean are entitled to ask the student questions. The instructor then has the right to present information concerning the grievance. At the conclusion of the instructor's presentation the student and the Dean are entitled to ask the instructor questions. The Department Chair then is entitled to present information in support of the finding from the Step 1 Meeting. The Dean then leads a discussion in an attempt to resolve the grievance. If no resolution can be reached the Dean issues a finding within five (5) teaching days of the meeting to the student, the instructor, and the Department Chair.

Step 3 Appeal to the Chief Academic Officer

If the student, the instructor, the Department Chair, and the Dean are unable to resolve the grievance at Step 2, and the student disagrees with the Dean's finding and desires to appeal the Dean's finding to the Chief Academic Officer (CAO) the student must notify the Dean of this fact, in writing, within five (5) teaching days. The Dean will forward all written materials and the Dean's written resolution or finding to the CAO within five (5) teaching days of receipt of the student's notice to the Dean that he/she disagrees with the Dean's finding. The CAO will then refer the matter and forward all pertinent information to the Standing Academic Grievance Committee, which will recommend within five (5) teaching days, membership of an Ad Hoc Hearing Committee to the CAO. The Ad Hoc Hearing Committee will have the representation stipulated below.

- One teaching faculty member with Continuing Appointment who is from the same Division as the instructor named in the grievance but not from the same Department.
- One academic Department Chair from a different academic Division.
- One non-classroom faculty member with Continuing Appointment.
- Two students selected from a list of students provided by the Student Assembly. The students will not be current members of the course section at issue or of the course.

The principals involved in the grievance, namely the student and the instructor, are entitled to review the membership of the committee and request, in writing, the replacement of any individual. If there is a request by either party to replace one or more committee members, it will be reviewed by the CAO. The CAO may approve or deny such a request, in writing, within five (5) teaching days of the receipt of the request. If the CAO approves the request, he or she will direct the Standing Academic Grievance Committee to appoint another member to the Ad Hoc Hearing Committee. The principals involved in the grievance are entitled to review the membership of the

committee again as outlined in this paragraph and until a full Ad Hoc Committee is established following the procedure in this paragraph.

Either the teaching faculty member or academic Department Chair member of the Ad Hoc Hearing Committee will be designated Committee Chairperson and will have the responsibility of reporting the recommendation of the Committee, in writing, to the CAO.

The Committee will have ten (10) teaching days from the date on which its members were approved to complete its business. The final recommendation of the Committee is to be presented, in writing, to the CAO within five (5) teaching days after the completion of its deliberations.

The Committee's final written recommendations to the CAO should include a statement asserting:

- That the appeal procedures have or have not been followed, and
- That the student has or has not been treated fairly in accordance with course guidelines.
- That the previous recommendations of the Department Chair or the Dean should be followed or,
- That a previous recommendation be modified with said modifications enumerated or,
- That the previous recommendations be abandoned and substituted with the Committee's own recommendations, or
- That no action should be taken.

After preparing the written report for the CAO, the Committee Chairperson will have each member review the recommendation and sign it. The Committee Chairperson will forward the signed recommendation to the CAO within five (5) teaching days after the completion of the Committee's deliberations.

Step 4 Chief Academic Officer Action

The CAO will review the recommendation of the Ad Hoc Grievance Committee. If the CAO finds the recommendation and the proceedings complete, reasonable, and just, the CAO will declare the Committee's recommendation binding upon both principals. If there is some cause to question the recommendation or the proceedings of the Committee, the CAO will send his/her statements of concern, in writing, back to the Committee for further deliberation and resolution. The Committee will submit its response to the concerns of the CAO, in writing, within five (5) teaching days of receipt of these concerns from the CAO. The CAO will then make the final decision in accordance with all the recommendations.

The final decision and supportive rationale will be communicated, in writing, by the CAO within five (5) teaching days (which may be extended for due cause) to the principals, the appropriate Department Chair, the Dean, and the Chair of the Committee. This

written decision constitutes the final step in the resolution of the grievance within the institution.

Step 5 Recording

After receiving the final decision, the principals will have the right to file a statement with the CAO. Any statement filed will be included in the record of the proceedings.

History

Student Handbook, 2007-2008; Student Handbook 2008-2009; http://www.sunybroome.edu/campuslife/rights/appeal.php

References

[1] American Association of University Professors (1967, 1990, 1991, & 1992), Joint Statement on Rights and Freedoms of Students, http://www.aaup.org/AAUP/pubsres/policydocs/contents/stud-rights.htm