

UNIVERSITY SENATE
UNIVERSITY AT ALBANY
STATE UNIVERSITY OF NEW YORK

Introduced by: Undergraduate Academic Council
Graduate Academic Council

Date: April 21, 2003

PROCEDURES FOR RESOLVING ACADEMIC GRIEVANCES

IT IS HEREBY PROPOSED THAT THE FOLLOWING BE ADOPTED:

1. 1. That the University Senate approve and adopt the attached “Procedures for Resolving Academic Grievances” as approved by the Graduate and Undergraduate Academic Councils.
2. 2. That this proposal be forwarded to the President for approval.

Procedures for Resolving Academic Grievances

Students who seek to challenge an academic grade or evaluation of their work in a course or seminar, or in research or another educational activity may request a review of the evaluation by filing an academic grievance.

The Graduate Academic Council (GAC) and the Undergraduate Academic Council (UAC), through the work of their respective Committees on Admission and Academic Standing (CAAS) are responsible for insuring that approved procedures exist within the schools, colleges, departments (if applicable) and programs of the University for students to file academic grievances. Copies of established grievance procedures shall be filed by each academic unit with the Offices of the Dean of Graduate Studies and the Dean of Undergraduate Studies and available to students at each school/college dean's office.

It is expected that the grounds upon which an academic grievance may be based should be clearly identified. Such grounds may include variance from University grading standards/policies, grade calculation inconsistencies with that announced in published course syllabi, procedural abnormalities, or other factors that are alleged to have denied the student a fair evaluation. It is not expected that grievances will propose that the professional obligation of faculty to fairly evaluate academic material within their field of expertise will be supplanted by alternate means without procedural cause.

A student who seeks to dispute a grade or evaluation must initially pursue the matter directly with the faculty member involved. If not satisfactorily resolved directly with the faculty member, a written grievance may be filed with the program/department, or directly with school/college for units that are not departmentalized.

Should the grievance not be satisfactorily resolved at this initial level of review, students may pursue further consideration of the grievance at the next organizational level until such time as the grievance is considered at the University level by the GAC or UAC CAAS, as appropriate. Action on an academic grievance by the appropriate CAAS, upon acceptance by the GAC or UAC, as appropriate, is final and not subject to further formal review within the University. Only at this final level of grievance determination by the CAAS may a grade or other such evaluation be changed against the will of the faculty member(s) involved. In such rare cases, the Chair of the GAC or UAC, or its respective CAAS, as appropriate, may consult at his/her discretion with departmental faculty and/or appropriate scholars to determine an appropriate grade and authorize its recording by the Registrar.

In reviewing an academic grievance, the CAAS will consider the formal written petition from the student and corresponding written response/comment from the faculty, along with all records of consideration of the matter at prior levels of review. Although rare, the CAAS reserves the right to conduct a hearing with all parties present or it may decide to meet with each party separately. The nature and number of the representatives attending any such meeting will be at the discretion of the

CAAS. These procedures adopted are those which the University believes will provide all parties involved the opportunity to present complete and factual information as necessary for the CAAS to render a fair decision.

RATIONALE:

For a number of years, there have been several continuing problems that stem from issues of changing of grades, specifically the changing of grades when there is a grievance that finds in favor of the student and the professor of record either does not want the grade changed or is no longer present at the University. These problems are confounded by academic policies that are misleading, contradictory, or simply not addressed in the Undergraduate/Graduate Bulletins and/or Academic Policy Manuals. As a result, the inherent contradictions between the rights of faculty and the rights of students are becoming increasingly problematic. Three such types of situations are described here. The attached “Procedures for Resolving Academic Grievances” provide a mechanism for dealing with these types of situations.

1. 1. Academic Grievances:

Clearly it is the responsibility of the faculty to teach and evaluate their students. Clearly, it is the right of that same faculty to know that their evaluations of their students will stand as they submit them. This is encompassed within every definition of academic freedom ever written, and it is the responsibility of the University to communicate the above expressly to its faculty, its students, and their parents.

At the same time, there is currently a paragraph (see below) in the *Undergraduate Bulletin* that clearly gives students the impression that they can challenge professors’ grades, and that “(f)ailure to obtain satisfactory resolution... will lead to school or college review...” and, finally, to the Committee on Academic Standing of the Undergraduate Academic Council rendering some type of decision.

Students challenging an academic grade must first discuss their grievances with the instructor involved. If not *resolved to the student's satisfaction* at this level, the grievance must then be discussed with the appropriate department chair. Failure to obtain satisfactory resolution at this level shall lead to the school or college review as stated in its procedures. Any such requests on the school or college level must be appropriately reviewed and a decision rendered. (Page 36 in the *Undergraduate Bulletin 2002-2003*)

However, the fact remains that neither the Dean of any School or College nor the Undergraduate Academic Council has the authority to change a professor’s grades without his or her approval, even if all concerned believe a grade is inappropriate. The reality and the regulation should be in congruence.

2. 2. Academic Evaluations for Non-Academic Reasons:

A number of years ago, the Graduate Academic Council dealt with a grievance that went to the heart of the matter as to who had the authority to change a professor's grades in an instance in which he or she clearly did not want them changed. The GAC's Committee on Admissions and Academic Standing came up with a statement very close to the following. (I use the term "very close" in that the Committee never had to present its rationale to the Council, and the statement was thus never recorded in the GAC minutes.)

A faculty member's grade can be changed against his/her will *only* by his/her Dean, and *only* under the condition that the matter has been appealed by the student through the Graduate Academic Council, *and* that Council has determined that the Professor's assigned grade was based on something *other than* an academic evaluation of the student's work.

The above was designed expressly to give the University a means to act in those rare instances where it could be determined that a professor's grades were based on something such as discrimination or sexual harassment, or were recorded at a time when the professor was not in full control of his or her faculties.

It was also designed to prevent the appeal of a grade based on the student's belief that: "He gave me a 'B' and I know I did 'A' work. I want another Professor to look at my work and decide what grade I should receive." Specifically, the Committee recognized that, since evaluating students is one of the primary responsibilities of the faculty, and, as long as there is no evidence that a Professor's grades are based on something other than honest academic evaluations, the individual professor's grades *must* stand.

3. 3. Grades Assigned for Academic Dishonesty:

The third area of concern results when a faculty member believes that a student has committed an act of academic dishonesty, assigns a lower (most often, failing) grade because of the dishonesty, *and additionally refers the student to the Office of Judicial Affairs on charges of academic dishonesty*. While a finding of 'guilty' from that office typically results in disciplinary suspension of the student, the following question does indeed arise:

What action should take place when the Judicial Board concludes that the student did *not* cheat or, at the very least, cannot prove that he or she did...but the Professor still insists that the student did cheat?

Under the current policy, neither the Judicial Board, nor the professor's chair or dean, has the right or authority to change the professor's grade against his or her will. Rather, the Registrar must accept and record a failing grade from the professor, even when the student has gone through the adjudication process of a validly constituted campus governance body and has been found *not* guilty.

