

## **STUDENT ACADEMIC GRIEVANCE PROCEDURE\***

Youngstown State University strives to resolve graduate and undergraduate student grievances as they arise. For grievances that cannot be resolved by consultation, a formal process to assure faculty and student actions are evaluated fairly and thoroughly is contained within this document.

Any student or group of students that believe there has been a material breach of faculty contractual obligations to the detriment of the individual student or the entire class is entitled to file a grievance using the Academic Grievance Form submitted to the Office of the Provost.

The process, outlined below, has been designed to recognize a student's right to due process in a fair and equitable manner.

### **A. Introduction**

1. This document applies to students taking courses in pursuit of an associate, bachelor, or graduate degree, and/or other students taking courses for undergraduate and graduate credit.
2. Grievances filed concerning academic matters must conform to the process described in this document.
3. The Academic Grievance Committee, an appointed chartered committee of the Academic Senate, is the sole body responsible for adjudicating grievances concerning academic matters. Any grievances concerning academic matters filed and adjudicated by bodies or processes not specified in this section are null and void. Graduate Council has approved incorporating the previous Graduate Grievance Procedure into this Grievance Process.

**B. Academic Grievance Committee Structure.** This committee is drawn from the same committee as the Academic Integrity Hearing Panel as discussed in the Student Code of Conduct with the exception of the graduate college student and faculty representatives.

1. Judicial Chair: Associate Provost for Academic Administration or designee appointed by the Provost.
2. Faculty members are appointed by the Academic Senate and serve a two (2) year term. One (1) faculty member shall be selected from each of the six (6) colleges. At least three (3) of these appointees will have graduate faculty status. In addition, Graduate Council will appoint six (6) graduate faculty members, preferably representing each of the six (6) Colleges, for hearings involving graduate students and graduate faculty members.
3. In consultation with one another, the Student Government Association and the Associate Vice President for Student Experiences

shall appoint student committee members who shall serve a two (2) year term. This appointment shall be based upon the criteria established below. These appointments are subject to approval by the Senate Executive Committee.

- a. Students must complete an application available at the Student Experiences office.
- b. One (1) undergraduate is selected from each of the six (6) Colleges.
  - i. Students must have a minimum GPA of 2.5.
  - ii. Students must not have a previous judicial record.
  - iii. Students should be sophomore status or above.
- c. In addition, six (6) graduate students (preferably one from each college) will be appointed by the Graduate Council to hear cases involving graduate students and graduate faculty members. These students must be in *good standing* without a previous judicial record.

C. Academic matters that may be grieved.

1. Per the YSU–OEA Agreement, Article 20 (current contractual obligations are specified in Appendix A of this document) academic matters that may be grieved are the following:
  - a. Material deviation from the grading scale or weight distribution indicated on the course syllabus by the faculty member, to the detriment of the individual student or the entire class.
  - b. Material breach of faculty contractual obligations as specified in the article on Teaching Rights and Responsibilities in the Faculty Collective Bargaining Agreement, to the detriment of the individual student or the entire class (current contractual obligations are specified in Appendix B of this document).
2. Other areas of contention between a student and a faculty member may not be grieved under this section. The student should contact the department chair of the faculty member’s department or the dean of the college housing the faculty member’s department for further advisement in these situations.

D. Overview of the grievance process.

1. Depending upon the disposition of the grievance, there are three possible phases of the grievance process.
  - a. Pre-Grievance hearing activities
  - b. Grievance hearing
  - c. Appeal
2. Agreement may be reached between the student and the faculty member at any time during the process. The Judicial Chair may also

intervene as he or she sees fit to mediate an agreement. Any resulting agreement ends the grievance. A summary of this agreement should be put in writing and distributed to the student, faculty, chair and Dean of the appropriate Department and College. In cases involving graduate students and faculty members, the Dean of Graduate Studies will be notified.

E. Phase One: Pre-Grievance hearing activities.

1. Upon discovery of an event the student wishes to grieve, the student must first attempt to resolve the conflict through discussion with the faculty member.
2. If the matter is not resolved from any such student/faculty member discussion, the student must then initiate discussion with the department chair.
  - a. If after five working days (working days are defined as Monday through Friday not including Holidays) the department chair fails to respond to University email correspondence initiated by the student requesting a conference, the student may seek consultation by the dean of the faculty member's college.
3. If the matter is not resolved from the student/chair discussion, the student must then initiate discussion with the dean of the college in which the faculty member's department is housed. This discussion with the dean is to occur as soon as possible after the student's discussion with the department chair in order to meet the time deadline discussed in item four (4) immediately below.
  - a. If after five working days the college dean fails to respond to University email correspondence initiated by the student requesting a conference, the student may then submit a written statement as outlined in section 4. immediately below
4. If the matter is not settled following these discussions, the student may then submit a written statement describing the complaint on the standard Grievance Form, available from the Office of the Provost, second floor in Tod Hall. A copy of the form is found in Appendix C. This completed form must be submitted to the Office of the Provost **no later than 5:00 PM the fourth Friday in the semester following the incident**, even if the student has graduated. Specifically, the Grievance Form for incidents occurring in fall semester must be filed no later than 5:00 PM of the fourth Friday of the subsequent spring semester; the Grievance Form for incidents occurring in spring or summer semesters must be filed no later than 5:00 PM of the fourth Friday of the subsequent fall semester.

5. The Associate Provost for Academic Administration, or designated Judicial Chair, will assess the grievability of the complaint within fifteen University working days of receipt of the Grievance Form.
  - a. While assessing grievability, the Judicial Chair will have access to the written documents provided by the student and submitted through the Provost's office. In addition, the Judicial Chair must confirm with the instructor, departmental chairperson, and dean that the student has in fact met or has documented evidence of attempting to meet with each party. Furthermore, the Judicial Chair should discuss the grievance with the instructor, chair, and dean either separately or together. The Judicial Chair shall attempt to mediate a resolution to the matter. If no resolution is possible then one of the following will occur:
    - i. If after thorough examination of the complaint, it is assessed as non-grievable, the student is informed in writing by the Judicial Chair and the matter is closed.
    - ii. If the complaint is assessed as grievable, the Judicial Chair initiates Phase Two of the grievance process below.

F. Phase Two: Grievance hearing

1. Within five University working days of initiating Phase Two of the grievance process, the Judicial Chair shall distribute copies of the completed grievance form to the student, faculty member, department chair, and appropriate dean.
2. Within five university working days of receiving the completed grievance, the faculty member, department chair, and dean must return their responses regarding the student(s) claim(s) to the Judicial Chair via University email. All of these documents together constitute the Grievance Packet.
3. The Judicial Chair shall email the completed Grievance Packet to the entire Student Academic Grievance Subcommittee, the student, faculty member, department chair, and dean within two University working days of receipt of all responses. In addition, at this point a hearing date, time, and place will be established by the Judicial Chair. All affected parties will be notified so as to afford the parties an opportunity to be present. The Grievance Hearing notice shall be sent to the student, faculty, chair and dean using university email. If the faculty member cannot or refuses to participate in the hearing, the faculty member's department chair shall provide a substitute who will exercise all the rights and responsibilities of the absent faculty member.
4. Parties directly involved in the grievance procedure

- a.** The parties directly involved in the grievance procedure are as follows:
- i.** Student/Faculty: The party who files the grievance and the party against whom the grievance is filed. At the discretion of the Judicial Chair, grievances involving multiple students can be handled individually or as a group.
  - ii.** Department Chair: The chairperson of the department in which the faculty member resides. The chair is permitted to speak only about how he/she came to the decision to support or not support the involved parties. He/she will be brought in to speak during the grievance hearing, but will not remain in the room throughout the hearing. Attendance of the chairperson is strongly encouraged.
  - iii.** Dean: The dean of the college in which the faculty member's department is housed. In addition, the Dean of Graduate Studies has the option to attend in cases that involve graduate students and faculty members. The Dean is permitted to speak only about how he/she came to the decision to support or not support the involved parties. He/she will be brought in to speak during the grievance hearing, but will not remain in the room throughout the hearing. Attendance of the dean is strongly encouraged.
  - iv.** Grievance Hearing Panel. Derived from the membership of the Academic Grievance Committee. At minimum, it consists of three faculty members (in grievances involving graduate matters, only graduate faculty will be appointed), three undergraduate students (in grievances involving undergraduate matters, undergraduate students will be appointed), and the Judicial Chair. This panel conducts the formal hearing and renders a decision about the grievance.
  - v.** Advisors: The student and the faculty member may avail themselves of the services of an advisor throughout the grievance process. Such an advisor may be drawn from within or outside the university community. Advisors may not present testimony or speak on behalf of the grievant. They are permitted, however, to give notes or whisper instructions/advice to the student or faculty member involved. Examples

of advisors include a parent, attorney, clergy, other faculty member, coach, etc.

- vi.** Witness(es): Witnesses who have something to add to the hearing either in support of the faculty member or student are permitted. While the number of witnesses is not limited, the number who will present repetitive testimony is limited to two witnesses.

**5.** Grievance hearing principles and procedures

- a.** No member of a Grievance Hearing Panel will hear a case directly affecting him/her.
- b.** The Judicial Chair must be made aware of all parties planning on attending the grievance hearing a minimum of 24 hours prior to the scheduled hearing. This should be done via university email to the Judicial Chair and include the name(s) of any and all witness(es), advisors, chair/dean/faculty/students, attending.
- c.** Prior to the hearing, the Grievance Hearing Panel members shall have a minimum of five working days to review all written materials in the Grievance Packet submitted by the affected parties.
- d.** During the hearing, the following rights are guaranteed to the student and the faculty member: the right to be present; the right to be accompanied by an advisor of their choice; the right to speak in support of their argument; the right to bring witnesses in support of their case; the right to present information directly supporting their written items in the Grievance Packet, including oral testimony; and the right to refute information presented.
- e.** With the exception of advisors and the Grievance Hearing Panel, all parties listed above can be queried by any member of the grievance procedure regarding testimony.
- f.** The Judicial Chair has the right to limit the amount of time testimony is presented by any given individual; remove disruptive individuals from the room; ensure that only the members of the Grievance Hearing Panel, student, and faculty member are present in the room; ensure that all witnesses remain outside the hearing room and are brought in and dismissed after their testimony is presented.
- g.** After hearing both sides, the Grievance Hearing Panel shall meet in closed session to review the information presented and reach a decision. The panel shall vote using closed ballots tallied by the Judicial Chair. The Judicial



## 7. Possible Actions

- a.** The Grievance Hearing Panel may decide and enforce any of the following options:
  - i.** Change the student's grade on the item being grieved (i.e., particular paper, final grade, etc.) by either lowering or raising the grade
  - ii.** Enforce a withdraw grade for the class (late or otherwise)
  - iii.** Enforce university or program suspensions or expulsions
  - iv.** Enforce appropriate remedies regarding academic matters.
- b.** What the Grievance Hearing Panel cannot decide or enforce:
  - i.** Tuition refunds from the University
  - ii.** Firing or authorizing disciplinary action against any faculty member (part-time or otherwise). The panel can, however, recommend disciplinary action.
  - iii.** Attendance of the provost or president of the university at any panel hearings

## G. Phase Three: Appeal

- 1.** A written appeal of the Grievance Hearing Panel's decision is possible if there were procedural violations. If the student or faculty member alleges one or more violations of the procedures leading up to and including the Grievance Hearing, he/she may file a written appeal. Group grievances are appealed by a group only and not by individuals.
- 2.** Such an appeal shall be filed at the Office of the Provost within five university working days of receipt of the written notification of the Grievance Hearing Panel's decision. Information regarding what needs to be submitted for an appeal is located in Appendix D.
- 3.** The Office of the Provost shall forward the written appeal to the Judicial Chair within five university working days.
- 4.** Appeals will be reviewed by the Senate Executive Committee within fifteen University working days of receipt by the Judicial Chair. Such appeals are not heard as original cases and may be concluded on the basis of the written information provided. This panel shall rule only on whether procedural violations occurred.
  - a.** If the Senate Executive Committee rules that no procedural violations occurred or that any procedural violations were minor and did not affect the Grievance



Hearing Panel's decision, the decision of the Grievance Hearing Panel is upheld and the matter is closed.

- b.** If the Senate Executive Committee rules that procedural violations occurred and were substantive, the case will be reviewed by the Senate Executive Committee. Within fifteen university working days of the Senate Executive Committee's finding of procedural violations, a quorum of the full Senate Executive Committee shall undertake a full examination of the case. The decision reached by the Senate Executive Committee is final and may not be appealed.

#### **5. Appeal Hearing**

- a.** No member of the Senate Executive Committee will hear a case directly affecting him/her.
- b.** Prior to the hearing, members of the Senate Executive Committee shall review all materials of the Appeal Packet.
- c.** Only information contained in the Grievance Packet and any materials submitted as part of the appeal shall be considered.
- d.** The chair of the Appeal Panel shall inform both parties of the decision as soon as reasonably possible.
- e.** A written statement of the decision shall be prepared and signed by the chair of the Appeal Panel, forwarded via university email to the student, faculty member, department chair, dean, Judicial Chair and the Provost within five working days of the decision.
- f.** A file of all pertinent documents from all grievances and appeals shall be kept by the Office of the Provost as allowed by the Collective Bargaining Agreement.
- g.** The decision reached by the Appeal Panel is final and may not be appealed.
- h.** At the discretion of the chair of the Appeal Panel, the time lines under G.2 through G.4 above may be extended.

## Appendix A

### Article 20: Students

**20.1: Commitment to Students:** The Administration and the Association reaffirm their commitment to provide the undergraduate and graduate students of YSU with the highest quality instruction possible within the limits of the resources available to the institution. The parties shall seek to maintain an environment that encourages each student to attain his/her maximum intellectual and emotional development, heightens the individual's awareness of contemporary forces in society and their impact upon the individual, and prepares students for productive careers and responsible citizenship. Accordingly, the parties commit themselves to:

1. The student evaluation of faculty teaching performance, as provided for in Article 14 (Faculty Evaluation).
2. Respect for the vital role of Student Government in representing and protecting the legitimate interests of the student body.
3. The continuation in future negotiations of the consultation and briefing sessions with student leaders.
4. The principle that a student with a legitimate academic grievance has the right to have his/her grievance heard.
5. The tasks, duties, and assignments enumerated in Appendix C.

**20.2: Student Academic Grievances:** Violations by the student of the timelines established in the Academic Senate or Graduate School policies shall result in the termination of the student's grievance. Academic matters that may be grieved are the following:

1. Material deviation from the instructor's policy on sanctions for academic dishonesty, as indicated on the course syllabus, to the detriment of the individual student, or in disputed cases of academic dishonesty.
2. Material breach of faculty contractual obligations as specified in the article on Teaching Rights and Responsibilities (see Appendix B), to the detriment of the individual student or the entire class.
3. Material deviation from the grading scale, grading criteria, assignment specifications, or grade weight distribution indicated on the course syllabus or other course materials, to the detriment of the individual student or the entire class.

Other areas of contention between a student and a faculty member may not be grieved under this section. The student should consult the department chair of the faculty member's department or the dean of the college housing the faculty member's department for further advisement in these situations.

If a student files an academic grievance against a faculty member and the grievance has been adjudicated against the faculty member, the written statement of the Grievance Hearing Panel's decision shall be forwarded to the faculty member's official personnel file.

## **Appendix B**

### Teaching Rights and Responsibilities

#### **Article 28.3: Course Requirements**

Members of the faculty must provide each student access to a course syllabus in each course taught. A printed copy of the syllabus must be provided to the chair no later than seven (7) business days after the beginning of each semester/term whether or not there has been a revision(s) to the syllabus. The course syllabus shall include a clear explanation of the faculty member's policies on grading and class attendance for the course, a list of the days, times and location of scheduled office hours (including the methods of communication for distance education courses). The course syllabus shall be made available to students within seven (7) business days after the beginning of the semester/term. During office hours, a faculty member shall explain a grade to a student who requests such explanation. The faculty member must provide to each student at least one (1) written grade report on a class assignment (test, examination, essay, etc.) at least three (3) weeks before the deadline for student withdrawal from the course. Faculty members shall retain student materials in physical or digital form that have not been returned to the students for one (1) semester. Material from the spring or summer semester should be retained through the following fall semester. Faculty members shall retain grade and attendance records (if kept) for one (1) year. Backup of student materials through the course management system by faculty members will satisfy the materials retention requirement. During the first fourteen (14) calendar days of each term faculty members may be required to identify students who do not attend selected lower level classes. The method utilized to identify such students shall be at the discretion of the faculty member. Faculty members may not penalize a student for missing a class if the student provides advanced documentation that the absence was a result of a University-sponsored activity.



Name of Department Chair \_\_\_\_\_

3. Have you discussed the grievance with the dean of the college in which the class is taught?  
(please circle)            yes    no

If yes, when \_\_\_\_\_

Name of College Dean \_\_\_\_\_

Meeting date for Dean of Graduate College (if applicable) \_\_\_\_\_

**Please Note:** The informal process (Section C) **must** be completed before the formal process can be initiated by the Office of the Provost's Grievance Judicial Officer.

SECTION D (Formal Grievance Statement Information)

- **Please attach** a comprehensive, **typewritten statement**, describing in your own words, the nature of your grievance including specifics you feel are relevant to this grievance.
- Specify evidence you have to support your grievance.
- **Attach a copy of the class syllabus.**
- State the specific action you would like to see taken on this grievance. (If seeking a grade change, please demonstrate where and how the instructor deviated from the syllabus.)

Will you be bringing an advisor or support person to the hearing? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, my advisor or support person's name is:

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Phone*

\_\_\_\_\_  
*Email*

*In the event the Hearing Panel rules in favor of the student grievant, copies of the findings shall be placed in the faculty member's personnel file. If a grade change is granted to the student, appropriate steps will be initiated. In the event it is determined that the student filed a false report, the case will be forwarded to the Office of Student Conduct for a full review.*

***I have read and understand the Student Academic Grievance Procedure.***

\_\_\_\_\_  
*Student's Signature*

\_\_\_\_\_  
*Date*

## **Appendix D**

### **Appeal Documentation Requirements**

In your request for an appeal, please include the following:

- Your name and contact information, as well as the case in question.
- Thorough description of how the hearing for the case in question meets the standards for grounds for an appeal.
- Any supporting documentation.

Please note: Your written appeal should be clear, coherent, and limited to no more than four typed pages.