

**Report on Student Grievances
Student Senate Consultative Committee
February 4, 1987**

**Final Report
February 25, 1987**

As the document "Summary of New Grievance Procedures" was being discussed this fall by the Student Senate Consultative Committee, the question of how student grievance procedures are handled arose. The document did not seem to deal with student grievances from either an academic or support services viewpoint. As we later discovered it was not the intent of the "Summary" document to deal with these concerns. Still, SSCC had an interest in learning more about student grievances to see if there were areas needing further attention. (It was the personal opinion of many of the members of the committee that there were a number of areas that needed to be addressed.) This report is the result of that effort.

There seems to be many grievance areas that lack the basic requirements of due process and fairness to those involved. This report will examine some of the problems of student grievances, discuss the impact of current policies, suggest some potential solutions for discussion, and suggest steering for this issue. The report focuses mainly on grievance procedures in academic and support service units.

Problem Areas

Complexity of Process

When examining the current grievance procedures the general consensus among people involved in the process was that if at all possible informal processes should be used first. The reason for this was that the formal procedures were very complex, confusing, and time consuming for those that try to use them. We felt that the emphasis on using the informal process was a legitimate way to use the procedures. What needs to be clear, however, is that the informal process needs to be as fair as the formal procedures are. This seems to split complexity of the process in to two sub-areas. The lack of information for all involved in the process makes it very intimidating, and the lack of guidelines during the formal (and more importantly the informal process) may impede fairness in resolving the dispute.

Lack of information

The complexity of the process is usually exacerbated by the lack of available information on it, or at most vague information when it is available. It seems from the departmental level on up to the college level the information and the clarification of roles have been in question.

At the departmental level, students often misunderstand what procedures are available. This usually is due to the student never knowing exactly what those procedures are. An example of this would be the

general grading policies of a department. If a student wants to file a grievance about a grade she had received in a class and she was not aware of the appropriate departmental procedures because they were not made available to her, she has grounds for a grievance against that department. Put quite simply if the student does not know what is expected of her before she enters the class there is an increased risk of misunderstanding. This can also be translated into the actual process: When a student is preparing for an appeal, she must understand the criteria used to judge the merit of her appeal. Unfortunately, students filing grievances often are not given this information: students quite clearly do not know what substantive criteria they are expected to have prepared when filing a grievance.

Another problem with the lack of information is the clarification of the various roles of grievance officers. This can become particularly confusing at the college level. Since grievances very rarely work their way up to the college level the utilization of the process may become less clear to the people involved through disuse. The argument can be put forward that if you are not familiar with the process, you may be less effective in administering it. The understanding of the roles of the College Grievance Officer and Student Affairs Grievance Officer has become unclear over time. This problem is compounded when the majority of the grievances dealt with by the College Officer come from faculty. There is a tendency for the Officer to become more involved in the faculty grievances and as a result the student grievance procedures tend to be neglected.

One extreme example of the problem of definition of roles comes from the Student Affairs grievance procedures. The link between the different support services and the Student Affairs grievance procedures is so weak that students are unaware of the process beyond the support unit level. The result is that students are denied due process. Another impact of this is that it has been such a considerable amount of time since even a single grievance has reached the level of Student Affairs that there is concern among the people at that level that they may not be familiar enough with the process to render a fair decision. Clearly, communication and a clear definition of roles is lacking in the process.

Lack of Timelines for Grievances

With the emphasis on informal processes, the question of quick yet fair resolution of grievances seems to be paramount. Yet, in the current procedures, informal does not necessarily mean quick, and as a result usually not fair. The nature of grievances are generally such that a penalty is assessed on the person bringing about the grievance (the reason for the grievance) and is not lifted, if at all, until resolution of the

grievance is decided for the griever. If the grievance deals with grades, financial aid, or holds on records there is the potential of impeding academic progress and in some extreme instances even graduation. The current lack of set time guidelines for formal and informal grievances has in many cases resulted in these delays. As the process stands in many academic units a student who moves for informal resolution has no guarantee of getting his grievance discussed with the appropriate official by any set time. The result is that there is such a delay that the student drops the grievance or resolution occurs too late for the student to benefit. There is no comprehensive timeline agreed upon at the departmental level -- especially for the informal process. Lack of information about the process also seems to add to the delays. People involved in the process get bogged down with the lack of definition of their roles and the result is a slow resolution. Without some sort of timeline there is a serious risk to fairness and due process to students.

Lack of Binding Decisions

As long and complex as this process seems to be, there is no guarantee that if the grievance is decided in favor of the griever that he/she will be rewarded. This applies most specifically to grievances within academic units. Under a claim of academic freedom and responsibility a faculty member can refuse to reverse the initial grade decision and the student is left with no retribution for his/her successful efforts. This is clearly the most controversial issue within the grievance procedures. The argument made by faculty is that they know better than anyone what academic work is deserving of a certain grade in their class. This may be a valid argument but, the student's rights to due process and fairness have been violated. After pursuing such a long drawn out process it seems that grievance committees are fair judges of what does and does not make a certain grade. This argument does have some precedent. The Composition Department has adopted a process of binding arbitration. The opportunity of appeal is available but, when a decision is in favor of the student disputing his grade, the grade is changed by the committee.

Generally, academic freedom takes precedence over fairness. However, the Composition example makes this issue worthy of discussion. The Composition Department reasons that fairness to the griever is paramount to the process and binding decisions are important to that fairness.

Potential Solutions

Throughout the process many examples from different departments were suggested as potential solutions to the problems cited. These are by no means firm recommendations, but merely possible items for discussion at a later time.

Grading Statements

The problem of mutual understanding of requirements before a grievance occurs could go a long way to avoiding potential grievances. One excellent example of this exists in the Department of Political Science. A statement handed out with the syllabus of a class states very clearly the expectations of the student and the process they should go through when filing a grievance. This is a very simple way to reduce confusion between students and faculty. It also very clearly tells students the options they have. This is one large step toward reducing the intimidation that people perceive when dealing with the grievance procedures.

Timelines

The problem of delaying grievances is one of the most potentially damaging to a student. The Composition Department was very aware of this when formulating their grievance procedures. They have set guidelines for filing a grievance. Once the department head hears the initial grievance they present the available avenues for the student to pursue. The student will be told that he can formally grieve, informally grieve, or drop the grievance. If the student decides to grieve he is told of the process and the time constraints for him, the grievance officer, the faculty member involved, and grievance committee. These time constraints apply to both the formal and informal processes. This structure has proved to be an effective way of dealing with grievance procedures in a reasonable amount of time with the least harm to the academic progress of the student.

Binding Arbitration

As mentioned earlier, binding arbitration is a very controversial issue. However, with the successful precedent set in the Composition Department it warrants discussion. As it stands now when faculty can not get resolution of their complaints they can go to a court of law for binding arbitration. It is unreasonable to assume that students can use this to get a formal decision on their grievance. It seems in the best interest of due process and fairness that a process be set up to make decisions binding. I

believe this can be done without serious impact to issues of academic freedom.

Final Comments

The people involved in preparing this report feel that any action dealing with grievances should be comprehensive to all academic and support service units. We believe this is the best way to reduce the complexity of the process and get the best results. The members also believe that this issue should be steered to the Assembly Committee on Academic Freedom and Responsibility. The Senate Bylaws dictate that this committee should have jurisdiction over issues such as this.

Contributors

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References

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Marion Freeman, Student Affairs Grievance Officer

Jan Morse, Student Ombudsman Service

Carol Pazandak, University Grievance Officer

Annual Grievance Workshop

Guide To Grievance Procedures

Student Affairs Grievance Document (included)

Composition Department Grievance Procedures (included)

Standard Statement on Course Requirements Political Science Department (included)