

STUDENT GRIEVANCES

The policies described below may also be found in the Student Calendar and Handbook 2018-2019, pp. 134-137.

To support its commitment to equality and due process, Brescia University has established procedures for addressing student grievances. Students always maintain their right to seek legal recourse in public courts of law.

A grievance constitutes a formal complaint contesting the perceived injustice of a specific action or judgment imposed directly upon a student by a Brescia University official or an officially sponsored University organization.

NOTE: The Grievance Procedure is not an avenue for appealing student conduct sanctions. There is a separate procedure for appealing sanctions resulting from student conduct hearings.

Students may file grievances for:

Academic Issues: Regarding course grades or academic dishonesty;

Administrative Issues: Regarding application of college policies; decisions pertaining to Brescia's co-curricular program and decisions regarding student records, rights, financial matters, and campus employment; and

Discrimination Issues: Regarding unlawful discrimination in the areas of race, color, creed, national origin, gender, age, or disability or discrimination based on sexual orientation or marital status.

For grievances regarding **Academic Issues:**

Grade Review: A student who believes that s/he has received an unfair course grade may use the following procedure:

- 1) The student should bring the complaint before the instructor who gave the questionable grade.
- 2) If a student cannot communicate with the instructor or is dissatisfied with the meeting, s/he should bring the complaint to the Chairperson of the appropriate Division/School; if the Division/School Chairperson is the instructor in question, to the VPAA/Academic Dean.
- 3) If a student is not satisfied with the results of these steps, s/he may submit a formal written complaint to the VPAA/Academic Dean, who will consult all persons involved to determine the present status of the problem and then try to resolve the issue.
- 4) If all attempts to settle the dispute informally fail, the VPAA/Academic Dean will appoint a review board consisting of
 - a. three faculty members from outside the divisions/school in question, whose selection will be subject to approval of the student and the instructor involved; and
 - b. two students chosen by the Judicial Council of the Student Government Association, also subject to the approval of both parties.
- 5) The review board will select a chair for the proceedings from among the three faculty representatives, who will moderate the meetings of the group, vote only in case of a tie, and submit records of the proceedings to the VPAA/Academic Dean. [Curriculum and Standards Committee, 02/05/09]
- 6) This board will hear both sides of the issue, gather information needed, and vote on the appropriateness of the grade. A simple majority (one over half) will be required to approve/disapprove of the grade.
- 7) The board may use moral persuasion to have the grade changed. If the instructor refuses, the VPAA/Academic Dean, at the student's request, will place a memo detailing the resolution of the grade dispute in the student's permanent file. The memo will be attached to the official transcript when the transcript is distributed if the student requests the attachment at that time.
- 8) The student has six weeks from the start of the following regular semester (fall/spring) in which to submit the formal written complaint to the VPAA/Academic Dean. The VPAA/Academic Dean should form the review board and meet within a four-week period after the student has made the request for a formal hearing. Students in traditional format and 16-week online classes have six weeks from the start of the following regular semester (fall/spring) in which to submit the formal written complaint to the VPAA/Academic Dean. Students in 8-week online classes have until the end of the 6th week of the following Fall/Spring Module to submit the formal written complaint to the VPAA. The VPAA/Academic Dean should form the Review Board and meet within a four-week period after the student has made the request for a formal hearing.

Academic Dishonesty: An instructor, who becomes aware of an act of deliberate academic dishonesty, including plagiarism, should report the student(s) involved to the Academic Dean and describe the disciplinary action proposed. (**Note: "Plagiarism" is defined as the deliberate use of another's ideas, work, or words as one's own, without properly documenting and crediting the original source**). Purchasing or copying another's work and using it as your own are examples of academic dishonesty.

If the incident is particularly damaging to the University community, or if the proposed disciplinary action seems out of proportion to the gravity of the incident, the Academic Dean may interview the student(s) personally. After conferring with the faculty member, the Academic Dean will either support the proposed disciplinary action or recommend an alternative.

Academic dishonesty is so serious that a repeat offense may result in the Academic Dean's decision to suspend or dismiss the student.

Any student who feels that s/he has not had a fair hearing, or that the severity of the penalty is unwarranted, may appeal to the Academic Dean within ten (10) days for a hearing by an ad hoc board similar to that used for grade review appeals. (See Section 3.3.5. of the Faculty Handbook)

For grievances regarding **Administrative Issues:**

1. The student should approach the person s/he perceives to be responsible for the offense in order to work out a solution.
2. If the matter remains unresolved after seven (7) working days, the student may then bring the issue to the immediate supervisor of the person against whom the grievance is being made.

3. If the grievance remains unresolved after fifteen (15) working days, the student may ask in writing that the Student Welfare Committee (SWC) consider the complaint and appoint a review board to mediate the grievance. The student's concisely written request should include the substance of the grievance, the avenues that already have been pursued, and the specific relief desired.
4. At the earliest possible date and within fifteen (15) working days of the receipt of the student's written request, the chair of the SWC will inform both the grievant and the respondent in writing of the committee's decision.
5. Once the Review Board has formed and has appointed a chair, the board chair will send letters to the grievant and respondent outlining the specific grievance and suggesting a timeline for the proceedings. Any schedule must consider the time constraints inherent within or between semesters. All parties will receive written allegations.
6. Respondents may waive the right to participate in the proceedings of the Review Board.

For grievances regarding **Discrimination Issues:**

1. The student should approach the person(s) who s/he perceives to be responsible for the offense in order to work out a solution.
2. If the grievance remains unresolved after seven working days, the student may choose one or both of the following actions:
 - a. With the assistance from a member of the SWC, the student may meet with the party(ies) involved to attempt to resolve the matter.
 - b. The student may ask in writing that the SWC consider the complaint and appoint a review board to mediate the grievance. The student's concisely written request should include the substance of the grievance, the avenues that already have been pursued, and the specific relief desired.
3. If step 2b fails, at the earliest possible date and within 15 working days of receipt of the student's written request, the chair of the SWC will inform both the grievant and the respondent in writing of the committee's decision. If the SWC recommends that a hearing board mediate the grievance, the chair will send a letter to the student and the grievant outlining the specific issue and will suggest a timeline for a meeting. Any schedule must consider specific time constraints inherent within or between semesters.
4. Once the Review Board has formed and has appointed a chair, the board chair will send letters to the grievant and respondent outlining the specific grievance and suggesting a timeline for the proceedings. Any schedule must consider the time constraints within or between semesters. All parties will receive written allegations.
5. Respondents may waive the right to participate in the proceedings of the Review Board

The Student Welfare Committee

The Student Welfare Committee membership consists of three faculty members, two junior or senior students selected by the Student Government Association, the National Association of Intercollegiate Athletics faculty representative, and the Dean of Students. The committee considers policies governing the out-of-class experience of students and appoints ad hoc committees on allegations of administrative discrimination issues or grievances. Issues and concerns may be brought to the attention of Student Welfare Committee members. Committee members should be viewed by students as approachable persons capable of dealing wisely and compassionately with all parties as well as demonstrating sensitivity, discretion, and skill in mediation.

Any member of the SWC with a conflict of interest in a filled grievance must withdraw from participating in all matters relating to that grievance.

The SWC does not itself adjudicate grievances but rather appoints an ad hoc Review Board to mediate a specific student grievance.

Review Boards (for administrative and discrimination issues)

Board Composition:

1. The SWC will appoint individuals to serve on the Review Board who have no conflicting interests and who are particularly qualified or appropriate to deal with a specific matter or person.
2. A Review Board will be composed of 3 faculty members or administrators and 2 students, each subject to the approval of both parties in the grievance.
3. A Review Board will select one of its members to chair the proceedings.

Board Processes:

1. Throughout all proceedings, the Board must maintain utmost concern for the dignity, safety, and comfort of all parties involved in the process.
2. Both the grievant and the respondent may seek counsel from any member of the Brescia community, excluding those serving on the Review Board.
3. The hearing itself is closed. Each party may invite one member from the Brescia faculty, administration, or student body to attend the meeting with them. This person may provide counsel but may not speak for the grievant.
4. Each Hearing Board must choose specific procedures for how it will deal with the presentation of evidence, witnesses, and cross examination
5. "The Preponderance of the Evidence" will be the standard of proof throughout the proceedings.
6. The board chair will insure that both parties have access to all the evidence being presented and sufficient time to examine it.
7. The Board should strive for consensus but may settle the case by majority veto
8. Proceedings and resolutions of the Review Board must remain confidential unless both parties agree in writing to release information.
9. In all cases, the decision of the Review Board is the final action in the Brescia Student Grievance Procedure.

This process reviewed by SGA March 1996 and approved by the Faculty Assembly April 1996.

