Academic Grievance Procedures

Adopted by the Faculty Senate on February 2, 2000.
Effective date: September 1, 2000

I. Introduction

The students, faculty and administration of the University of Massachusetts at Amherst recognize the need to provide an orderly process for the resolution of academic grievances. The following Grievance Procedure has therefore been created to meet this need. This procedure applies to all undergraduate and graduate degree programs, and all courses offered by the Amherst campus, including courses offered by the Division of Continuing Education.

This procedure is the only official procedure for resolving academic grievances. No school, college, department or office on the Amherst campus may require any student to pursue an academic grievance through any other procedure.

Grievances which have been brought to a hearing under another campus grievance procedure shall not be brought to a hearing under this procedure. Students who file a written grievance under this procedure shall be expected to abide by the final disposition of the grievance, and shall be precluded from seeking review of the matter under any other procedure within the University.

The Provost's Office shall be responsible for the distribution of this document. Copies shall be kept on file by all deans, department heads and chairs, undergraduate program directors, Pre-Major Advising Services, the Arts & Sciences Advising Center and all other centers that are responsible for undergraduate academic advising, and the University Ombudsperson. Additional copies shall be available upon request from the Provost's Office, the Faculty Senate Office and the Ombuds Office. Both the existence of the procedure and the role of the Ombuds Office shall be summarized in the Undergraduate Catalog and the Graduate School Bulletin, and the entire procedure shall be published in Undergraduate Rights and Responsibilities and the Graduate School Handbook.

II. Definitions and Formal Procedure

A. Process Manager

The Ombuds Office is the process manager for grievances brought under this procedure. As such, the Ombuds Office is responsible for ensuring that only those matters properly defined as academic grievances are pursued through this procedure, for advising all concerned parties of their rights and obligations under this procedure, for convening hearing panels, and for scheduling hearings. The Ombuds Office has discretion to extend timelines. For each formal grievance which proceeds to a hearing, the Ombuds Office shall maintain a confidential file open only to the student, the respondent, the responsible academic administrator, and the Hearing Panel.

B. Definitions

Student – The student or students bringing a complaint under this procedure. This includes matriculated and non-matriculated students registered for classes during the fall or spring semester through the undergraduate registrar's office, the graduate registrar's office, or the Division of Continuing Education; matriculated and non-matriculated students enrolled in classes offered during the wintersession or a summer session; and matriculated graduate students on program fee.

Respondent – An employee of the University who has made an official determination with respect to the academic performance or academic record of the student. Graduate students who serve as teaching assistants or course instructors may also be named as respondents. If the grievance results from a policy which a graduate student was instructed to carry out by a faculty supervisor, then the graduate student and faculty supervisor should be named as co-respondents.

Academic grievance – A complaint by the student alleging that the respondent has caused the student to suffer some specific harm related to an academic matter within the authority of the Provost’s Office. However, complaints that concern (1) matters of academic judgment, or (2) the substance (as opposed to the administration) of University, campus, Faculty Senate or School and College policies and regulations shall NOT be considered grievances under this procedure.

Academic Judgment – The evaluation of a student's academic performance and the assignment of a grade as a result of that evaluation shall be considered a matter of academic judgment, and therefore not subject to a grievance except where the grade has been determined in an arbitrary and capricious manner or where the procedure used in the evaluation is found to be in violation of University policy or state or federal statute.

University policy – Any policy which has been approved by the Provost, the Chancellor, the Board of Trustees, or the Board of Higher Education or any successor board.
**Arbitrary and capricious grading** – (1) The assignment of a course grade to a student on some basis other than performance in the course, or (2) the assignment of a course grade to a student by resorting to unreasonable standards different from those which were applied by the same instructor to other students in that course, or (3) the assignment of a course grade by a substantial, unreasonable and unannounced departure from the instructor’s previously articulated standards.

**Written notification** – When notification in writing is required, this may occur by way of a suitable record of e-mail transmissions in any situation where privacy rights are not infringed by the use of e-mail according to written University policy, and where the recipient has previously provided the sender with his or her e-mail address. The word “confidential” should be inserted in the subject line of the message. Hard copies of all e-mail transmissions should be maintained by the sender. Written correspondence not done by e-mail will be sent to instructors at their departmental address, and to students at their current address as recorded at the University.

For the purpose of determining deadlines, the *event which gives rise to the grievance* shall be deemed to have occurred when the student may reasonably be assumed to have become aware of its existence.

**Semester days** – Calendar days which fall within either the fall or spring semester and include all weekends and holidays which fall between the beginning and end of a semester. The beginning and end of a semester are defined as the first and last days upon which regularly scheduled classes are actually held.

*Responsible academic administrator* – In cases where the student is a graduate student, the Dean of the Graduate School; in cases where the student is an undergraduate student, the Provost or designee.

**C. Attempting Informal Resolution Prior to Instituting a Grievance**

Students should attempt informal resolution prior to instituting a formal grievance. Assistance or advice in doing this is available from the Ombuds Office. Students should do this as soon as they become aware of the event which gives rise to the grievance, bearing in mind that, should attempts at informal resolution fail, the formal grievance must be initiated on or before the 45th day of the following semester (see below).

The student should discuss the event that gives rise to a grievance with the respondent as soon as possible. In the event that the respondent has left the University, the respondent’s line academic supervisor (usually a department head) will immediately furnish the student with the address or telephone number of the respondent. Where that is not possible, the first line academic supervisor with the ability to effect a change of grade or take other appropriate action will assume the role of the respondent. At the request of any of the parties, the respondent’s line academic supervisor may become involved in the attempt at informal conciliation, provided that the supervisor is willing to become involved.

**D. Initiating a Formal Grievance**

If attempts at informal resolution are not successful, or if informal resolution is not attempted, the student may initiate a formal grievance. For grievable events which are alleged to have occurred during either the fall semester or winter session, the student must initiate the formal grievance process on or before the 45th day of the next following spring semester. For grievable events which are alleged to have occurred during the spring semester or summer sessions, the student must initiate the formal grievance process on or before the 45th day of the next following fall semester. Should the 45th day fall on a weekend, holiday, or day on which the University is officially closed, the period will be extended to the next day that the University is officially open.

1. **The student formally notifies the Ombuds Office of the grievance.** The student writes a letter to the Ombuds Office in which the student identifies: the respondent, the action(s) which are the basis of the grievance, and the harm alleged to have been caused as a result of the respondent’s action(s). The letter should describe the substance of the grievance, any steps that have been taken to try to resolve it, any evidence that might be introduced at a hearing, and the relief that the student would find acceptable. From this point on, in the absence of credible and relevant new evidence, the student’s pursuit of the academic grievance must remain consistent in content and scope with this formal letter, and respondents will be expected to respond only to the issues raised in this letter.

2. **The Ombuds Office notifies the respondent of the grievance.** Within seven calendar days of receiving the student’s formal grievance letter, the Ombuds Office sends a copy of it to the respondent, along with a notice specifying the deadlines involved.

3. **The respondent answers the grievance.** The respondent writes a letter of response to the Ombuds Office, describing the respondent’s position to the student’s allegation. From this point on, in the absence of credible and relevant new evidence, the position of the respondent must remain consistent in content and scope with this letter. If the respondent refuses to submit a letter of response, the respondent’s presentation of the case at any subsequent hearing will be limited to the submission of physical evidence; the respondent will be precluded from offering evidence by his or her own testimony or by the testimony of other witnesses.

4. **A hearing on the grievance will be held within 20 semester days of the student filing the formal grievance letter.** If the grievance is filed with fewer than 20 semester days remaining in the semester, the hearing may be delayed until as long as 20 semester days from the beginning of the following semester. The process may go forward during intersession or the summer if the student so
The Hearing Panel will keep in confidence all matters which come before it. Its members will not communicate with each other about the nature of the grievance or the response prior to the hearing. All five members of the Panel must be present at a hearing. The Hearing Panel will evaluate all evidence and arguments presented to it by the student and the respondent, and will inform the responsible academic administrator of its decision within fourteen calendar days of the conclusion of the hearing. The chair of the Hearing Panel will ensure that the Panel will disregard any arguments or evidence which have not been presented in the student’s formal grievance letter (D.1, above) or the respondent’s answer (D.3, above).

The Hearing Panel will keep in confidence all matters which come before it. Its members will not communicate with each other about the nature of the grievance or the response prior to the hearing. All five members of the Panel must be present at a hearing. The Hearing Panel will evaluate all evidence and arguments presented to it by the student and the respondent, and will inform the responsible academic administrator of its decision within fourteen calendar days of the conclusion of the hearing. The chair of the Hearing Panel will ensure that the Panel will disregard any arguments or evidence which have not been presented in the student’s formal grievance letter (D.1, above) or the respondent’s answer (D.3, above).

The Hearing Panel will keep in confidence all matters which come before it. Its members will not communicate with each other about the nature of the grievance or the response prior to the hearing. All five members of the Panel must be present at a hearing. The Hearing Panel will evaluate all evidence and arguments presented to it by the student and the respondent, and will inform the responsible academic administrator of its decision within fourteen calendar days of the conclusion of the hearing. The chair of the Hearing Panel will ensure that the Panel will disregard any arguments or evidence which have not been presented in the student’s formal grievance letter (D.1, above) or the respondent’s answer (D.3, above).

The Hearing Panel will keep in confidence all matters which come before it. Its members will not communicate with each other about the nature of the grievance or the response prior to the hearing. All five members of the Panel must be present at a hearing. The Hearing Panel will evaluate all evidence and arguments presented to it by the student and the respondent, and will inform the responsible academic administrator of its decision within fourteen calendar days of the conclusion of the hearing. The chair of the Hearing Panel will ensure that the Panel will disregard any arguments or evidence which have not been presented in the student’s formal grievance letter (D.1, above) or the respondent’s answer (D.3, above).
submit the questions to the chair, who shall decide if any of the questions submitted would be useful to the panel’s determination, and then ask the questions of the other party. Each party will then summarize his or her position.

The hearing is considered concluded following the parties’ summaries. Tape recording will end when the chair asks all persons present except Panel members to leave the room while the Panel discusses the evidence and formulates its decision. If necessary, the Panel may reconvene at a later time to complete its deliberations, and the chair may be empowered by the Panel to obtain answers to questions from one or both of the parties that occur to the Panel during its deliberations.

The chair of the Hearing Panel has the authority to modify procedures during the course of the hearing to accommodate unforeseen circumstances or needs of the parties or the Hearing Panel. If the chair is unable to exercise this authority, the representative of the Ombuds Office will appoint another faculty member to act as substitute chair if necessary.

The audiotape of the hearing will be placed in the grievance file of the Ombuds Office. Either the student or the respondent may request a copy of the tape, to be made at the party’s expense. Any transcription of the tape shall be at the private arrangement and expense of the party who desires the transcript. Additional tape recordings of the hearing made be made by either party.

G. The Decision of the Hearing Panel

The chair will issue the written report of the Hearing Panel within fourteen calendar days of the conclusion of the hearing. The report shall be addressed to the responsible academic administrator (the Dean of the Graduate School or the Provost or designee), and copies will be sent to the Ombuds Office, the student, and the respondent. The report will state the Panel’s findings of fact on the question(s) in dispute, and the Panel’s recommendations for action, if any. Both the findings and the recommendation shall be arrived at by a majority vote of the Panel.

The decision of the Hearing Panel cannot require an instructor to change a grade unless the instructor agrees to do so. If an instructor has been found (1) to have engaged in arbitrary and capricious grading, or (2) to be in violation of University policy or state or federal statute, the hearing Panel should recommend an appropriate method for redressing the situation.

The Hearing Panel’s findings of fact are final, and are binding on all parties. The Hearing Panel’s recommendations shall be binding on all parties insofar as they have the authority to comply. It need not be binding on the University administration or on persons who are not parties to the grievance, but will be a recommendation under those circumstances.

H. Appeals

The Hearing Panel’s findings of fact are final, and may not be appealed. Appeals may be made only on the basis of a violation of due process, or on the basis of new evidence.

Due Process Appeal: “A violation of due process” is defined as a failure to comply with the Rules of hearing such that the failure reasonably may have affected the decision of the Hearing Panel to the harm of the party who has appealed. If either party believes that he or she was denied due process by the Hearing Panel, he or she may appeal in writing to the responsible academic administrator. This appeal must be made in writing within thirty (30) calendar days of the release of the Hearing Panel’s report. If the administrator finds on behalf of the party making the appeal, the administrator may either ask the Hearing Panel to re hear the case or ask the Ombuds Office to appoint a new panel to re hear the case. The decision of the responsible academic administrator will be based on her/his review of the official record of the hearing (official tape and exhibits) and the Hearing Panel’s recommendation, which the administrator may accept, reject, or modify. The responsible academic administrator shall rule on the appeal within 14 semester days after its submission. This grievance procedure shall be deemed to have been exhausted once the ruling of the responsible academic administrator has been rendered.

New Evidence: In the event that new and compelling evidence becomes available after the Hearing Panel has rendered its decision, either the Student or Respondent may appeal to the responsible academic administrator for a rehearing of the grievance. The appeal shall be in writing and include a detailed description of the new evidence and an explanation as to why the new evidence should alter the initial decision of the Hearing Panel. After receipt of the written appeal, the administrator will have 30 semester days to decide whether or not to grant a new hearing. The decision of the responsible academic administrator on the appeal is final and may not be appealed. In the event that a new hearing is granted and the original Hearing Panel is no longer available, the Ombudsperson shall establish a new Hearing Panel to hear the grievance.

I. Records of Academic Grievances

The Ombuds Office (or any successor agency designated as process manager of this procedure) shall maintain the record of an academic grievance for a period of seven years following the awarding of a degree to the complainant. If no degree is awarded to the complainant, the record shall be maintained indefinitely.

No record that an academic grievance has been filed may be made part of a student’s official file in a department or school or college office, except as necessary to document a grade change (if relevant).