

Student Academic Grievance Procedures

University Of South Florida 2013-2014 Undergraduate Catalog

USF Policy 10-002

I. Introduction (Purpose and Intent)

The purpose of these procedures is to provide all undergraduate and graduate students taking courses within the University of South Florida System (USF System) an opportunity for objective review of facts and events pertinent to the cause of the academic grievance. Such review will be accomplished in a collegial, non-judicial atmosphere rather than an adversarial one, and shall allow the parties involved to participate. All parties will be expected to act in a professional and civil manner. These guidelines are meant to govern all colleges (exclusive of the MD and DPT programs within the College of Medicine and the College of Pharmacy to the extent they maintain procedures and processes for issues regarding professionalism). However, USF System institutions may have unique titles and specific administrative levels. Accordingly, each institution shall determine the appropriate levels and titles for review at the time a student initiates an appeal ensuring that if it is determined the matter is an academic grievance there is at least one committee level review and recommendation to an administrator to accept or reject.

In the case of Academic Integrity (USF Regulation [3.027](#)) violations, these Student Academic Grievance Procedures (AGP) are used in the appeal process and specific processes are in place for those appeals as described in Section IV below.

II. Terms and Guidelines

An “*academic grievance*” is a claim that a specific academic decision or action that affects that student’s academic record or status has violated published policies and procedures, or has been applied to the grievant in a manner different from that used for other students. Grievances may relate to such decisions as the assignment of a grade seen by the student as incorrect or the dismissal or failure of a student for his or her action(s), including violations of the professional/ethical standards in clinical or field-based programs. Academic grievances will not deal with general student complaints.

“*Instructor*” shall mean any classroom instructor, thesis/dissertation/directed study supervisor, or Dean or supervisor that imposes the final academic decision.

“*Department Chair/Director*” shall mean the academic head of a college department or the director of a program—or in all cases a “Department’s designee” appointed to handle academic grievances.

“*Dean*” shall mean a College Dean, or the Dean of Undergraduate Studies, or the Dean of the Graduate Studies, or the equivalent as indicated—or in all cases a “Dean’s designee” appointed to handle academic grievances for the unit.

“*Time*” shall mean “*academic time*,” that is, periods when USF system classes are in session. *The person vested with authority at the appropriate level may extend any of the time periods contained herein for good cause.* Any extensions must be communicated in writing to all parties. For the purposes of this policy, each step shall be afforded three (3) weeks as a standard time limit. When a department considers a grievance according to published departmental procedures approved by the College Dean and Provost or College Dean and Regional Vice Chancellor for Academic Affairs, as pertinent, the time line specified in this academic unit’s procedures will govern the process and no additional notice of time extension is needed.

“*Written communication*” shall mean communication by hard copy to the recipient’s address of record or email communication using assigned USF email address.

The “*burden of proof*” shall be upon the student such that the student challenging the decision, action or final grade assigned has the burden of supplying evidence that proves that the instructor’s decision was incorrect, in all cases except alleged violations of academic integrity. In cases where the academic decision is based on a deficiency in or a violation of a clinical or professional standard, the deficiency or violation may be considered sufficient proof to support an academic failure or dismissal notwithstanding a student’s success in other areas of academic performance.

“*Jurisdiction*” is where the course (not the student’s registration status) is housed (e.g., payment of faculty salary for the course) determines the appropriate forum (institution, college or department) where the grievance will be conducted. The outcomes of the grievance should be shared with the home institution, College and Department (Program Director or Chair of the students major). In the case where there is a joint program or it is unclear where jurisdiction shall fall, the Provost (or designee) may be consulted to identify the appropriate forum for the grievance. If a student is dismissed from a course, program, college or institution, that forum may make an additional recommendation for a more comprehensive sanction across the System directly to the Provost. In the event there is a System level dismissal by the Provost, and a student wishes to appeal that system level action, the President may designate an administrative officer to review that appeal and make a final determination.

There are three member “*institutions*” in the USF System specifically referred to as USF, USF St. Petersburg (USFSP) and USF Sarasota-Manatee (USFSM).

Neither party shall be entitled to bring “*legal representation*” to any actual grievance proceeding as this is an internal review of an academic decision.

As some colleges may not have departments or some campuses may use different titles, the next level that

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applies to that college shall be substituted. If the incident giving rise to a grievance occurs on at USF-St. Petersburg or USF-Sarasota/Manatee, the approved policy on that campus shall govern.

III. Statement of Policy

A. Resolution Process at the Course or Department Level

1. If the grievance concerns the Chairperson/Director or other officials of the department, the student has a right to bypass the departmental process and proceed directly to the College Level.
2. The student shall first make a reasonable effort to resolve his or her grievance with the instructor concerned, with the date of the incident triggering the start of the process (i.e. the issuance of a final grade) and if the instructor determines it is feasible and may be productive, the instructor shall accommodate a reasonable request to discuss and attempt to resolve this issue.
3. If the situation cannot be resolved or a meeting with the instructor is not feasible, the student shall file a notification letter within three (3) weeks of the triggering incident to the department Chairperson/Director or the appropriate supervisor. This shall be a concise written statement of particulars and must include specific reference to the (a) published USF Policy, procedure or official published catalog and the manner in which it was allegedly violated and the decision that affected the student's academic record or status based on a violation of that specific written USF policy, procedure or official published catalog (b) a description of the manner in which the student was treated in a substantially inequitable manner and a statement indicating the remedy sought (c) supporting documentations of all claims in the grievance and (d) the effort the student made to resolve the issue with the instructor.
4. The department Chairperson/Director must determine if the matter is an Academic Grievance (a specific Policy violated or a student treated differently than others) or if the matter is a complaint regarding the course or instructor.
5. (a) If the Chairperson/Director determines that the matter is not an Academic Grievance, the Chairperson/Director will discuss the complaint with the student and/or the faculty member and must advise the Dean of the complaint and the recommended resolution if any. The Dean will then review the classification of the complaint as not subject to the Academic Grievance Process and advise the student and faculty member in writing of the Dean's decision which may be to do one or more of the following:
 - 1.) Implement the recommendation of the Chairperson/Director (which can include dismissal).
 - 2.) Reject the classification and move the matter forward as an academic grievance.
 - 3.) Make referrals to appropriate Human Resources or employee supervisor/office for intervention and/or to appropriate USF offices (such as Diversity and Equal Opportunity Office (DEO)).(b) If the Chairperson/Director determines the matter is an Academic Grievance, the Chairperson shall provide a copy of the student's statement to the instructor. The instructor may file a written response to the grievance and the Process will continue.
6. The department Chairperson/Director shall discuss the student's statement as reference above jointly or individually with the student and the instructor to see if the grievance can be resolved. If the department maintains its own grievance procedure,* it should be applied at this point. If the grievance can be resolved, the Chairperson/Director shall provide a statement to that effect to the student and the instructor with a copy to the College Dean.
7. If the grievance cannot be resolved, the department Chair/Director shall notify both the student and the instructor, informing the student of his/her right to file a written request directed back to the Chair/Director within three weeks to advance the grievance to the College Level. Upon receipt of the student's request to move the process to the College Level and the instructor's response to the grievance (if provided), the Chairperson/Director shall immediately notify the College Dean of the grievance, providing copies of the student's initiating grievance statement, any instructor's written response to the grievance, and the written request from the student to have the process advanced to the College Level (which shall include additional student responses and final statement). Should the student not file a written request to move the grievance to the College Level within the prescribed time, the grievance will end.

B. Resolution Process at the College Level

1. Upon receipt of the grievance, the College Dean will review that matter to confirm that it is an Academic Grievance. If the Dean determines the matter is not an Academic Grievance, the Dean may dismiss it (which is a final University Decision) and notify all parties in writing, or if the Dean determines that it is an Academic Grievance, within three weeks the Dean shall establish an Academic Grievance Committee. The membership of the Committee shall be constituted as follows:
 - a. Three (3) faculty members and two (2) students (undergraduate or graduate as appropriate to the case) shall be selected from the college by the Dean.
 - b. Wherever practical, the Committee shall not include members of the faculty or students of the department directly involved with the grievance, or faculty or students of the student's major department. However, for cases involving Clinical or Professional Standard violations, the Committee shall include, when feasible, at least one member assigned to oversee or with expertise in, a clinical area.
 - c. The student or instructor may request to attend a Committee meeting to present a final statement to the

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committee. The Chairperson will designate which meeting the student or instructor may attend to present any final statement to the Committee. Only the Committee may invite additional parties such as faculty or students from the department involved with the grievance or from the student's major department or other outside party to provide expert or other relevant testimony in the proceedings. The student or instructor may be present during the other's final statement and may hear the additional information provided, however, neither may be present during the Committee's deliberations. The meeting time and place is to be set by the Committee. Failure or an inability of the student or instructor to attend a meeting will not force the meeting to be rescheduled or cancelled.

- d. The student or instructor may be accompanied by one individual (not to act as legal counsel or to participate in the meetings) if the student or instructor attends the meeting. The individual may be required to sign a confidentiality agreement.
 - e. Students may not initiate contact regarding or relating to the grievance process or outcome with any member of the Committee outside of this established process before, during or after the Committee review process and any such contact may be considered a violation of the Student Code of Conduct.
2. The Committee will operate in the following manner:
- a. The Committee Chairperson will be appointed by the College Dean from among the three (3) faculty members appointed to the Committee.
The Committee Chairperson shall be responsible for scheduling meetings, overseeing the deliberations of the committee and ensuring that full and fair consideration is provided to all parties. The Committee Chairperson shall vote on committee decisions only when required to break a tie.
 - b. In Committee reviews involving Academic Integrity, the following Academic Integrity Review Process shall be followed in addition to the other Departmental procedures, if applicable:
 1. The Committee Chairperson shall notify the student and instructor of the date and time of the meeting.
 2. The student and instructor may submit a list of questions to the Committee Chairperson to be answered by the student and instructor. If submitted, the questions will be disseminated by the Committee Chairperson and the Committee Chairperson will ensure that the questions are answered in writing and submitted for review by the Committee, student, and instructor before the initial meeting.
 3. Students shall be permitted to remain in the course or program during the Academic Integrity Review Process. However, if the student is in a clinical or internship setting, the student may be removed from such setting until the issue of Academic Integrity is resolved. In such cases, the program will attempt to identify an alternative educational option to the clinical or internship to enable the student to continue progressing in the program.
 - c. All deliberations shall be in private and held confidential by all members of the Committee. The recommendation of the Committee shall be based on their interpretation of the evidence presented to it.
 - d. Within three (3) weeks of the Committee appointment, the Committee Chairperson shall deliver in writing to the College Dean a report of the findings and a recommended resolution.
 - e. Within three (3) weeks of receipt of the Committee recommendation, the College Dean shall provide a decision in writing to all parties (the student, the instructor and the department Chair/Program Director). The Dean's decision shall indicate whether the decision was consistent with the committee recommendation.
 - f. The College Dean's decision is a final decision and appealable by the instructor or student to the University level only in the event (1) the decision of the College Dean is contrary to the recommendation of the Committee (which will be indicated in the Dean's decision) or (2) if there is a specific and identified substantive procedural violation of these Student Academic Grievance Procedures. Such an appeal must be made in writing to the Dean of Undergraduate Studies or Graduate Studies (as appropriate) or the appropriate Chief Academic Officer or their designee within three weeks of receipt of the decision from the College Dean.

C. Resolution Process at the Institution Level

For this level of appeal process, the Provost/Executive Vice President for Academic Affairs or the Sr. Vice President for USF Health has delegated authority for academic grievance appeals at the Institution level to the Dean of Undergraduate Studies for appeals involving undergraduate courses and to the Dean of Graduate Studies for appeals involving graduate courses. For academic grievance appeals for grades assigned in courses at USFSP or USFSM, the appropriate Regional Vice Chancellor for Academic Affairs at those Institutions may delegate authority to an Academic Administrator Officer to hear the appeal at the System Level (for the purposes of this section Administrative Officer, Graduate/Undergraduate Dean are referred to as "Administrator Officer"). In the event there is confusion as to the home for the course or in the registration status of the student within the USF System, the Provost may designate the jurisdiction for the appeal. The process steps are outlined below.

1. The student or the instructor may appeal at the Institution Level within three (3) weeks of the receipt of a decision made at the College Level, when (1) the decision at the College Dean Level is contrary to the recommendation of the Grievance Committee (2) a party identifies a specific substantive procedural violation in the application of the AGP. Within three weeks of receipt of the appeal of the decision, the Administrative Officer shall determine that the appeal is merited (there is a recommendation at the College Level contrary to the committee or the Administrative Officer concurs that there is cause to believe a substantive procedural

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violation in application of the AGP process may have occurred). If the Administrative Officer determines the appeal is not merited, the Administrative Officer shall advise the student, the instructor and the department Chair accordingly and that notice shall be a final University Decision. If the appeal is determined to be merited, the Administrative Officer (who may consult with the Faculty Senate and Student Senate) shall appoint an Appeals Committee consisting of three (3) faculty members drawn from the appropriate USF System Undergraduate Council or Graduate Council, and two (2) students, undergraduate or graduate (as appropriate and to be determined by the Administrative Officer).

2. The structure, functions and operating procedures of the Appeals Committee will be the same as those of the College Committee (i.e. chaired by one of the appointed faculty members appointed by the Administrative Officer who will not vote except in the case of a tie, having no representation from either party's respective departments, developing a recommendation to the Administrative Officer, etc.); however, the Committee will review only the written documents from the earlier review at the College level unless the Committee invites statements from witnesses or parties. In the event any additional witness testimony is provided, the student and/or instructor will be invited to hear those additional statements and provide a short response.
3. Within three (3) weeks of the appointment, the Committee Chairperson shall deliver in writing to the Administrative Officer a report of the findings of the Committee and a recommended resolution.
4. Within three (3) weeks of receipt of the Committee recommendation, the Administrative Officer shall provide a decision in writing to all parties.
5. If the Administrative Officer's decision is that a grade change is merited, the Administrative Officer shall initiate the grade change on the authority of the Provost and so inform all parties. In all academic grievance appeals, the Administrative Officer's decision is a final University decision and not subject to further appeal within the USF System.
6. In those cases where the final University decision constitutes a dismissal or permanent separation from the University, a student may seek judicial review pursuant to Florida Rule of Appellate Procedure 9.190(b)(3) by filing a petition for certiorari review with the appropriate circuit court within thirty (30) days of the final University decision. If a person seeks review with the court, a copy of the petition must also be provided to the University of South Florida Office of the General Counsel at University of South Florida, CGS 301, 4202 E. Fowler Avenue, Tampa, Florida 33620-4301.

These procedures shall take effect commencing March 7, 2013 and shall supersede all other academic grievance procedures currently in effect, with the exception of the procedures of the College of Medicine and College of Pharmacy.

** Departments may develop their own formal procedures for considering grievances. Such procedures must be considered and approved by the College Dean and the Provost, and published on the Department's web site. When such procedures exist, the Department's examination of the grievance will unfold as specified in the procedures, however, those procedures must adhere to the three (3) week time line (with a notice to the student in writing of any need for an extension). If the Departmental process upholds the student's grievance, the Department Chair will work with the College, the student and the instructor to remedy the situation. If the Department does not uphold the grievance, the Chair will report the fact to the Dean. The student may, in such cases, request the College Level review as outlined in these USF System procedures.*