



**BOISE STATE UNIVERSITY**

University Policy 3140

## Academic Grievance

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### **Effective Date**

July 1987

### **Last Revision Date**

June 28, 2024

### **Responsible Party**

Provost and Vice President for Academic Affairs, (208) 426-1202

### **Scope and Audience**

This policy applies to all University students.

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## **1. Policy Purpose**

To establish a process for a student to file a non-grade related academic grievance in response to a situation in which the student believes they have been subjected to an improper decision on an academic matter that directly and adversely affects the individual student's academic status.

## **2. Policy Statement**

This policy is established to maintain a commitment to our shared values, especially supporting academic excellence, fairness, and respect in hearing and working to address student concerns. The process laid out by this policy provides a student a mechanism by which they can request an academic grievance review and the university an opportunity to intentionally consider a response to a situation in which a student believes that an improper academic decision has been made.

Students are welcome to seek guidance from an associate dean in the college involved in the grievance, or from the Office of the Provost to determine if a specific issue falls within this policy.

### 3. Student Academic Grievance

- a. This policy gives a student recourse for a situation in which the student believes that they have been subjected to an improper decision on an academic matter by a person, or group of persons, acting in an official University capacity. The goal is to address perceived unfair treatment in an academic context that does not fall into other categories. For example, this grievance policy does not pertain to grievances based on protected-class discrimination or sexual harassment grievances, academic grievances related to final course grades, or matters of academic freedom, which are all covered by other University policies. While a grievance cannot involve a final course grade, it could involve an issue related to an individual course assignment.
- b. Grievance procedures apply only to cases in which a student believes they have been subjected to an improper decision on an academic matter that directly and adversely affects the student as an individual in their academic capacity. They do not pertain to complaints expressing dissatisfaction with a University policy of general application challenged on the grounds that the policy is unfair or inadvisable, nor do they pertain to individual college, school, department, or program policies, as long as those policies are not inconsistent with general University policy.
- c. Grievances generally involve situations in which a student believes they were treated unfairly in some way (either directly or by omission) related to their experience within a course or academic program. The complaint at the center of an academic grievance must meet both of the following conditions:
  - It must concern an academic decision, action, omission, or judgment affecting the grievant personally and that was made by a person or group of persons acting in an official University capacity for which no other existing university complaint procedure is available.
  - It must be a matter for which the Grievance Board can identify a remedy.
- d. In cases where the academic grievance is coupled with a grade appeal, in the interest of time and simplicity, the grievance will be presented and heard alongside the grade appeal and will follow the policies and procedures outlined for an academic grievance.

- e. Decisions made by non-university personnel that have an academic impact (e.g., involving field placement, internships, service-learning, etc.) are governed by policies and practices set by the external partner or employer and in accordance with academic program handbooks or policies and/or university policies. Where appropriate, departmental and course-level policies specify academic consequences that result from outside decisions and provide due process procedures to address student issues. In cases where a departmental or course policy is ambiguous or absent, students may use this grievance policy to address grievable issues.

#### **4. Procedures and Timelines for Filing an Academic Grievance**

Throughout the academic grievance process, all parties must work towards a resolution that ensures both high academic standards and fairness. Two phases guide the overall outcome of the process: Initial Phase and Formal Phase.

- a. The Initial Phase is less formal and is intended to identify a resolution to the situation at the departmental or college level without filing a formal grievance. If the issue cannot be resolved, the Formal Phase may be pursued. The timelines for the initial phase do not adhere to specific constraints but communication aimed at resolving the issue is generally expected to unfold within a few weeks of when an initial issue occurred, with timeline feedback and response from each party (see section 4.1).
- b. A formal academic grievance can be filed at any time after the grievable incident, including during the summer term. However, a grievance must be filed no later than the Friday of the fifth (5th) week of the fall or spring fifteen (15)-week semester after the term during which the incident took place. For example, if an aggrieved incident occurred in either a spring or summer term, the student will have until Friday of the fifth (5th) week of the fall semester to file their appeal. Except in extraordinary circumstances, a delay in filing an appeal will constitute grounds for rejection of the appeal.
- c. In certain exceptional situations or extraordinary circumstances, this policy may be subject to extension. Such extensions will be considered and implemented at the sole discretion of the Provost, or designee. These extraordinary circumstances may include but are not limited to natural disasters, global pandemics, state emergencies, or any other unforeseen events that significantly impact normal operations.

##### **4.1. Initial Phase – Process and Timeline (Informal Attempts at Resolution)**

- a. To begin the process, the student should first discuss the matter orally or in writing with the individual(s) most directly responsible (e.g., the person who made the academic decision impacting the student). If no resolution results, the student may then consult with the

individual at the next administrative level, for example, the chair or director of the relevant department or program, or for those cases in which there is none, with a college associate dean. At this stage, the department chair or program director, if any, may inform the associate dean that the consultation is taking place and may solicit their advice on how to ensure that adequate steps are taken to achieve a fair result.

- b. If no resolution results from the chair or director of the relevant department or program at the next administrative level, the student may then consult with an associate dean within the college in which the grievance occurred.
- c. University personnel are expected to respond to student communications in a timely manner and are encouraged to keep records of communications or conversations with students for issues that could later become an academic grievance. University personnel will use their best judgment in documenting communication and decisions within the informal phase. Documents from the informal phase can be drawn upon in the formal phase as appropriate.

#### **4.2. Formal Phase – Process and Timeline**

- a. A student/complainant may choose to pursue a formal grievance only after they have been unable to resolve the issue informally by working with (1) the individual(s) most directly responsible, (2) the chair or program director, and (3) the associate dean of the college in which the grievance occurred.
- b. The student must set forth in writing a description of the matter of the grievance, the grounds on which any decision made during the informal process is being challenged, and the reasons why the student believes that the decision was improperly taken. The statement must also include a description of the remedy sought and the informal efforts taken to date to resolve the matter. The student must include all information related to date(s), time(s), and manner of attempt(s) to communicate with 1.) the individual(s) most directly associated with the grievance, 2.) the chair or program director and 3.) the associate dean. The complaint must be filed with the Office of the Provost in accordance with the timelines established in section 4.
- c. Upon receiving notification of a complaint by the student, the Provost, or designee, will request written responses to the complaint from the individual(s) associated with the grievance, the chair or director of the relevant department or program, and the associate dean or designee.
- d. The Provost, or designee, will convene the Academic Grievance Board to review the complaint and resolution identified by the student.

- e. The Provost is responsible for ensuring that those designated to serve on the Academic Grievance Board are not directly involved with the concern and do not have any other conflict of interest. The Academic Grievance Board will consist of the following members:

Voting Members:

- The Faculty Senate Vice President or their faculty appointee,
- A chair, dean, or associate dean selected by the Provost, or designee
- The ASBSU Vice President or their student appointee.
- A second student selected by the ASBSU President
- The Chair of the Faculty Senate Professional Standards Committee or their representative from the committee

Non-Voting Members:

- A second chair, dean, or associate dean selected by the Provost, or designee, who will serve as chair
- A faculty Ombuds or their representative
- A Dean of Students Office representative

### **4.3. Convening of the Academic Grievance Board**

A convening of the Academic Grievance Board will be scheduled within twenty (20) university business days of the Provost's office receiving the formal Academic Grievance complaint.

## **5. Responsibilities Associated with the Review of an Academic Grievance**

The Academic Grievance Board has the responsibility to review the complaint filed by the student. It is the student's responsibility to demonstrate the nature of the maltreatment associated with the grievance. It should be assumed that this is a mechanism to resolve differences between two reasonable but conflicting parties. Furthermore, unless clear and/or repetitive patterns of behavior with respect to academic treatment are displayed, academic grievances will in no way be used as criteria in matters of annual evaluation or tenure and promotion.

## 6. Procedures for the Academic Grievance Board Hearing

- a. If a conflict of interest becomes known, that person must identify themselves and be replaced by the appropriate body as outlined in section 4.2.e.
- b. The Academic Grievance Board will convene a hearing in which both parties have an opportunity to speak.
  - (i.) A single record, such as a written record or audio recording, of every hearing before an Academic Grievance Board will be maintained by the Office of the Provost.
    - The record will be the sole property of Boise State University.
    - No other audio or visual recordings of hearings will be allowed.
    - The Academic Grievance Board deliberations will not be recorded.
    - The written decision letters will remain as the official University record and be maintained per the University records policy.
  - (ii.) Each party will have an equal amount of time to present their case. The specific amount of time allowed will be at the discretion of the chair.
  - (iii.) Board members will be allowed to question either party. The question period will continue until all board members are finished with their questions.
  - (iv.) Questions between parties will be directed to the chair, who may choose to disallow questions that are not relevant to the topic.
  - (v.) Both parties will have an opportunity to respond to the evidence and information provided during the hearing.
  - (vi.) All parties subject to an academic grievance must cooperate with the Academic Grievance Board; provide truthful and accurate testimony and information; and conduct themselves respectfully and in accordance with Boise State University's Shared Values; the Student Code of Conduct; the Faculty Code of Rights, Responsibilities, and Conduct; and any other rules and policies applicable to students and employees. Abuses of the processes outlined in this policy, including, without limitation, the filing of a frivolous or false grievance, the provision of false testimony or information, falsification or intentional destruction of evidence, coercion or attempted coercion of

witnesses, or any other acts or omissions singularly, or in the aggregate, designed to obscure the truth, undermine principles of fairness, or abuse the process may result in immediate dismissal of a grievance, and subject the offending party to appropriate disciplinary action.

- (vii.) Parties are expected to appear at hearings personally and to advocate on their own behalf.
- (viii.) Parties involved in the academic grievance process have the option to have an advisor present during the hearing. The advisor may provide support to the party that invited their participation (e.g., acting as a source of guidance, aiding in comprehension of the process, offering emotional support, taking notes). However, each party is responsible for presenting their own information; the advisor is not permitted to advocate or otherwise participate directly in the hearing process. Any advisor allowed at a hearing must agree to protect the confidentiality of the proceedings.
- (ix.) Students who require accommodations including, but not limited to a translator, sign language interpreter, or assistive technology to participate in the hearing should notify the Office of the Provost when submitting their academic grievance so that the necessary arrangements can be made.

c. Once all information has been heard, the Board will adjourn and deliberate.

- All deliberations are made in a closed session.
- A decision will be made by a majority vote based on the information presented to the Board.
- The Board will provide its written recommendations and minority opinion, as appropriate, to the Provost, or designee, along with justification within seven (7) university business days.
- The Provost or designee may uphold or overturn the recommendation of the Board.
- The Provost, or designee, will inform the parties of the final decision in writing within ten (10) university business days of the receipt of the recommendation.

- d. The decision of the Provost is final and marks the end of the process for Policy 3140 concerning academic grievances.
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## Revision History

July 1995; April 1998; November 2001; May 2011; June 28, 2024