



STUDENT ACADEMIC GRIEVANCE PROCEDURE

AA-AC-PR-018

OVERVIEW

Our Lady of the Lake University is committed to creating a learning environment where students take ownership of their learning experiences, leading to overall student growth, graduation, and personal and professional growth. An academic complaint or grievance is made against a faculty member's action or decision that directly and adversely impacts a student's academic progress. The OLLU Student Academic Complaints and Grievances Procedure (SACGP) ensures a uniform and timely process to address academic complaints and grievances across all program formats (face to face, online, hybrid) and student classifications (undergraduate, masters, and doctoral). Please note that OLLU does not tolerate retaliation against anyone who files a complaint or grievance. For purposes of the SACGP, all academic complaints and academic grievances are adjudicated using the same resolution process described below.

Note: For other types of non-academic complaints and grievances, please refer to [Complaints and Grievances Quick Guide](#) or the [Report It](#) site. If the complaint or grievance involves a Civil Rights issue, this SACGP process will be paused and referred until the appropriate OLLU due process procedure is concluded.

The student can also consult with the [Office of Student Affairs](#) to have a support person for any step in the resolution process described below. **The student may choose to have a support person accompany them, but the support person is not allowed to speak on the student's behalf.**

SCOPE

These procedures must be followed by students, faculty, and academic administrators.

Evaluation of a student's academic performance in a course or program of the University, when conducted by a faculty member, is presumed to be valid unless there is proof that the evaluation was significantly and adversely affected by bias against the student and/or capriciousness (unjustifiable deviation from generally acceptable academic standards or procedures, or from explicit understandings established for the course or through the course syllabus, which is the de facto contract for course objectives, requirements and expectations).

DEFINITIONS

An **academic complaint** is based on dissatisfaction with a department, service, process, person, or University administrative action. Examples: *I do not understand how my grade was calculated or I was absent from class, but it was excused athletic absence, or I do not think the timeline of the policy was followed, etc.* These matters can often be resolved through an informal discussion.

An **academic grievance** is more serious in nature. Grievances occur when there is a violation of policy. Examples: *The grading standard in the syllabus was not followed or the written academic policy was not followed or unfairness in the application of policies (e.g., accusation of plagiarism or cheating).*

A **Formal Complaint** refers to all academic complaints and academic grievances adjudicated using the same resolution process described below, upon receipt of an Academic Grievance Form.

The **UG/GR Designee** is the appropriate administrator in the Office of Academic Affairs (OAA). Undergraduate (UG) students will send to the academic officer in charge of UG; Masters or Doctoral students will send to the academic officer in charge of graduate (GR) issues.

The **OAA Administrator** is the Provost/Vice President of Academic Affairs or designee. The OAA Administrator will not be the same administrator as the UG/GR Administrator in the resolution process described below.

PROCEDURES

Process to Resolve an Academic Complaint or Grievance

Step 1: Discussion with the Faculty Member/Academic Advisor

Students are encouraged to attempt to resolve a problem whenever possible by discussing it with whom they are having the academic concern. Requesting an appointment with them to discuss the matter in a calm and professional manner is always the first step to trying to resolve

a dispute. It may be possible to resolve the concerns without the need for formal institutional action. It is the goal of the University that any disagreements be discussed and resolved in a professional manner.

Depending on the type of academic concern, the student should address the matter by contacting the following persons within five (5) business days^[1] of the event, given rise to the complaint, pending extraordinary circumstances:

- A. If the issue involves a faculty member, the student should discuss their concern with them as soon as an incident of perceived unfair treatment occurs.
- B. If the complaint is against a department policy, the student should seek resolution of a complaint by talking with their academic advisor.

If after discussing it, the issue or problem still exists, the Student should proceed using Step 2 of the SACGP resolution process.

Step 2: Formal Complaint Meeting with Department Chair or UG/GR Designee

The student must have completed the first step above prior to submitting a Formal Complaint.

- A. Students must submit their Formal Complaint using the electronic [Academic Grievance Form](#) to AcademicAffairs@ollusa.edu within five (5) business days of becoming aware of the alleged violation or final attempt to resolve the issue.
 - If the Formal Complaint is against a Department Chair that the student attempted to resolve the issue with for Step 1, the student will submit the form and meet with the UG/GR Designee for Step 2.
 - Students must submit all Formal Complaints using the designated form described above unless it involves safety issues that require an immediate action or response. In any circumstance where safety is a concern, the student should immediately contact the University Police Department at 210-433-0911, or the nearest law enforcement agency.
 - **Note:** Where extenuating circumstances may justify beginning an investigation on the basis of receiving information (oral or written) before a student completes an Academic Grievance Form, the Department Chair or UG/GR Designee will prepare a written statement setting forth the details of the Formal Complaint and send such written statement with a specified deadline for the student to return with their verification of the allegations and signature. Receipt of this verification and signature will be required for the resolution process to continue.
 - All records will be treated as confidential and shared only on a need-to-know basis, including as necessary to investigate or resolve the concern.

- B. The Department Chair or UG/GR Designee will meet with the student and the faculty member/academic advisor to attempt to resolve the complaint. It is recommended that the Department Chair or UG/GR Designee meet with the Program head or Program Director where applicable. This should occur within five (5) business days of the meeting request. **Adhering to the University's core values, the intent during this step is to maintain open communication between the student and the faculty member/academic advisor.** The faculty member/academic advisor may provide written comments as an attachment to the complaint form prior to or during the meeting.
- C. If there is a resolution at the meeting with the Department Chair or UG/GR Designee, the process ends at this level. The outcome of this meeting will be summarized by the Department Chair or UG/GR Designee and sent to all parties within two (2) business days of the meeting.
 - A copy of this summary will be kept in a secured electronic department file.

In the event that a resolution is not agreed upon in Step 2, the student has five (5) business days to file a Formal Complaint appeal upon receipt of the Formal Complaint Meeting Summary.

STEP 3: FORMAL COMPLAINT APPEAL MEETING WITH ACADEMIC APPEALS PANEL

The student must have completed the two steps above to resolve a Formal Complaint prior to filing an appeal.

- A. A Formal Complaint Decision Appeal (Appeal) must be submitted in writing through the [Report It](#) site.
- B. The OAA Administrator will convene an Academic Appeals Panel (Panel).
 - The Panel shall include at least three faculty from the pool of faculty who have been voted on by their peers for the academic year, and one of these, from the same department as the faculty being complained about, unless the OAA Administrator determines that there is a conflict of interest. If possible, the three faculty will be selected from each of the three schools/colleges. The OAA Administrator will appoint one of the faculty to chair the meeting (Faculty Chair).
- C. The Panel shall meet with the student^[2] and the initial faculty member/academic advisor involved in Step 1 within ten (10) business days of receipt of the student's Formal Complaint appeal to clarify the relevant facts and perceptions in the matter as described in the student's written statement. The Panel is empowered to hear both sides of the matter, to examine all relevant documents and evidence held by either the student or the faculty member/academic advisor, to bring the student and the faculty member/academic advisor together (in person or through electronic communication tools) for further clarification, discussion and negotiation, and to suggest possible

compromises or other remediation of the issue. The Panel may also meet with the Department Chair/Program head or Program Director, or UG/GR Designee involved in Step 2 as needed.

- D. If the Formal Complaint is about a Departmental Policy, the Faculty Chair should provide a written copy of the appropriate policy and where the information can be found. In the event of an inconsistency between a provision in a college or departmental policy and a provision in a University policy, the University policy shall prevail.
- E. The Panel shall report its findings and recommendations to OAA Administrator within two (2) business days of the meeting.
- F. The OAA Administrator makes a decision on the matter. The OAA Administrator's decision shall be communicated in writing to the student and the faculty member/academic advisor and the Panel members within three (3) business days of receiving the findings and recommendations from the Panel meeting being held.
- G. The OAA Administrator's decision is final and there is no further appeal to another administrator or office. **Communication of the decision ends institutional due process on the Formal Complaint.**
 - If the Formal Complaint involves an individual assignment grade or a final grade, the OAA Administrator may ask the instructor to change the grade only in cases involving a procedural error in the conduct of the course or due to evidence of unfair treatment.
 - Records of the OAA Administrator's decision shall be kept in a file separate from the faculty permanent file in the OAA Office.

KNOWINGLY FILING A FALSE COMPLAINT

Knowingly filing a false complaint is a violation of University policies. Such conduct may result in corrective action up to and including separation from the University. Such allegations will be referred to the appropriate University official(s).

RETALIATION IS PROHIBITED

Retaliation includes but is not limited to any behavior, adverse action, treatment, or condition that intimidates, threatens, coerces, discriminates against or is taken against a person for the purpose of interfering with their rights under the SACGP or otherwise participating under the SACGP. Retaliation against any Complainant under the SACGP or against any person who assists a student in their pursuit of a Formal Complaint under the SACGP is prohibited. The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under applicable University policy does not

constitute Retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Any student who believes they have been subjected to Retaliation should immediately [submit a report](#) to the VPSA (or designee). Employees may contact [Human Resources](#) to submit a report.

ACADEMIC FREEDOM

The SACGP is not intended to inhibit or restrict academic freedom and shall be interpreted in a manner that is consistent with the [Academic Freedom Policy](#). In the event that a student has a complaint regarding the content of an academic course, the manner in which it is being taught, or speech that takes places within the academic setting, the entire context of the complaint will be considered to ensure that issues more appropriately characterized as "academic freedom" are not being investigated as a violation of University policy. The fact that speech takes places within an academic setting is not automatically characterized as allowable pursuant to "academic freedom;" however, instructors have leeway to discuss or allow discussions regarding potentially controversial or uncomfortable topic that are related to the subject matter being taught.

RECORDS RETENTION AND PRIVACY

Documentation of informal discussions, if any, will be kept on file with the faculty member/academic advisor. If a Formal Complaint is filed, such documentation will be submitted to the appropriate administrators as specified in this Procedure. Complaint and grievance records are maintained by the OLLU Academic Department Chairs and Office of Academic Affairs as specified in the SACGP. The University will retain complaint/grievance records in accordance with the OLLU Records Retention Schedule, unless required to retain the records for a longer period of time by law or University policy.

Records gathered as part of the SACGP are considered educational student records and, therefore, are protected by the Family Educational Rights and Privacy Act (FERPA). OLLU maintains confidentiality of the documentation materials and other information gathered in the process of resolving complaints and grievances in compliance with FERPA.

ACCOMMODATIONS DURING RESOLUTION

OLLU is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to OLLU's resolution process. Anyone needing such accommodations or support should contact the [Accessibility Services Office](#) for student requests. Employees may contact [Human Resources](#) for employee requests for assistance.

REFERENCES

[University Nondiscrimination Policy](#)

[Statement Against Retaliation](#)

[Non-Academic Complaint and Grievance Procedures](#)

[Accessibility Services Statement](#)

[Title IX Sexual Misconduct Grievance Procedures](#)

[Student Code of Conduct](#)

APPENDIX

[Academic Grievance Form](#)

^[1] Business day is defined as a day in which the University is in full operation, excluding Saturday and Sunday.

^[2] The student may choose to bring a support person to the meeting. The role of a support person is to observe and provide support, but they may not actively participate in the conversation. If the student's support person is also a lawyer, the Faculty Chair shall notify the OAA Administrator and postpone the meeting until the OAA Administrator can consult with University counsel and advise the Panel and/or chair the meeting.

Document History

Approved: Faculty Assembly, May 2022

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