

Department of Mathematical Sciences
Academic Grievance Procedures for Undergraduate Students

The following grievance procedure is a two-stage process to resolve alleged unfair grading procedures or alleged unfair disciplinary actions taken by a faculty member against a student, or other matters not already addressed by existing grievance procedures (cf. Appendix). The first stage is comprised of several INFORMAL STEPS designed to reach mutual agreement between the parties. In the second stage, FORMAL STEPS are undertaken in which the complaint is reviewed by a GRIEVANCE COMMITTEE.

I. Informal:

A. The grievant should attempt to find satisfaction first by discussing the matter with the faculty member involved.

B. If no mutually agreeable resolution is reached during stage I A, the grievant may seek mediation through the Department Chair (or the Undergraduate Director, who may serve as the Chair's designee). To avoid a conflict of interest, the respondent should not serve as the mediating agent. The Undergraduate Director may serve as the mediating agent in order to avoid such a conflict.

C. When complaints and concerns are resolved through the informal process to the satisfaction of both the grievant and the respondent, the department shall keep the original of any written agreement signed by both parties. Any written materials that may have been part of mediation may be destroyed.

II. Formal:

A. Filing a Grievance:

- If the above-mentioned informal procedures do not result in a resolution, the grievant may file a formal written complaint, submitted to the Department Chair (or Undergraduate Director if the Chair is respondent.)
- A formal complaint must be filed before the end of the semester following the semester during which the incident being grieved occurred. Summer and winter terms do not count as semesters.
- Within ten working days of the receipt of the written complaint, the Chair (or designee) will forward a copy of the formal complaint to the respondent(s), and may forward a copy to the Associate Dean for Academic Affairs (or Dean's designee). The Chair also forwards copies to the members of the Grievance Committee along with a request that they convene a meeting.

B. THE GRIEVANCE COMMITTEE:

1. Normally, it operates during the academic year semesters and, thus, not during summer and winter breaks. Thus, that defines the convening days for the committee,

- unless the committee and the parties involved agree otherwise.
2. It is appointed on a case by case basis to avoid conflict-of-interest. Conflict-of-interest refers to individuals who are related or married to the parties in the dispute, or to individuals who may be involved in the dispute.
 3. The committee is composed of three faculty and two undergraduate students. Faculty members are selected by the Department Chair (or designee) and should be chosen from members of the Undergraduate Committee whenever possible. Student members are selected by the Undergraduate Math Club. Normally, the Chair of the Department (or designee) determines the chair of the committee, but the chair may have the committee determine its chair from the faculty membership.
 4. The Committee Chair will schedule a hearing within ten working days from receipt of the complaint, at a time which does not preclude the attendance of either party and provide all parties at least five working days notice of the hearing date. Both parties are expected to accommodate the committee as much as possible so that the hearing can be scheduled in a timely way. Both parties must indicate, in a timely way, their attendance at the hearing, or that they voluntarily choose not to attend the hearing.

C. The Hearing:

- The grievant and the respondent have the right to challenge the impartiality of any member of the committee. The other members of the committee shall decide by secret ballot whether that member shall be disqualified for that hearing. The grievant and the respondent have the right to bring one University student, faculty or staff member (who is present in a non-participating capacity) to the hearing.
- A quorum shall consist of a majority of the members of the Grievance Committee, with the provision that at least one faculty and one student be present.
- Both parties shall be present during the hearing and may participate in Parts One and Two of the hearing. If either party is not present and there is reasonable doubt as to whether the notification of the hearing was received, the hearing should be postponed and a second notification should be made. At the beginning of the hearing, the Chair should introduce all those in attendance, ask if anyone has questions about procedures, and assure both the grievant and respondent that each may participate at the hearing and that the hearing will not conclude until they are both satisfied that they have had ample opportunity to speak; but if the hearing has been in progress for more than one hour, and one party is still not satisfied that he or she has had an ample opportunity to speak, the discussion may be ended if the Committee members unanimously agree that all parties have had an opportunity to present their cases and that the relevant issues have been appropriately vetted.
- The hearing shall consist of at least two parts:
 1. The initial presentation of the grievance by the grievant, followed by discussion focused on the grievance.
 2. The presentation of the respondent's response to the grievance, followed by discussion focused on clarifying the response.

- A record of the hearing will be made with sufficient particularity to allow for review by the Associate Dean of Academic Affairs, but a verbatim record is not required. This record may be released to the student and instructor involved in the case.

D. Deliberations and Recommendation of the Grievance Committee:

- The deliberations of the Committee will take place after the hearing and shall be put in the form of a written recommendation to the Chair (or the Chair's designee if appropriate) of the department. The decision regarding the recommendation will be based on an open vote by all members of the Committee in attendance. The recommendation shall be based on a vote of the majority of the members present. Those members of the Committee who do not concur with the majority decision have the right to append a minority report to the recommendations.
- In order to ensure a free and fair discussion, deliberations of the committee will occur *in camera*. No one other than committee members shall be present during deliberations, and no new evidence may be introduced at that time. The Chair of the Committee shall provide the Department Chair a summary of the Committee Board recommendation and its rationale.
- Within five working days of the hearing, the Committee Chair will send a written report of the Committee's recommendation to the Chair of the department. The Department Chair will make his/her decision, and within 10 working days after receipt of the Committee's recommendation, shall notify all parties, including the Associate Dean for Academic Affairs. This written decision will include a description of the appeal process.
- Within twenty working days of notification of an action at the department/program level either party may appeal to the Associate Dean for Academic Affairs (or Dean's designee). The Associate Dean may establish an ad hoc committee to hear the appeal. For undergraduate students, the Associate Dean (or Associate Dean's designee) shall serve as the second and final level of appeal.

APPENDIX

Categories of Grievances at Binghamton

I. NON-ACADEMIC:

“The University conduct system handles charges brought against any University student or student organization for alleged infractions of the *Code of Student Conduct*. In addressing charges, it is the responsibility of the hearing body to determine whether the alleged behavior constitutes a violation of the *Code of Student Conduct*... Allegations of misconduct must be submitted in writing to the appropriate administrative office (community administrator for residential life cases, director of the Office of Student Conduct for other cases). Sufficient information is required to support an allegation of misconduct before the request for charges is accepted.” [Code of Student Conduct, Section IV, “Code of Student Conduct Procedures.”]

II. CONTRACTUAL:

Faculty/Professional and Classified Staff Grievances: All Union agreements provide the procedure for grieving disputes concerning the interpretation, application or claimed violation of a specific term or provision of the contract, as well as for a claim of unjust discipline.

III. DISCRIMINATION:

Binghamton University has adopted the discrimination complaint procedure established by the State University of New York for "investigation and resolution of allegations of unlawful discrimination on the basis of race, color, national origin, religion, age, sex, disability, marital status, or sexual orientation." The Affirmative Action office handles these complaints. Initial claims of discrimination may be handled in the department. However, formal charges of discrimination should be directed to the Affirmative Action Office. [SUNY Discrimination Complaint Procedure, Document 6501.]

IV. ACADEMIC:

- A. Academic Dishonesty: The University’s academic honesty policy is articulated in the Student Academic Honesty Code, which is printed in the *University Bulletin*. This code is implemented and enforced by the Colleges. The Harpur College Academic Honesty Committee oversees academic honesty procedures, as well as the investigation of honesty infractions in Harpur College courses.
- B. Professional Standards Committee: This Faculty Senate Committee is charged to: “1) in cases which are not matters of grievance of discipline under provisions of the Collective Bargaining Agreement, to consider all sides of issues involving professional conduct, and to seek a resolution or to recommend appropriate action to assure high standards of professional conduct” [Faculty By-Laws, Appendix, Title B]
- C. Student Discipline Inside the Class: “Any instructor may exclude from attendance any student who, in the instructor's judgment, has seriously impaired the class's ability to achieve the objectives of the course. On the other hand, disciplinary action by a faculty member that the student considers arbitrary or unjust may be appealed. Schools and departments have established

procedures for student grievances.” [Faculty-Staff Handbook, Article VII, Title B, “Student and Classroom Discipline.”]

- D. Complaints Concerning Grades: “If a student has a complaint about a grade or other academic grievance, the first step is to talk to the instructor involved. If the matter is not settled satisfactorily, the student should contact the department chair or division director about the complaint and submit the complaint through the formal grievance procedure established by the department. The department decision may, if the student still feels aggrieved, be appealed to the appropriate dean.” [Faculty-Staff Handbook, Article VII, Title C.11.]