

**Southern Illinois University
School of Law**

Rules Relating to Grievances and Complaints

[excerpted from School of Law rules for AY 2018–19]

Rule III.3(g) — Student Grievances of Grades

- (g) Student Grievances of Grades. Individual student grades, the content of examinations and other assessments, and the internal control and conduct of a particular course are considered matters within the academic judgment of the faculty member. The person best able to evaluate the student’s performance is the faculty member who taught the course, because evaluation is affected by participation in the course, by the course objectives, by the materials covered in the course, by the method of presentation, and by reference to the general performance of the students in the course as a whole. A student may only file a grievance about a final course grade awarded to the student and only according to the following standards and procedures.
- (i) Standard for a Grade Grievance. In order to prevail in such a grievance, a student must prove by demonstrable evidence that the grade was awarded due to prejudice or arbitrary and capricious conduct by the faculty member. A grade grievance may not be based solely on a claim that the faculty member exercised allegedly erroneous academic judgment—e.g., a student may not file a grievance that complains that the class standards were too high, the course load was too heavy, the grades were too low, too much (or too little) weight was allocated to a particular exercise, question, or examination, etc.
- (ii) Meeting with Faculty Member. Before filing a written grievance, the student must make reasonable efforts to meet with the faculty member to discuss the grade.
- (iii) Filing of Written Grievance; Deadline to File. If the matter is not settled during the meeting with the faculty member or if the faculty member fails to meet with the student after the student has made reasonable efforts to schedule a meeting, the student may file a written grievance with the Associate Dean. The written grievance must allege that the grade awarded was the result of prejudice or arbitrary and capricious conduct by the faculty member and must include the evidence reasonably available to the student which the student believes substantiates that allegation. Absent compelling circumstances, the written grievance must be filed with the Associate Dean no later than the first Monday in April with respect to a grade awarded in a course held in the preceding fall semester and no later

than the first Monday in November with respect to a grade awarded in a course held in the preceding spring semester or summer session.

- (iv) Associate Dean's Determination; Dismissal or Referral to Academic Standards Committee. If the Associate Dean determines that the student's written grievance creates a reasonable suspicion that the faculty member awarded the grade as a result of prejudice or arbitrary and capricious conduct, the Associate Dean shall refer the matter to the Academic Standards Committee ("the Committee"). If the Associate Dean determines that the student's written grievance does not create reasonable suspicion that the faculty member has given a grade as a result of prejudice or arbitrary and capricious conduct, then the Associate Dean shall dismiss the grievance without further right of appeal in the law school. The Associate Dean shall make such determination no later than ten days after the date on which the written grievance was filed with the Associate Dean.
- (v) Committee Investigation. The Committee shall make an appropriate investigation into the circumstances surrounding the award of the grade and shall provide an opportunity for the grievant and the faculty member to present relevant evidence; provided, however, that neither the grievant nor faculty member is entitled to have counsel or other representative present at any hearing or other proceeding that the Committee may conduct.
- (vi) Committee Report. The Committee shall submit a written report to the Dean not later than 60 calendar days after the date on which the Associate Dean referred the grievance to the Committee, unless the Dean shall grant the Committee's request for additional time for good cause shown. The report shall contain: the Committee's findings of relevant facts; the Committee's conclusion whether the faculty member assigned the grade as a result of prejudice or arbitrary and capricious conduct; and, if the Committee recommends a decision in favor of the grievant, the remedy to be awarded to the grievant. The Committee may include in the report any additional materials it deems relevant.
- (vii) Dean's Decision. The Dean shall defer to the Committee's findings and may reject those findings only if they are not clearly supported by the evidence. If the Dean determines a grievance in favor of the grievant, the Dean shall award the remedy recommended by the Committee, unless the Dean concludes that the remedy is impracticable or inconsistent with University policy, in which case the Dean shall award an appropriate remedy. If the remedy awarded would cause the grades for the course to violate the mandatory median rule or any other law school rule relating to grades, the Dean shall have the authority to allow a deviation from the mandatory median rule or other rule. The Dean shall make such

determination no later than ten days after the date on which the Dean received the Committee's report. The Dean's determination may not be further appealed in the law school.

- (viii) If a student files a grievance against a faculty member who at the time is serving as the Associate Dean, the Dean, or a member of the Committee, then the Associate Dean (or the Dean if the Associate Dean is the faculty member involved) shall appoint another faculty member to act in connection with the grievance.

Rule V.4 — Student Complaints Concerning the Program of Legal Education

- 4. Student Complaints Concerning the Program of Legal Education [added 12/2/11]
 - (a) The School of Law is accredited by the American Bar Association, which issues Standards for the Approval of Law Schools. Any student who wishes to allege a significant problem that directly implicates the School of Law's program of legal education and compliance with the ABA's Accreditation Standards should file a written complaint with the Associate Dean.
 - (b) The written complaint filed pursuant to (a) must identify the behavior, program, process, or other matter that is the subject of the complaint and should explain how the matter implicates the School of Law's program of legal education and its compliance with a specific, identified ABA Standard(s) in sufficient detail to permit the Associate Dean to investigate the matter. The complaint must include the student's contact information, including name, home and email addresses, and phone number.
 - (c) Within three weeks after the written statement is received by the Associate Dean, the Associate Dean shall advise the student in writing of any action the School of Law is taking to address the matter or any further investigation into the matter.
 - (d) Within ten days of being advised of any action the School of Law is taking to address the matter, the student may appeal that decision to the Dean. The decision of the Dean shall be final.
 - (e) A copy of the complaint and a summary of the process and resolution of the complaint shall be kept in the office of the Dean until the next ABA Sabbatical Site Evaluation.

Rule V.5 — General Grievance Procedure for Students

5. General Grievance Procedure for Students [amended 12/2/11]

Except for cases governed by specific grievance procedures, such as grade grievances under Rule III.3(g) and complaints regarding the program of education under Rule V.4, the School of Law Honor Code, the SIUC Student Conduct Code, and any other University policies generally applicable to law students, the following general grievance procedures shall be abided by:

- (a) Student Bar Association. Initially, students with any grievance relating to the School of Law of whatever nature may, at their option take such a grievance to the governing board of the Student Bar Association so that organization may attempt to effectuate an informal resolution of the grievance.
- (b) Associate Dean. Should such an informal resolution fail, or should the student elect not to consult the Student Bar Association, then the student shall present the grievance to the Associate Dean for decision.
- (c) Dean/Committee. The student, as of right, may appeal the decision of the Associate Dean, to the Dean, who may, at his or her option, appoint an ad hoc committee to advise him/her or refer the matter to a standing committee, as appropriate.
- (d) Faculty. The student may appeal the decision of the Dean to the full faculty who shall serve as the ultimate arbiters of the matter.
- (e) Formal Complaint. At no stage in this general grievance procedure will the student be required to file a formal complaint or petition unless such a complaint or petition is requested by the Associate Dean, Dean, committee or full faculty.