

Policy and Procedures on Grievances by Graduate Students in the Department of Food Science and Human Nutrition

The University is committed to learning and research, and hence is committed to truth and accuracy. Integrity and intellectual honesty in scholarship and scientific investigation are, therefore, of paramount importance. Any practice or conduct by a member of the University community that seriously deviates from those ethical standards for proposing, conducting and publishing research that are commonly accepted within the professional community constitutes academic misconduct in violation of University policy. Academic misconduct includes, but is not limited to:

- A. Fabrication or falsification of data, including intentionally misleading, selective or deliberately false reporting of credentials information.
- B. Unacknowledged appropriation of the work of others, including plagiarism, the abuse of confidentiality with respect to unpublished materials, or misappropriation of physical materials.
- C. Evasion of, or intentional failure to comply with research regulations or requirements, including but not limited to those applying to human subjects, laboratory animals, new drugs, radioactive materials, genetically altered organisms, and standards of safety.

Differences of interpretation or judgement, or honest error, do not constitute academic misconduct.

Any member of the University community who becomes aware of an apparent instance of fraud or other academic misconduct relating to research or scholarship has the responsibility to try to resolve this issue, if possible, in consultation with those directly involved. If consultation is inappropriate or unsuccessful, it is incumbent upon the individual to report the suspicious circumstances to the department head (or comparable administrator) of the unit concerned, or to the person appointed by the vice chancellor for research as the research standards officer.

The unit executive officers, deans, other administrators involved, and the entire academic community are charged with protecting the academic careers of persons who have in good faith reported possible fraud or misconduct in scholarship or research.

Graduate students are expected to adhere to the highest standards of academic integrity in all areas of their training. Typical areas in which graduate students have concerns about infractions of academic integrity (called academic misconduct) include honesty in the classroom and laboratory, fabrication or falsification of data, plagiarism, lack of compliance with research regulations, allocation of credit, authorship of publications and priority of discovery. Plagiarism is often a sensitive issue because many other nations do not have the same legal restrictions as the U.S. on the unacknowledged use of the work of others. Questions on academic integrity should be directed to your advisor.

You are responsible for knowledge of, and compliance with, University of Illinois policies on academic integrity. Policy and Procedures on Academic Integrity in Research and Publication (<http://www.uiuc.edu/unit/vcres/ai/>) describes University policy and prescribes procedures for fact finding and adjudication of allegations of academic misconduct. Although it focuses upon deterring and penalizing unacceptable conduct, its purpose is to promote compliance with the highest scholarly standards.

Background reading on issues of academic integrity is highly recommended to all graduate students and faculty advisors. Discussion of academic and research standards between graduate students and their advisors is strongly encouraged. A good starting point is *On Being a Scientist*, published by the National Academy of Science, National Academy Press, 2101 NW Constitution Ave., Washington, D.C.

I. Introduction

All Members of the University community are expected to observe high standards of professional conduct and ethical behavior in graduate education and in the supervision of graduate research and teaching (Guiding Standards for Faculty Supervision of Graduate Students, March 31, 1997). In a large and heterogeneous scholarly community, however, problems may rise. Thus the University articulates its policies and provides effective informal and formal procedures for resolving these problems involving graduate students.¹¹

The purpose of this policy is to protect the interests of graduate students in Food Science and Human Nutrition (FSHN) by providing informal and formal means of seeking resolution in case of an inappropriate action of a member of the faculty or administrative staff, or an inappropriate application of a department policy. Any graduate student in FSHN may informally pursue or formally file a grievance when she or he believes that a decision or behavior adversely affects his/her status as a graduate student.

This policy and procedures on grievances by Graduate Students in FSHN specifies the policy and describes the procedures to be employed to resolve grievances by graduate students in this department. The Graduate College approved it on May 17, 1999. This policy does not apply in cases of academic misconduct. Breaches of academic integrity in research and publication are handled under the campus's Policy and Procedures on Academic Integrity in Research and Publication. Similarly, this policy does not apply to cases that arise under the Code of Policies and Regulations Applying to All Students (Code) such as capricious grading in a course (Section 26) or academic integrity (Section 33).

II. Scope and Coverage

¹ The policies and procedures described in this document do not override or supersede any other policies as established in the University statutes and campus policies. For more information, see the *Handbook for Graduate Students and Advisors*.

A. Definition of a Grievance

A grievance may arise when a graduate student believes that an incorrect or inappropriate decision or behavior has adversely affected his/her status as a graduate student or University appointment, based on student status. Examples include, but are not limited to the following:

1. inappropriate application of a department of University policy;
2. being unfairly assessed on a preliminary examination;
3. being required to engage in excessive effort on assistantships;
4. being improperly terminated from student-based University appointment (teaching or research assistantships, etc.);
5. being improperly terminated from a program;
6. being required to perform personal services unrelated to academic or assistantship duties;
7. being required to meet unreasonable requirements for a graduate degree that extend the normal requirements established by the campus or by the department and are inconsistent with the scholarly standards in the discipline;
8. being the subject of retaliation for exercising his/her rights under this policy; or
9. being the subject of professional misconduct by a student's graduate supervisor or other faculty or staff member.

Practices or actions by a student's supervisor, other faculty member or other member of the University community that seriously deviate from ethical or responsible professional standards in the supervision of graduate student work may constitute professional misconduct in violation of University policy.

III. Informal Procedures

University policy strongly encourages all students who believe they have a grievance to use all appropriate avenues for informal resolution before initiating a formal grievance. Students in Food Science and Human Nutrition are encouraged to discuss the issue with the faculty or staff member with whom the problem has arisen. If a satisfactory solution is not forthcoming, the student should discuss the issue with his or her adviser, the director of graduate studies, or the head of the department, who shall attempt to find a resolution acceptable to both parties. The student may also consult with the Graduate College, the Office of the Dean of Students, the Ombuds Office, the Office of International Student Affairs, or other sources.

IV. Formal Procedures

A. Identification of the Grievance Committee

Annually, the head shall appoint three members of the faculty, and two graduate students shall be selected by the graduate students to serve on the grievance committee. The graduate student grievant may request that there be no graduate students on his or her grievance committee.

The committee shall elect a chair from among its faculty members. The head will designate a chair pro-tem to call the first meeting. The chair is responsible for assuring that a record of the committee's investigations, deliberations, and recommendations is forwarded to the head.

B. Procedures

1. A student in FSHN may file a formal grievance with either the department head or directly with the Graduate College as the student elects. A formal grievance should be filed promptly and must be filed in writing within 180 calendar days of the decision or behavior resulting in the grievance, regardless of whether the department procedure or Graduate College procedure is used. The written grievance should indicate the parties involved, the action or decision being contested, any applicable university, campus or unit policy, an explanation of why the action or decision is inappropriate, and the remedy sought.
2. The head shall define the subject matter and scope of the issues related to the grievance in a written charge to the grievance committee. The primary involved parties shall receive a copy of the charge.
3. Any participant to the grievance may challenge any member of the grievance committee if there is a perceived conflict of interest. The challenge shall be made in writing to the head of the department. If the objection is prompt and reasonable, the head shall replace the person with one who meets the stated criteria. The decision of the head as to whether the challenge is prompt and reasonable as to the acceptability of the replacement selected may be a basis for appeal of the grievance committee's recommendation.
4. The grievance committee's investigation shall include review of written materials presented, and information from the primary parties in writing or in person. During a hearing, each of the primary-involved parties may make a brief opening statement, then respond to questions from the committee. The primary-involved parties may not question each other directly, but may pose questions through the committee chair. At the end of the hearing, each primary involved party may make a closing statement.
5. Within 30 calendar days of the grievance filing, the chair of the grievance committee shall report its recommendations in writing to the department head. The head may grant an extension of the time limit for good cause. The grievance committee's report shall contain:
 - a. a summary of the grievant's contentions and relief sought;

- b. the response of the individual or department against whom/which the grievance was filed;
 - c. a general description of the investigative process;
 - d. a citation of relevant policies;
 - e. an explicit finding of fact based on the preponderance of the evidence with respect to each grievance included in the grievance committee's charge;
 - f. a listing of the evidence relevant to each finding;
 - g. an indication of whether there was a reasonable basis in fact and honest belief for the allegations in the investigated grievance;
 - h. a recommendation of appropriate re-dress for the grievant(s); and
 - i. Any recommended changes in policies and procedures to minimize the probability of recurrence.
6. Within seven calendar days of receipt of the committee's report, the head shall determine the disposition of the case and communicate the decision to the primary-involved individuals.
 7. If the head determines that the grievance has not been proved nor has merit, the head will notify all involved parties and all persons who have been interviewed or otherwise informed that the grievance has been dismissed.

If the head concurs with the committee's conclusion that the grievance has been sustained and has merit, the head will proceed in accordance with the University statutes and relevant University rules and regulations. The head may, after consultation with appropriate campus officers, prescribe redress for the grievant. In addition, the head may initiate modifications of department policies or procedures. The head shall notify the relevant primary involved individuals (grievant, respondent, grievance committee members) of actions taken.

Within ten calendar days of receipt of written notification of the head's determination, appeals may be made to the Graduate College as specified in the Graduate College Grievance policy. This appeal can be based only upon demonstrated specific deficiencies in the application of this department grievance procedure to the student's grievance.

8. After completion of a grievance review and all ensuing related actions, the head shall return all original documents and materials to the persons who furnished them. The department shall destroy the grievance file on a date five years beyond the grievant's time limit for completion of the degree. A report of the nature of the grievance and the primary involved parties shall be forwarded to the Graduate College.

V. General Provisions

A. Coverage

This policy and these procedures apply to all graduate students and members of the academic and administrative staffs in FSHN.

This policy also applies to former graduate students, provided they meet the timeliness requirements specified in the procedures above.

B. Oversight Authority and Responsibility

1. The head has responsibility, under the policies and procedures of the Graduate College, for the management of Department of Food Science and Human Nutrition graduate programs and related policies and procedures.
2. The head shall have the primary responsibility for administering campus procedures detailed herein. All information and items furnished will be made available to the grievance committee. During the course of an investigation, the head will provide information about the status of the proceedings to the primary involved individuals. Subsequent to the grievance committee's reporting, the head will maintain a file of all documents and evidence, and is responsible for the confidentiality and the security of the file. The head shall make the complete file available to the associate dean of the Graduate College on the appeal of a grievance outcome to the Graduate College.

C. Confidentiality

All persons involved in administering these procedures will make diligent efforts to protect the reputations, privacy and positions of all involved persons. These persons include those who file grievances, persons who are alleged in a grievance to have taken inappropriate actions or activities, and department administrators. All of the procedures and the identity of those involved should be kept confidential to the extent permitted by law. However, confidentiality regarding information other than the identity of the grievant need not be maintained. If the grievance is found to be false and in particular, if dissemination is necessary to protect the reputation of individuals or units falsely accused. Making public the fact that a grievance has been deemed false or unproved is not considered retaliation against the grievant. Protection of confidentiality does not preclude disclosures necessary to redress actions leading to a grievance.

D. Standards of Evidence

The grievance committee's decision shall be made on the preponderance of evidence standard. Any finding against an individual or department on the subject of the grievance must be supported by a preponderance of the evidence.

E. Academic Freedoms and Rights of the Parties

1. It shall be a prime concern of all persons who implement this policy and these procedures to protect the academic freedoms fundamental to the academic enterprise. Among other things, this includes the professional judgements of student performance that are an essential part of the graduate education process. Academic freedom, however, affords no license for the mistreatment of graduate students.
2. The rights of the primary involved individuals shall be specified in the form of a written notice or letter from the head. The primary involved individuals have the following rights:
 - a. To receive notice of the identity of the members of the grievance committee.
 - b. To receive a written statement of the charge including the subject matter being considered by the grievance committee. If additional information emerges during the committee's evaluation that substantially changes the subject matter, the parties shall be informed promptly in writing.
 - c. To submit statements in writing and to meet with the committee to present information.
 - d. To consult private legal counsel or another person who may provide advice at the meeting with the committee. Prior notice of the presence of an advisor must be given and any other primary involved party may request a delay of up to five calendar days to arrange for the presence of an advisor.
 - e. To review and respond to the grievance committee's final report.
3. Any of the parties responsible for the implementation of this policy may consult University Legal Counsel at any time during the informal or formal processing of a grievance.

F. Conflict of Interest

A conflict of interest is a significant professional or personal involvement with the facts or the parties to a dispute. Any participant, who has a conflict of interest in a dispute under this procedure, or a concern about a conflict on the part of another, shall report it to the head who shall take appropriate action. If the head has such a conflict, the head will inform the associate dean of the Graduate College who will, in consultation with the dean of the academic college, decide how to address the situation.

G. Timeliness and Procedural Changes

All procedures prescribed in this document should be conducted expeditiously. The head, for good cause may extend any of the time periods and may make other reasonable alterations of these procedures, provided that the alteration does not impair the ability of

a grievant to pursue a grievance of the respondent(s) named in the grievance to defend him/herself. Any alterations of these procedures must be communicated to all pertinent parties.

H. Withdrawal of a Grievance

The grievant may submit a written request to withdraw the grievance at any time. The head shall decide whether to approve the request. A request to withdraw shall be approved only if both parties to the action agree to terminate the proceedings. If the withdrawal request is approved, the head shall notify the primary-involved parties and the files shall be destroyed. If the withdrawal request is denied, the grievance shall continue to be processed to a conclusion according to the above procedures.

I. Termination of University Employment

The termination of University employment of any of the primary involved individuals in a grievance, by resignation or otherwise, after initiation of procedures under this policy shall not necessarily terminate these proceedings.

J. Malicious Charges

Bringing unfounded charges in bad faith is a violation of this and the Graduate College grievance policy. If the grievance committee determines that the allegation(s) in the grievance or the testimony of any person was unfounded and motivated by bad faith, the head to the dean of the Graduate College and the dean of the academic college shall communicate that finding. After consultation with the Provost, the deans may inform the head of such a finding. Such a finding may be the basis for disciplinary action or other personnel decision in accordance with University rules and regulations.

K. Procedures for Appeal for Infractions of Academic Integrity

Rule 33 of the Code on Campus Affairs and Handbook of Policies and Regulations applying to all students (the Code) covers infractions of academic integrity such as cheating or plagiarism. Sections III.A through III.D describe the procedures to be followed if an instructor feels a student is guilty of one or more infractions of academic integrity listed in Rule 33.

The student may appeal the finding or the penalty in these cases. The nature of the penalty determines who hears this appeal. This document only refers to cases heard at the departmental level. According to Section III.G.1, this occurs as follows:

For penalties less than a failing grade for the course, appeals of the finding and/or the penalty shall be heard within the department according to procedures established by the department. A copy of these procedures shall be available to the student in the department office. In no case shall this departmental appeal result in a harsher penalty than the one originally assessed by the instructor.

A. Appeal Procedure for the student

Section III.H indicates that the student wishing to appeal the allegation of an infraction and/or the penalty imposed should write to the departmental head within 15 days of notification of the right to appeal. Such notification should be received when the student was informed of the instructor's decision concerning the alleged infraction (Section III.D). Such an appeal may be made to the department head.

B. Appeals Procedures by the Department

1. Hearing Committee

The graduate student grievance committee will serve as the hearing committee (the committee) for such cases. If a member of the committee is the instructor who has imposed the penalty, a faculty member chosen from the graduate faculty by the department head will replace this individual. If the head has imposed the penalty, the graduate programs coordinator will make the appointment.

2. Preliminary Procedures

- a) The instructor will provide the committee chair with a copy of all the information provided to the student concerning this infraction and the penalty imposed.
- b) The student will be requested to provide the chair with a written statement explaining the basis for the student's feeling that the allegation was incorrect or the penalty unfair. Alternatively, the student may make a verbal statement to the chair. The student should realize that a verbal statement might not be as effective a presentation as a written statement.
- c) The committee will review these statements to see if a hearing is justified. If it is not felt that a hearing is justified, the penalty is upheld. The chair will inform the student and the department head of this decision. The department head will then inform the appropriate offices. If it is felt that a hearing is justified, the chair will request the instructor to respond in writing to the student's statement.

L. The Hearing

In general, the hearing will follow the guidelines used for appeals heard at the college level in cases where the penalty recommended is a failing grade for the course (see the Code).

1. The chair will schedule a hearing for the appeal and provide adequate notice to the student. Both the student and the instructor may be present throughout this session and may present any relevant evidence including testimony by other persons. This session will not be open to the public. Witnesses other than the student and the instructor may be excluded from the hearing during testimony of other witnesses.
2. The hearing is not intended to be adversarial, but fact finding. Formal rules of evidence shall not be applicable, but the hearing must be conducted so as to satisfy the requirements of due process.
3. At the close of the session, the committee will deliberate privately.
 - a. If a majority upholds the instructor's decision, it will stand and the student and the department head will be informed of the decision.
 - b. If a majority of the committee disagrees with the instructor's decision and recommends a milder penalty, they will inform the department head of this recommendation. (The committee may not recommend a harsher penalty.) The department head will inform the instructor of this decision.
 - i. If the instructor agrees, the penalty will be imposed.
 - ii. If the instructor disagrees, the department head and the instructor will try to reconcile this difference. If no agreement can be reached, the student will be permitted to withdraw from the course, but the record of the infraction will be forwarded as noted in the Code.
 - c. If a majority of the committee disagrees with the instructor's decision and concludes that the student is not guilty, they will inform the department head of this recommendation. The department head will then permit the student to:
 - i. be reinstated in the course and be given whatever grade the student is entitled to without regard to the charge of an infraction of academic integrity;
 - ii. withdraw from the course; or
 - iii. change sections in the course, if possible.
 - d. If the penalty imposed by the instructor is upheld or a different penalty imposed, the department head will then forward a record of the penalty imposed to the administrative unit responsible for the student as instructed in the Code.