

Policy and Procedures on Grievances by Graduate Students in the Department of Germanic Languages and Literatures

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 arise. Thus the University articulates its policies and provides effective informal and formal procedures for resolving these problems involving graduate students.

The purpose of this policy is to protect the interests of graduate students in the Department of Germanic Languages and Literatures 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 the Department of Germanic Languages and Literatures may informally pursue or formally file a grievance when s/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 the Department of Germanic Languages and Literatures* specifies the policy and describes the procedures to be employed to resolve grievances by graduate students in this department. It was approved by the Graduate College on June 27, 2000. 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). 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 *Graduate Study in Germanic Languages and Literatures* and the *Handbook for Graduate Students and Advisers*.

II. SCOPE AND COVERAGE

A. Definition of a Grievance

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

1. inappropriate application of a department or 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 Germanic Languages and Literatures 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 three members of the faculty shall be appointed by the head and two graduate students shall be selected by the graduate students to serve on the grievance committee.

The committee shall elect a chair from among its faculty members. The chair is responsible for assuring that a record of the committee's investigations, deliberations, and recommendations is forwarded to the Associate Dean.

B. Procedures

1. A student in the department of Germanic Languages and Literatures may file a formal grievance with either the department 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 should 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. The graduate student grievant may request that there be no graduate students on his or her grievance committee.

4. The grievance committee's investigation shall include a review of written materials presented and seek 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, and 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 filing of the grievance, 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 against whom or department against 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 investigation 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 redress for the grievant(s) and
- i. any recommended changes in policies and procedures to minimize the probability of recurrence.

6. Within 7 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. If the head determines that the grievance has not been proved or has no merit, the head will notify all involved parties and all persons who have been interviewed or otherwise informed that 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.

7. Within 10 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 5 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 the Department of Germanic Languages and Literatures. 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 Germanic Languages and Literatures 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 a 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 judgments 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 5 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 or 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, that finding shall be communicated by the head to the Dean of the Graduate College and the dean of the academic college. After consultation with the Provost, the deans may inform the head of such a finding. Such finding may be the basis for disciplinary action or other personnel decision in accordance with University rules and regulations.

Criteria for Analysis of Grievance Policies

Based on principles developed by the Grievance Procedure Task Force, May 1998

1. **Timeliness.** Grievance procedures should function in a timely manner. Time limits should be established for each step in the procedure.
2. **Built-in Advantages.** The grievance procedure should not contain any built-in advantages for either party. Both parties should be able to initiate a grievance (or have access to another policy for relief) and to appeal the finding of a grievance procedure. Each participant in the process should have an equal chance of prevailing.
3. **Nature of Grievance.** The policy should indicate the nature of grievances it handles. The grievance procedure should include a definition or characterization of the grievances covered.
4. **Representation.** The grievance procedure should state that each participant is entitled to support at each step of the process, including support offered by an attorney serving as an adviser.
5. **Explicitness.** The elements of each grievance procedure should be explicitly stated in writing. Elements, in addition to those listed elsewhere, to be included are:
 - * The person with whom or office to which the grievance is to be filed
 - * The administrator with authority over the procedure
 - * An indication of how the procedure is operated, that is, the steps to be followed
6. **Equal Rights.** The grievant should be given the right to file a grievance and present supporting evidence. The respondent should be informed of all charges and the evidence used to evaluate those charges. Both parties should have the right to be heard and to respond to each other at each step.
7. **Confidentiality.** The procedure should clearly indicate the process and should protect confidentiality to the extent possible.
8. **Informal Resolution.** An attempt to informally resolve the issue should be required before a filing of a formal grievance.
9. **Standard of Proof.** The procedure should state the appropriate standard of proof by which a decision is made. The policy may specify either the 'clear and convincing evidence' or the 'preponderance of evidence' standard.
10. **Appeals.** Both parties shall have the right to appeal. An appeal shall generally be based only upon demonstrated specific deficiencies in the application of an approved grievance procedure.

11. Conflict of Interest. The grievance procedure should protect against conflict of interest by decision-makers. The procedure should specify a way to assess whether a conflict of interest exists, and, if so, how to replace a decision-maker if a conflict of interest is detected.

12. Final Decision Point. The grievance should have, or should lead to, a final decision point after which the University no longer provides internal procedures for addressing the grievance.

13. Operational Changes. Grievances and grievance outcomes should be used to inform administrators of the need for changes of unit policies or procedures.