

POLICY AND PROCEDURES ON GRIEVANCES BY GRADUATE STUDENTS

**The Graduate College
University of Illinois at Urbana-Champaign
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I. INTRODUCTION

The purpose of this policy is to protect the interests of graduate students 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 departmental/unit policy.

Any graduate student 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. As specified by the Graduate College policy expressed in the *Guiding Standards for Faculty Supervision of Graduate Students* (March 31, 1997), 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. However, in a large and heterogeneous scholarly community, problems may emerge. Thus the University articulates its policies and provides effective informal and formal procedures for resolving these problems involving graduate students. 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 Advisers*.

This *Policy and Procedures on Grievances by Graduate Students* specifies the policy and describes the procedures to be employed to resolve grievances by graduate students. This policy does not apply in cases of academic misconduct such as breaches of academic integrity in research and publication that are handled under the campus's *Policy and Procedures on Academic Integrity in Research and Publication*, <http://www.uiuc.edu/unit/vcres/ai/>. 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

A. Definition of a Grievance

A grievance may arise when a graduate student believes that his/her status as a graduate student, including a 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:

- inappropriate application of a departmental or University policy;
- being unfairly assessed on a preliminary examination;
- being required to engage in excessive effort on assistantships;
- being improperly terminated from student-based University appointment (teaching or research assistantships, etc.);

- being improperly terminated from a program;
- being required to perform personal services unrelated to academic or assistantship duties;
- being required to meet unreasonable requirements for a graduate degree that extend the normal requirements established by the UIUC campus or by the department and are inconsistent with the scholarly standards in the discipline;
- being the subject of retaliation for exercising his/her rights under this policy; or
- 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 the formal grievance procedure described in Section IV below. Students should attempt to resolve their problems informally. Students may seek advice about how to address their situation from their advisors, their director of graduate studies, their unit executive officer, 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. Filing a Grievance

A student may elect to file a formal grievance with the student's department/unit, if the department has a written grievance procedure approved by the Dean of the Graduate College, or the grievance may be filed directly with the Graduate College. Students should be aware of differences between the Graduate College and departmental grievance policies. For example, some departmental grievance policies may permit the student to request that there be no graduate student representation on the grievance committee. The department/unit must annually report to the Graduate College the number of grievances filed under the departmental grievance procedure.

B. Graduate College Procedures

1. A student who chooses to take a grievance directly to the Graduate College shall meet with an Associate Dean of the Graduate College. The Associate Dean will review the record and, if appropriate, attempt to resolve the grievance through informal discussions or mediation. A formal grievance filed in the Graduate College must be filed in writing within 180 calendar days of the decision or behavior resulting in the grievance.

2. A party dissatisfied with the outcome of a department/unit grievance finding may appeal this decision to the Graduate College. An appeal must be filed in writing with an Associate Dean of the Graduate College within 30 calendar days of the date of the parties are in receipt of the departmental decision being appealed. This appeal can be based only upon demonstrated specific deficiencies in the application of an approved departmental grievance procedure to the student's

grievance. The Associate Dean will review the record and, if appropriate, attempt to resolve the appeal through informal discussions or mediation.

3. The Associate Dean will report to the Dean of the Graduate College the outcome of failed informal discussions and any mediation efforts and will provide copies of the grievance filed, the report of the department's decision, if any, and any other relevant materials to the Dean of the Graduate College. The Associate Dean will also inform the primary involved parties in writing of the filing and of the pending investigation. The primary involved parties shall include the student grievant, the respondent(s), and others determined by the Dean of the Graduate College. The Dean of the College or School in which the matter arose shall also receive a copy of the information. The Associate Dean shall explain to the primary involved individuals the obligation of full cooperation in providing information and materials relevant to the investigation of the grievance. The Associate Dean shall inform the primary involved individuals that unreasonable refusal to supply relevant materials or other uncooperative behavior violates this policy.

C. Investigation

1. The Dean of the Graduate College shall initiate a formal investigation to determine whether a grievance is valid and, if so, to recommend appropriate redress and actions to minimize the probability of recurrence. Within 10 calendar days of notification of the primary involved individuals that a formal investigation will be conducted, the Dean of the Graduate College, after consulting with the Associate Dean, shall appoint an investigation panel. The panel shall consist of persons who have no conflicts of interest with primary involved individuals or involvement with the policy in question, are unbiased persons of judicious temperament, and have academic backgrounds that qualify them to understand and judge the subject matter of the grievance. The panel will include a member of the Graduate College Executive Committee, one person from the unit in which the matter originated, and one faculty member and two graduate students from elsewhere in the University. The faculty member not from the unit in which the matter originated will chair the panel.

2. Any participant in the investigation may challenge any member of the panel on the ground that the person does not meet the criteria stated above by delivering a prompt, reasonable, written objection to the Associate Dean for transmission to the Dean of the Graduate College. If the objection is prompt and reasonable, the Dean of the Graduate College shall replace the person with one who meets the stated criteria. The decision of the Dean of the Graduate College whether the challenge is prompt and reasonable shall be final.

3. The Dean of the Graduate College shall define the subject matter of the investigation in a written charge to the investigation panel. For departmental grievance decisions appealed to the Graduate College, this charge may specify a *de novo* review of the merits of the grievance if the Dean determines that the grievance was not properly processed at the departmental/unit level. During the investigation, if additional information that substantially changes the subject matter of the investigation comes to the attention of the panel, the panel will notify the Dean of the Graduate College. The Dean of the Graduate College will determine whether the panel should continue its investigation with the original subject matter, or with up-dated subject matter; or whether to initiate a new investigation based upon the up-dated subject matter indicated by the panel.

4. The Associate Dean shall convene the first meeting of the panel to review the allegations, the report of the decision of the department or unit (if any), and the prescribed procedures. The Associate Dean should advise the panel about available and appropriate investigation methods, assure procedural compliance, and provide staff support to the panel.

5. The Associate Dean shall send copies of written materials submitted by any one of the primary involved individuals to all other primary involved individuals.

6. The investigation panel will normally conduct a hearing with all primary involved individuals present. During the hearing, each of the primary involved individuals may make a brief opening statement, and then respond to questions from the panel. The primary involved individuals may not question each other directly, but may pose questions through the panel chair. At the end of the hearing, each primary involved individual may make a closing statement.

D. Report of the Investigation Panel

1. Within 30 calendar days of its appointment, the Chair of the panel shall report in writing to the Dean of the Graduate College. The panel's report shall contain:

- a. a summary of the grievant's contentions and relief sought
- b. the response of the employee or department against whom 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 panel'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.

2. The panel's report shall be transmitted by the Associate Dean to the primary involved individuals who may submit written comments within 10 calendar days of receipt of the report. Any such comments shall be transmitted by the Associate Dean to the Dean of the Graduate College.

E. Action and Disposition of the Grievance

1. Within 20 calendar days of receipt of the panel's report, the Dean of the Graduate College shall determine what disposition to make of the case. The determination shall be promptly communicated to the primary involved individuals.

If the Dean of the Graduate College concludes that the grievance has not been proved, the Associate Dean will notify all involved parties and all persons who have been interviewed or otherwise informed of the charges that grievance has been dismissed.

If the Dean of the Graduate College concludes that the grievance has been sustained, the Dean of the Graduate College will proceed in accordance with the University Statutes and relevant University rules and regulations. The Dean of the Graduate College may prescribe redress for the grievant, recommend modification of policies, or recommend changes in the procedures for implementation of such policies. The Associate Dean shall notify the relevant primary involved individuals of actions taken.

2. Within 10 calendar days of receipt of written notification of the Dean of the Graduate College's determination, appeals may be made to the Provost on the sole question of whether the procedures prescribed in this document have been followed correctly. The appeal must be filed in writing and must specify the nature of the procedural error. The Provost shall issue a decision within 15 calendar days, either affirming or vacating the Dean of the Graduate College's determination in whole or in part based on whether fundamental fairness was denied.

F. Disposition of Grievance File

After completion of a grievance review and all ensuing related actions, the Associate Dean shall return all original documents and materials to the persons who furnished them. The Graduate College shall destroy the grievance file on a date 5 years beyond the grievant's time limit for completion of the degree. A record of the nature of the grievance and the unit in which it originated, without the names of the primary involved parties, may be retained.

G. Interim Action

At any time after a grievance has been filed and before final disposition of the case the Dean of the Graduate College, with the approval of the Provost, may take interim administrative action determined to best serve the interest of the grievant or other students in the same academic unit, to protect the best interest of the University, to preserve evidence, or to protect resources. Any interim action should create minimal interference with the regular activities of the primary involved parties.

V. GENERAL PROVISIONS

A. Coverage

This policy and these procedures apply to all graduate students of the University of Illinois at Urbana-Champaign. 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 Dean of the Graduate College has responsibility for graduate programs and related policies and procedures. The Dean of the Graduate College will designate Associate Dean(s) who will be primarily responsible for the observance of the procedures set forth herein.

2. The Associate Dean shall have the primary responsibility for administering campus procedures detailed herein. The Associate Dean will maintain a file of all documents and evidence, and is responsible for the confidentiality and the security of the file. All information and items furnished will be made available to any investigation panel that may be appointed. During the course of an investigation, the Associate Dean will provide information about the status of the proceedings to the primary involved individuals.

C. Confidentiality

The Associate Deans and all other 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 the administrators of the unit in which a matter originated. 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 investigation panel's decision shall be made on the "preponderance of evidence" standard. Any finding against an individual or department on the subject of 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 Associate Dean. The primary involved individuals have a right to:
 - a. Notice of the identity of the persons appointed to the panel.
 - b. A written statement of the investigation panel's charge that includes the subject matter of the formal investigation. If additional information emerges during the investigation that substantially changes the subject matter of the investigation, the parties shall be informed promptly in writing.
 - c. An opportunity to submit statements in writing and to meet with the panel to present information and respond to the subject matter of the investigation.

- d. The presence of private legal counsel or another advisor of choice at the meeting with the panel for the purpose of providing advice. Prior notice of the presence of an advisor must be given and any other primary involved party may request a delay of up to 7 calendar days to arrange for the presence of an advisor.
- e. An opportunity to review and respond to the panel's final report.

3. The Associate Dean 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 or administrator 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 Associate Dean. If the Associate Dean has such a conflict, the Associate Dean will inform the Dean of the Graduate College, and the Dean will decide how to address the situation. If the Dean of the Graduate College has such a conflict, the Dean will inform the Provost, and the Provost will decide how to address the situation. Any of the parties may request that the Dean of the Graduate College review an alleged conflict of interest of an individual involved in the case.

G. Timeliness and Procedural Changes.

All procedures prescribed in this document should be conducted expeditiously. After consultation with the Associate Dean and the primary involved parties, the Dean of the Graduate College for good cause may extend any of the time periods, and may make other reasonable alterations of the procedures set forth in this document, 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 Associate Dean shall review the request and decide whether or not to approve it. 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 Associate Dean shall notify the primary involved parties and the files shall be disposed of as indicated in Section IV.G. 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

The filing with malicious intent of an unfounded grievance is a violation of this policy. The report of the investigation panel will indicate whether there was a reasonable basis in fact and

honest belief for the allegations in the investigated grievance. If the panel determines that an unfounded allegation(s) in the grievance or in the testimony of any person was motivated by malice, that finding shall be communicated to the Dean of the Graduate College. In those rare cases in which the finding is that an unfounded grievance was based on malice, after consultation with the Provost, the Dean shall inform the person's unit executive officer of such a finding. Such findings may be the basis for the initiation by the Dean of the Graduate College of disciplinary action or other personnel decision in accordance with University rules and regulations.

K. Finality

The Dean of the Graduate College's disposition of a grievance shall be final, unless it is timely appealed on procedural grounds to the Provost. If the Dean's disposition is appealed to the Provost, the Provost's decision shall be final.

Graduate College Grievance Policy Flow Chart

