

## Policy and Procedures on Grievances by Graduate Students in the Department of Materials Science and Engineering

### I. OVERVIEW

- A. **Purpose.** All members of the University community are expected to observe high standards of professional conduct and ethical behavior in graduate education. In a large and heterogeneous scholarly community, problems may emerge among students, faculty and administrators. The purpose of this policy document is to outline the process through which graduate students can constructively address concerns about the decisions or behaviors of faculty or administrators that the students believe have adversely affected their status as a graduate student in the Department of Materials Science and Engineering (MATSE). \* It was approved by the Graduate College on November 30, 2012.
- B. **Availability.** The policy outlined in this document is available to all current graduate students in MATSE. It is also available to former graduate students of MATSE provided they meet the timeliness requirements specified herein.
- C. **Applicability.** This policy applies when a graduate student believes that an incorrect or inappropriate decision or behavior of a faculty member or administrator has adversely affected the student's status. Examples include, but are not limited to:
- Failure to follow a departmental or Graduate College policy in a manner that results in significant prejudice against the student;
  - Failure to follow departmental or Graduate College procedures for assessing preliminary and final examinations (see the departmental Graduate Handbook for appeals of qualifying examinations);
  - Improper termination from a program;
  - Requiring personal services unrelated to academic duties;
  - Requiring to meet unreasonable requirements for a graduate degree that extend the normal requirements established by the campus or by the department;
  - Retaliation for exercising grievance rights.

This policy does not apply in cases involving:

- The exercise of professional judgment in evaluating student academic performance/progress;
- Student-to-student conflicts (see [www.conflictresolution.illinois.edu](http://www.conflictresolution.illinois.edu));
- Academic misconduct such as breaches of academic integrity in research and publication (see [research.illinois.edu/ai/index.asp](http://research.illinois.edu/ai/index.asp));

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\* 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 *Graduate College Handbook for Students, Faculty and Staff*.

- Employment specific issues, including those covered by collective bargaining agreements (i.e. teaching assistantships and administrative graduate assistantships) (see [www.ahr.illinois.edu/employees/ler.html](http://www.ahr.illinois.edu/employees/ler.html));
- Cases that arise under the *Student Code*, including academic integrity or capricious grading claims (see [admin.illinois.edu/policy/code/](http://admin.illinois.edu/policy/code/));
- Cases involving alleged discrimination or sexual harassment (see [www.fs.uiuc.edu/cam/cam/ix/ix-b/ix-b-3.html](http://www.fs.uiuc.edu/cam/cam/ix/ix-b/ix-b-3.html)).

## II. DEFINITIONS

- A. **Business Day** - Means Monday through Friday, excluding University and campus holidays and reduced service days.
- B. **Conflict of Interest** - A conflict of interest is a significant professional or personal involvement with the facts or the Parties to a dispute. Any party or administrator who has a conflict of interest in a dispute under this policy or a concern about a conflict on the part of another shall promptly report it to the Head, who shall decide how to address any conflict of interest, unless the conflict lies with the Head, in which case, the alleged conflict will be referred to the Graduate College for resolution.
- C. **Consultant** - A person intended to provide advice to a Grievant or the Subject of a grievance. The Consultant shall not directly participate in any proceedings, but may be consulted during the process. If any party's consultant at any meeting is an attorney, all participants must be informed at least three (3) business days prior to such a meeting.
- D. **Grievant** - The student in MATSE who has filed a grievance pursuant to this policy.
- E. **Head** - The Head of the Department of Materials Science and Engineering. The Head has responsibility for MATSE graduate programs and related policies and procedures. The Head is the final arbiter of disputes under this policy. In the event a grievance is filed against the Head, these responsibilities shall be referred to the Graduate College for handling and any appeals will be to the Dean of the Graduate College or his/her designee.
- F. **Parties** - Refers to the Grievant and all Subjects named in a grievance collectively.
- G. **Subject(s)** - The person or persons named in the grievance.

## III. ALTERNATIVE AVENUES FOR RESOLUTION

- A. **General Campus Resources.** University policy strongly encourages all students who believe they have a dispute or conflict to use all appropriate avenues for informal resolution before initiating the MATSE grievance process described herein. Students may seek advice about how to address their situation informally from their faculty advisers, the Director of Graduate Studies, the Office of the Dean of Students, and the Office of

International Student and Scholar Services before pursuing a formal MATSE grievance. See section IV.A below for informal procedures.

- B. **Graduate College Grievance.** A student may elect to pursue a grievance directly with the Graduate College.

#### IV. PROCEDURES FOR PURSUING A MATSE GRIEVANCE

- A. **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 MATSE 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 or the Director of Graduate Studies, 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 Office of International Student and Scholar Services, or other sources.

To initiate the Department Grievance Process, the Grievant must meet and request for the informal resolution process with the Director of Graduate Studies within **sixty (60) business days** of the decision or behavior resulting in the grievance. The Head may attempt to mediate a resolution for matters that do not meet the deadline, but such matters will not be submitted for a formal review under IV.B.

B. **Formal Procedures.**

1. **Written Grievance.** A student may file a written grievance if an informal resolution is unsuccessful, provided the written grievance is filed within **ten (10) business days** of the date the Director of Graduate Studies of the department advises the Grievant and the Subject that no further efforts will be made at the informal stage.
2. **Content and Submission of Grievance.** The written grievance should include at least the following:
  - a. a statement by the student summarizing the concern(s)
  - b. the name(s) of the University faculty, staff or administrators involved
  - c. the date(s) of the alleged incident(s)
  - d. identification of relevant policies
  - e. a statement concerning what outcome or action the student would like to see result from the grievance

The grievance should be delivered to the Head of the Department.

3. **Review of the Grievance by the Head.** Upon receipt of a request for formal review, the Head will review the request and other relevant materials to consider whether any issues merit further investigation and review. If the grievance is declined, the Head

will notify the person seeking review in writing and explain the decision. The Head's decision is final.

4. Appointment of the Grievance Committee. If the Grievance is accepted by the Head, the Head shall initiate the formal review by 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 Head shall appoint one of the faculty members to serve as chair of the committee. The chair is responsible for assuring that a record of the committee's investigations, deliberations, and recommendations is forwarded to the Head. The Grievant may request that there be no graduate students on his or her grievance committee.
5. Written Charge.
  - a. In General. The Head shall define the subject matter of the review in a written charge. The charge may, but need not address every allegation contained in the request for Formal Review. The charge may also include additional matters that, in the opinion of the Head, warrant investigation. The charge shall be provided to the Grievance Committee and the Parties to the Grievance.
  - b. Content. The written charge shall also include:
    - i. The identities of the Grievance Committee members and a statement that either party may challenge a Committee member on the grounds of a Conflict of Interest within **five (5) business days** of receipt of the Written Charge;
    - ii. A statement that both parties may submit any additional materials relevant to the Written Charge that they want considered by the Committee within **ten (10) business days** of receipt of the Written Charge; and
    - iii. A statement that a Party must make a written request for a meeting with the Committee within **ten (10) business days** of receipt of the Written Charge if such a meeting is desired, and that the Committee will decide if a meeting is warranted.
  - c. Conflict of Interest. If the Head believes a legitimate Conflict of Interest exists, the Head will replace the Committee member as appropriate.
6. Preliminary Grievance Committee Review Session(s). After the time granted to the Parties to provide additional materials, the Chair of the Committee shall convene the Committee Members to:
  - a. Review the process, discuss the Written Charge and review the materials received pursuant to IV.B.5;
  - b. Review any requests for a meeting and decide if a meeting would be helpful in making findings and recommendations regarding the Written Charge;
  - c. Provide direction on whether it wants the Chair to seek any additional information relevant to the Written Charge from any of the parties or other sources; and
  - d. Confirm that the Chair has provided copies of written materials received by the Committee to all Parties to the Grievance.

7. Meeting Notice. If the Grievance Committee concludes a meeting is necessary, the Committee Chair shall send notice of a meeting no fewer than **five (5) business days** prior to the meeting. The notice must include the date, place and time of the meeting and a statement that each party may have a Consultant present at the meeting. Continuances may be granted by the Committee Chair with good cause shown.
8. Meeting Attendance. Attendance is restricted to the Grievant, Subject(s) and their respective Consultants, Grievance Committee members, and if necessary, the DGS and a representative from the Office of University Legal Counsel. If oral statements from witnesses will be received, the witness may be present only while making the statement or responding to questions. Both Parties shall be permitted to be present throughout the meeting but are not required to attend. Any person, including a Party, who disrupts a meeting or who fails to adhere to the directives of the Chair may be removed from the meeting.
9. Meeting Purpose and Structure. The purpose of a meeting under this policy is to allow the Grievance Committee to hear directly from the Grievant, Subject(s), and witnesses in order to better attempt to resolve the dispute. While there may be adversarial components, the meeting is not intended to be a trial. Formal rules of evidence shall not apply. All Parties shall treat each other with dignity and respect. Parties may each make a brief opening statement, and then respond to questions from the Committee. The Parties may suggest questions to be asked of each other. The Chair shall decide whether or not to pose the questions. If witnesses will be called, each Party may ask questions directly of his/her witness, but it will be in the Chair's discretion whether or not questions to another's party's witnesses will be through the Chair or directly by the Party. The confidentiality of all information shall be preserved.
10. Deliberations. The deliberations of the Grievance Committee are confidential. All Parties shall be excluded during the Committee's deliberations. The conclusions and recommendations of the Committee must be agreed to by a simple majority of the Committee members hearing the matter. The conclusions and recommendations of the Committee must be based on a preponderance of the evidence (more probably true than not true).
11. Committee Report. The Grievance Committee shall submit a written report to the Head as soon as practical that includes at least the following:
  - a. copy of the Written Charge from the Head;
  - b. a statement of the relief sought by the Grievant;
  - c. the response of the Subjects;
  - d. general description of the investigative process;
  - e. a citation of relevant policies;
  - f. findings of fact that support the Committee's conclusions;
  - g. a recommendation of appropriate redress for the Grievant(s), if applicable; and
  - h. any recommended changes in policies and procedures to minimize the probability of recurrence, if applicable.

12. Opportunity to Comment. Copies of the Report shall be provided to the Parties. A party may submit written comments to the Head concerning the Report to the Head within **five (5) business days** of receipt of the Report.
13. Action and Disposition of the Grievance; Disclosures. As soon as practical following the receipt of the Report and all written comments concerning the Report, the Head shall determine what disposition to make of the case.
  - a. If the Head concludes that the grievance has not been proved, the grievance will be deemed not sustained and dismissed.
  - b. If the Head concludes that the grievance has been sustained, the Head will proceed in accordance with the University Statutes and relevant University rules and regulations. The Head may prescribe redress for the grievant, recommend modification of policies, or recommend changes in the procedures for implementation of such policies, as appropriate.
  - c. If the Head concludes that these procedures have not been followed, or the interests of fairness or thoroughness require further investigation, the Head may direct the Grievance Committee to revisit any relevant issues and submit a revised Report within a certain time frame. The Head shall identify the specific errors or concerns and provide direction to the Committee as to appropriate corrective measures. The Committee will only address the issues raised by the Head and submit a supplemental report to the Head for consideration.
14. The Final Disposition shall be provided to the Parties in writing. The Head's disposition is final unless appealed as provided for herein. The Head may authorize the release of a copy of the Disposition on a need to know basis with due regard for privacy rights of employees and students under federal and state law and University policy (see also, V.F).
15. Appeal. A party dissatisfied with the outcome of the departmental grievance finding may appeal the decision on procedural grounds to the Graduate College. The appeal must be filed in writing to the Graduate College within **ten (10) business days** of the date of the departmental decision being appealed. The sole grounds for appeal are material violations of these procedures that have resulted in significant prejudice against the Party appealing. The Appeal must specify the nature of the procedural error. The Dean of the Graduate College decision on appeal shall be final.

## **V. GENERAL PROVISIONS**

- A. **Record Keeping; Reporting.** After completion of a grievance review and exhaustion of available appeals, the Head shall return any original documents and materials to the persons who furnished them. The MATSE department grievance file is subject to destruction on a date six (6) years beyond the grievant's time limit for completion of the degree.

- B. **Interim Action.** At any time after a grievance has been filed and before final disposition of the case, the Head, with the approval of the Dean of the Graduate College, may take interim administrative action determined to best serve the interest of the Grievant, other students in the same academic unit or the Subject, to protect the best interest of the University, to preserve evidence, or to protect resources.
- C. **Consultation with Legal Counsel.** The MATSE department may consult the Office University Legal Counsel at any time during the informal or formal processing of a grievance.
- D. **Timeliness and Procedural Changes.** All actions prescribed in this document should be conducted expeditiously. Every effort should be made to resolve a grievance within one year of receiving the written grievance. Extensions of time periods specified in this document may be granted by the Head or the Grievance Committee Chair as the case may be, with good cause shown. The Head 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 Subjects to respond. Any alterations of these procedures must be communicated to the Parties.
- E. **Failure to Participate, Withdrawal, Termination.** The grievance may proceed regardless of the failure of the Grievant or Subject(s) to participate, so long as all required notices have been given. The Grievant may submit a written request to withdraw the grievance at any time; however, the Head shall have the sole discretion to decide whether to grant or deny the request. Withdrawal from the University by the Grievant or termination of employment by the Subject at the University shall not necessarily terminate the proceedings.
- F. **Confidentiality.** All persons involved in administering this policy shall exercise diligent efforts to keep information received or learned during the course of a grievance as confidential. Nothing in these provisions alters privacy rights of employees and students provided in federal and state laws and University policies and procedures. Notwithstanding the foregoing, in the event the Head concludes that a student has knowingly filed a false grievance, the Head may authorize the release and use of all materials submitted in this process for use in any disciplinary proceedings.
- G. **Duty to Cooperate.** Students availing themselves of the grievance process, and all faculty, staff, and administrators have a duty to cooperate and provide information and materials relevant to the investigation of a grievance. It shall at all times be the responsibility of the Parties to ensure that the Department of Materials Science & Engineering has accurate contact information to facilitate communications as described in these procedures.