

Policy and Procedures on Grievances by Graduate Students in the Department of Anthropology May 2013

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 (see *Guiding Standards for Faculty Supervision of Graduate Students*, May 1997). When a problem arises it should be addressed in the most direct and confidential manner possible.

The purpose of this policy is to protect the interests of graduate students in the Department of Anthropology by providing informal and formal means of seeking resolution in case of an inappropriate application of a department policy. Any graduate student in the Department of Anthropology may informally pursue or formally file a grievance when s/he believes that a decision or behavior of a faculty member or administrator adversely affects her/his status and/or standing as a graduate student.

This Policy and Procedures on Grievances by Graduate Students in the Department of Anthropology 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 in May 2013.

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 Department of Anthropology's Regulations for the Graduate Program, the Department of Anthropology By-Laws and the Handbook for Graduate Students and Advisors.

II. Scope, Coverage, and Definition of a Grievance

This policy and these procedures apply to all graduate students in the Department of Anthropology. This policy also applies to former graduate students, provided they meet the timeliness requirements specified in the procedures below.

A grievance may arise when a graduate student believes that his/her status and/or standing as a graduate student has been adversely affected by an incorrect or inappropriate decision or behavior on the part of a faculty or staff member of the Department. Examples include, but are not limited to, the following:

1. being subjected to the inappropriate application of a Department or University policy;
2. being improperly terminated from a program;
3. being required or pressured to perform personal services unrelated to academic duties;
4. being required to meet unreasonable requirements for a graduate degree that extend beyond the normal requirements established by the campus or by the Department and are inconsistent with the scholarly standards in the discipline; or

5. being subject of retaliation for exercising his/her rights under this policy.

This policy does not apply in cases involving:

- Challenges to Graduate College Petition decisions;
- The exercise of professional judgment in evaluating student academic performance/progress;
- Student-to-student conflicts (see www.conflictresolution.illinois.edu);
- Academic misconduct such as breaches of academic integrity in research and publication (see research.illinois.edu/ai/index.asp);
- 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);
- Cases that arise under the *Student Code*, including academic integrity or capricious grading claims (see admin.illinois.edu/policy/code/);
- Cases involving alleged discrimination or sexual harassment (see cam.illinois.edu/ix/ix-b/ix-b-3.htm).

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 Anthropology are encouraged to discuss the issue with the faculty or staff member with whom the problem has arisen (the “Subject(s)”). The student may also consult with the Graduate College, the Office of the Dean of Students, International Student and Scholar Services, or other sources.

None of these informal options are mandatory. The informal process can continue as long as all parties involved agree that this would be advantageous. In the absence of an adequate mediation through informal means, the student may wish to file a formal grievance.

IV. Formal Procedures

A. Identification of the Grievance Committee

A Grievance Committee will be appointed by the Head of the Department as needed. The Committee will include three faculty members, with one designated as Chair of the Committee. The Chair of the Grievance Committee is responsible for ensuring that a record of the Committee’s proceedings (see Section IV.B, below), deliberations and recommendations is forwarded to the Head of the Department.

B. Procedures

1. A graduate student in the Department of Anthropology may file a formal grievance with the Head of the Department, the Director of Graduate Studies, or directly with the Graduate

College as the student elects. If the student elects to file a grievance within the Department the following procedures will apply. If the student elects to file a formal grievance directly with the Graduate College that process must be initiated no later than 60 business days after the decision or behavior that has led to the formal grievance.

A formal grievance initiated with the Department of Anthropology should be filed promptly and must be filed in writing within 60 business days of the decision or behavior resulting in the grievance. The written grievance should indicate the parties involved, the action or decision being contested, the dates of the alleged incidents, any applicable University, campus or unit policy, an explanation of why the action or decision is inappropriate, and the remedy sought.

2. Upon receipt of the formal grievance, the Head will review the written grievance to determine if the issues merit review by the Grievance Committee. If the formal review of the grievance is declined, the Head will notify the grievant in writing and explain the decision. The Head's decision is final. If the grievance is accepted the Head shall refer the matter to the Chair of the Grievance Committee. The Head shall define the subject matter of the review in a written charge to the Committee. All principal parties to the grievance will be notified with a full copy of the written charge and grievance and an announcement of the appointed members of the Grievance Committee. Challenges to the Committee membership must be submitted within 5 business days of receipt of this formal notification. 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.

3. Any participant to the grievance may challenge any member of the Grievance Committee if there is a perceived conflict of interest. Conflict of interest is specified in General Provisions below. The challenge should be made in writing to the Head of the Department. If the objection meets the timeliness requirement (see IV.B.2, above) and is reasonable, the Head shall replace the person with a new member not subject to a conflict of interest.

4. The Grievance Committee's investigation shall include a review of written materials originally presented by the Grievant and information subsequently gathered from the primary parties and other pertinent parties in writing or in person. Should the Grievance Committee meet with the principals to the grievance either separately or face to face each party may be accompanied by a Consultant should they so choose. If the Consultant at any meeting for any of the parties is an attorney, all participants must be notified at least 3 business days in advance. Each party may request within ten (10) business days of receipt of the Written Charge that the Committee hold a meeting. The Grievance Committee will determine if a meeting is warranted. The Chair confirms to the Committee that he/she has provided copies of all written materials received by the Committee to all Parties to the Grievance.

Meeting Notice. If the 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. This 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.

Meeting Attendance. Attendance is restricted to the Grievant, Subject(s) and their respective Consultants, Committee members, and if necessary, 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. All 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 Committee Chair may be removed from the meeting.

During a meeting, 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 or the other party's witnesses directly, but may pose questions through the Committee Chair. Each party may be accompanied by a Consultant should they so choose. The Consultant shall not directly participate in any proceedings, but may be consulted during the process. At the end of the meeting, each primary involved party may make a closing statement.

Deliberations. The deliberations of the 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 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).

5. As soon as practical after the filing of the grievance and the final appointment of full Committee membership, the Chair of the Grievance Committee shall report its recommendations in writing to the Department Head. The Grievance Committee's report shall contain:

- a. a copy of the Written Charge from the Head;
- b. summary of the Grievant's contentions and relief sought;
- c. the response of the individual against whom, or the unit against which, the grievance was filed;
- d. a general description of the investigative process;
- e. a citation of relevant policies;
- f. an explicit finding of fact based on the preponderance of the evidence with respect to each grievance included in the Grievance Committee's charge;
- g. a listing of the evidence relevant to each finding;
- h. a recommendation of any appropriate redress for the Grievant(s); and
- i. any recommended changes in policies and procedures to minimize the likelihood of recurrence.

6. Within 5 business days of receipt of the Committee's Report, the Head of the Department shall provide a copy of the Committee Report to all parties. A party may submit written comments concerning the Report to the Head of the Department within five (5) business days of receipt of the Report. Following the receipt of the Report and all written comments concerning the Report, the Head shall determine what disposition to make of the case. If the Head determines that the grievance has not been proved or has no merit, the Head will notify all parties that the grievance has been dismissed. If the Head determines that the grievance has been sustained and has merit, the Head will proceed in accordance with the University statutes and the 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 procedure. 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.

The Head shall notify the parties in writing of all actions taken. 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.

7. Within 10 business days of receipt of written notification of the determination, appeals may be made to the Graduate College as specified in the Graduate College grievance policy.

8. Record Keeping and Reporting: 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 Committee Report and copies of all documents will be retained for a period of 6 years beyond the Grievant's time limit for completion of a degree. The Department shall annually report to the Graduate College the number, if any, of grievances filed under departmental procedures.

V. General Provisions

A. Oversight Authority and Responsibility

1. The Head of the Department has responsibility, under the policies and procedures of the Graduate College, for the management of Department of Anthropology 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 by all parties 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 individuals involved. 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 Dean of the Graduate College on the appeal of a grievance outcome to the Graduate College (see Section IV.B.8, Record Keeping and Reporting, above).

B. 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. 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.

C. Standards of Evidence

A decision or behavior challenged in a grievance is assumed to be acceptable until proven otherwise. The Grievance Committee's decision shall be made on the "preponderance of evidence" standard. Any finding on the subject of the grievance must be supported by a preponderance of evidence (more probably true than not true).

D. 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

E. Consultation with Legal Counsel

The Department of Anthropology may consult the Office University Legal Counsel at any time during the informal or formal processing of a grievance.

F. 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 request to meet with the Committee to present information. The Committee makes the final determination about meetings.

- d. To seek advice from a Consultant, including private legal counsel. Such a 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. Prior notice of the presence of a Consultant 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 a Consultant.
- e. To review and respond to the Grievance Committee's final Report prior to the Head's ultimate disposition.

G. 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 as specified above. If the Head has such a conflict, the Head will inform the Dean of the Graduate College who will, in consultation with the Dean of the academic college, decide how to address the situation.

H. Timeliness and Procedural Changes

All procedures prescribed in this document should be conducted expeditiously. Every effort should be made to resolve a grievance within one year from the submission of the written grievance to the Department. Extensions of time periods specified in this document may be granted by the Head of the Department or the 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 all pertinent parties.

I. Failure to Participate:

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.

J. Withdrawal of a Grievance

The Grievant may submit a written request to withdraw the grievance at any time. The Head shall have the sole discretion to decide whether to approve or deny the request. 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.

K. Withdrawal from the University and Termination of University Employment

Withdrawal from the University by the Grievant or termination of employment by the Subject at the University shall not necessarily terminate the proceedings.