

## DEPARTMENT OF CIVIL & ENVIRONMENTAL ENGINEERING

September 15, 2011

### APPENDIX 1 – PROCEDURES FOR GRIEVANCES

**1. Introduction:** This policy describes the procedures to be employed to resolve grievances by graduate students in the Department of Civil and Environmental Engineering. This policy applies to all graduate students and members of the academic community in the Department of Civil and Environmental Engineering. The purpose of this policy is to protect the interests of graduate students in the Department of Civil and Environmental Engineering (CEE) by providing informal and formal means of seeking resolution in case of a potentially inappropriate action of a member of the faculty or administrative staff or an inappropriate application of a departmental policy. Any current or former graduate student in the Department of Civil and Environmental Engineering may informally pursue or formally file a grievance when he/she believes that a decision or behavior adversely affects his/her status as a graduate student, as long as the student meets the timeliness requirements specified in this policy. This policy does not apply in cases of research 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.

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

- inappropriate application of a department or University policy;
- being unfairly assessed on a preliminary examination;
- being improperly terminated from a program;
- being required to perform personal services unrelated to academic duties;
- 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;
- 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.

**3. 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 CEE 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 advisor, the director of graduate studies, or the head of the department, who shall attempt to find a resolution acceptable to both parties. This process must be initiated within 60 business days of the decision or behavior resulting in the grievance. The student may also consult with the Graduate College, the Office of the Dean of Students, the International Student and Scholar Services Office, or other sources before pursuing a formal Departmental grievance. If it is not possible to come to a resolution at the informal stage, the student is informed in writing by the department Head.

**4. Formal Procedures:** A student in the Department of Civil and Environmental Engineering may file a formal grievance with either the department Head or directly with the Graduate College, as the student elects.

In CEE, the grievance committee will be formed from members of the Graduate Affairs Committee. The Graduate Affairs Committee consists of one appointed faculty representative from each of the seven areas of the department and two graduate students. The chair of the Graduate Affairs Committee will form an appropriate subcommittee of members of the Graduate Affairs Committee to serve as the grievance committee. This subcommittee will consist of at least two faculty members and in most cases, two graduate students. (The grievant may ask that no graduate students be included in the grievance committee; in that case a third faculty member will be added.) The identities of the grievance committee will be made known to all parties involved. If an informal departmental procedure was followed and the resolution was unsuccessful, then a formal grievance must be filed within 10 business days after the decision was made and both the grievant and the subject were informed that there was no resolution at the informal stage. If the grievant did not pursue an informal procedure, a formal grievance must be filed with the department Head within 60 business days of the decision or behavior resulting in the grievance.

To initiate the Formal Procedures, the written grievance should indicate the parties involved, the date(s) of the alleged incident(s), 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. 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 parties involved, the grievant, the subject(s) and the grievance committee, shall receive a copy of the charge. Any participant to the grievance may challenge any member of the grievance committee if there is a perceived conflict of interest. The challenge must be made in writing to the head of the department within five business days of receipt of the charge. If the objection is reasonable, the Head shall replace the person with one who meets the stated criteria. The Head's decision is final.

The grievance committee's investigation shall include a review of written materials presented by both the grievant and subject and may seek information from the primary involved parties in writing or in person. The grievance committee determines if a hearing is to be held. 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. As soon as practical after the filing of the grievance, the chair of the grievance committee shall report its recommendations in writing to the department Head. The grievance committee's report shall contain:

- A copy of the Written Charge from the department Head
- A summary of the grievant's contentions and relief sought
- The response of the individual or department against whom/which the grievance was filed
- A general description of the investigative process
- A citation of relevant policies
- An explicit finding of fact based on the preponderance of the evidence with respect to each grievance included in the grievance committee's charge
- A listing of the evidence relevant to each finding
- An indication of whether there was a reasonable basis in fact and honest belief for the allegations in the investigated grievance
- A recommendation of appropriate redress for the grievant(s), if applicable and
- Any recommended changes in policies and procedures to minimize the probability of recurrence.

Copies of the committee report shall be provided to both the grievant and the subject(s). Either party may submit written comments to the department Head concerning the report within five business days of receipt of the report.

As soon as practical following the receipt of the committee report and all written comments concerning the report, the Head shall determine the disposition of the case and communicate the decision to the parties in writing. If the Head determines that the grievance has not been proved nor has any merit, the Head will notify all parties that the grievance has been dismissed. If the Head concludes 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 in writing (grievant, respondent, grievance committee members) of actions taken.

**5. Appeal:** Within 10 business 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.

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. A report of the nature of the grievance and the primary involved parties shall be forwarded to the Graduate College.

**6. General Provisions:** The Head shall have the primary responsibility for administering the 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 grievance file is subject to destruction on a date six years beyond the grievant's time limit for completion of the degree. The Head shall make the complete file available to the intake dean of the Graduate College on the appeal of a grievance outcome to the Graduate College.

**7. 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. If the withdrawal request is approved, the Head shall notify the primary parties involved 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.

**8. Other Requirements, Definitions, Standards, and Considerations:** The departmental 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. 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.

The grievance committee's recommendations to the Head 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. 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. 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:

- To receive notice of the identity of the members of the grievance committee.
- 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.
- To submit statements in writing and to request to meet with the committee to present information and to request a hearing.
- To use a consultant, or another person, who may provide advice during the process. If a hearing is held, prior notice of the presence of a consultant must be given. If any party's consultant at any meeting is an attorney, all participants must be informed at least three business days prior to such a meeting. Any other primary involved party may request a delay of up to 5 business days to arrange for the presence of a consultant.
- To review and respond to the grievance committee's final report.

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 intake dean of the Graduate College who will, in consultation with the dean of the Graduate College, decide how to address the situation.

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.

Withdrawal from the University by the grievant or the termination of University employment of any of the subjects in a grievance, by resignation or otherwise, after initiation of procedures under this policy shall not necessarily terminate these proceedings. 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. Such finding may be the basis for disciplinary action or other personnel decision in accordance with University rules and regulations.