

## **Policy and Procedures on Grievances by Graduate Students**

Department of Communication

Approved by department April 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 (*Guiding Standards for Faculty Supervision of Graduate Students*, <http://www.grad.illinois.edu/guidingstandards.htm>). 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 problems involving graduate students.

The purpose of this policy is to protect the interests of graduate students in the Department of Communication by providing informal and formal means of seeking resolution when a graduate student believes that an inappropriate action of a member of the faculty or administrative staff or an inappropriate application of a department policy has adversely affected the student's status. This policy also protects the interests of departmental faculty members and academic and administrative staff who are alleged by a graduate student to have acted inappropriately or to have misapplied departmental policy. This document 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 25, 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 Communication's *Handbook for Graduate Students* and the Graduate College's *Handbook of Policy and Requirements for Students, Faculty, and Staff*.

### **II. SCOPE AND COVERAGE**

#### **A. When this Policy Does Not Apply**

1. 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*, such as capricious grading in a course (Section 26) or academic integrity (Section 33).
2. This policy does not apply to employment-specific issues covered by collective bargaining agreements (i.e., teaching assistantships and administrative graduate assistantships).
3. This policy does not apply to cases involving alleged discrimination or sexual harassment that are handled by the Office of Diversity, Equity and Access.
4. This policy does not apply in cases involving challenges to Graduate College Petition decisions, the exercise of professional judgment in evaluating student academic progress or performance, or student-to student conflict.

#### **B. 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 by a faculty member or administrator. Examples include, but are not limited to, the following:

- a. inappropriate application of a department or University policy that results in significant prejudice against the student;
- b. failure to follow departmental or Graduate College procedures for assessing degree milestones such as a preliminary examination;
- c. being improperly terminated from a program;
- d. being required to perform personal services unrelated to academic duties;
- e. 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; or
- f. being the subject of retaliation for exercising his/her rights under this policy.

### **C. Definition of a Business Day**

In this policy “Business Day” means Monday through Friday, excluding University and campus holidays and reduced service days.

## **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 Communication are encouraged to first discuss the issue with the faculty or staff member with whom the problem has arisen. If the matter is not resolved, the student should turn to his/her adviser, the Director of Graduate Studies, or the Head for assistance in reaching a resolution that is acceptable to the parties involved. Other resources include the Graduate College, the Office of the Dean of Students, and the Office of International Student and Scholar Services.

## **IV. FORMAL PROCEDURES**

In the event that informal attempts at resolving a grievance prove unsuccessful, a student may pursue a grievance through formal channels. The student may pursue the formal grievance through the approved Department Grievance policy or through the Graduate College Grievance policy.

### **A. Identification of the Grievance Committee**

The Director of Graduate Studies shall chair the grievance committee. In addition two members of the faculty shall be appointed by the Head and one graduate student shall be appointed by the Head from nominations by the department’s Graduate Student Association to serve on the grievance committee. The chair is responsible for assuring that a record of the committee’s investigations, deliberations, and recommendations is forwarded to the Head.

### **B. Procedures**

1. A student in the Department of Communication may file a formal grievance with the department Head. A formal grievance 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:

- a. the parties involved;
- b. the action or decision being contested and the date(s) of the alleged incident(s);
- c. any applicable university, campus, or unit policy;
- d. an explanation of why the action or decision is inappropriate;
- e. the remedy sought.

2. Upon receipt of the written formal grievance, the Head will review the request to consider whether the issues merit review under the department grievance policy. If the grievance is declined, the Head will notify the student submitting the grievance in writing and explain the decision. The Head's decision is final. If the grievance is accepted, 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 charge may, but need not address every allegation contained in the submitted written grievance. 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.

The written charge shall also include 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. It shall also include 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. It shall also include 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.

3. Any party 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 within five (5) business days of receipt of the Written Charge. If the head believes that a legitimate Conflict of Interest exists, the Head shall replace the person with one who meets the stated criteria. A conflict of interest is a significant professional or personal involvement with the fact or parties to a dispute.

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 Communication has accurate contact information to facilitate communications as described in these procedures

4. The graduate student grievant may request that there be no graduate students on his or her grievance committee.

5. After the time granted to the parties to provide additional materials, the Chair will convene the Grievance Committee to review the process and discuss the written charge. The grievance committee's investigation shall include reviewing written materials presented and, if they determine that additional information would be helpful, seeking information from the primary parties in writing and/or through a meeting. The Chair will be responsible for seeking any additional information relevant to the Written Charge from any of the parties or other sources. The Committee will also confirm that the Chair has provided copies of written material received by the Committee to all parties to the Grievance.

If the Committee concludes that a meeting is necessary, the Chair shall send a 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 by a party. Attendance at a meeting 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.

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. 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 party's witnesses will be through the Chair or directly by the party. At the end of the hearing, each primary involved party may make a closing statement.

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.

The purpose of a meeting under this policy is to allow the panel 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. The confidentiality of all information shall be preserved.

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.)

6. Within 30 business 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 at least the following:

- a. a copy of the Written Charge from the Head;
- b. a summary of the grievant's contentions and relief sought;
- c. the response of the individual or department against whom/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;
- g. the committee's conclusions
- h. a recommendation of appropriate redress for the grievant(s), if applicable;
- i. any recommended changes in policies and procedures to minimize the probability of recurrence, if applicable.

Copies of the report shall be provided to the parties. A party may submit written comments to the Head concerning the Report within five (5) business days of receipt of the Report.

7. As soon as practical following receipt of the committee's 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 or has no 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 (grievant, respondent, grievance committee members) of actions taken.

If the Head concludes that these procedures have not been followed or that the interests of fairness or thoroughness require further investigation, the Head may direct the Committee to revisit any relevant issues and submit a revised report within a specific 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 the head for consideration.

8. The Head's disposition is final unless appealed as provided in this policy and the Graduate College policy. 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. 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.

9. After completion of a grievance review and all available appeals, 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 6 years beyond the grievant's time limit for completion of the degree. The department shall annually report to the Dean of the Graduate College the number of grievances filed under the departmental procedures.

## **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 Communication. This policy also applies to former graduate students, provided they meet the timeliness requirements specified in the procedures above.

### **B. Oversight Authority and Responsibility**

The Head has responsibility, under the policies and procedures of the Graduate College, for the management of Department of Communication graduate programs and related policies and procedures.

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 parties. 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.

### **C. Confidentiality**

All persons involved in administering these procedures will make diligent efforts to protect the reputations, privacy, and positions of all involved persons by exercising diligent efforts to keep information received or learned during the course of a grievance as confidential. 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. All of the procedures and the identity of those involved should be kept confidential to the extent permitted by law. However, in the event that 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.

### **D. Standards of Evidence**

The grievance committee's decision 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, more probably true than not true.

### **E. Academic Freedoms**

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.

### **F. Rights of the Parties**

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 as specified in Section IV.B.5 of this policy.
- d. To consult private legal counsel or another person who may provide advice and may be present at the meeting with the committee. Prior notice of the presence of an advisor must be given and if any party's advisor at any meeting is an attorney, all participants must be informed at least three (3) business days prior to such a meeting. The advisor shall not directly participate in any proceedings. Any primary involved party may request a delay of up to 5 business days to arrange for the presence of an advisor.
- e. To review and respond to the grievance committee's final report.

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.

#### **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. If the Head has such a conflict, the Head will inform the Dean of the Graduate College who will decide how to address the situation.

#### **H. 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.

#### **I. 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 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. The grievance may proceed regardless of the failure of the grievant or subject(s) to participate as long as all required notices are given.

#### **J. Withdrawal from the University or Termination of University Employment**

The withdrawal from the University by the grievant or 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.

#### **K. False Grievance**

If the grievance committee determines that a student has knowingly filed a false grievance, the grievance committee can bring their findings to the attention of the Head. The Head shall review the findings and if the Head determines that the finding has basis, that finding shall be communicated by the head to the Dean of the Graduate College. Such finding may be the basis for disciplinary action in accordance with University rules and regulations. The Dean may authorize the release and use of all materials submitted in this process for use in any disciplinary proceedings.

#### **L. 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 Grievance, other students in the academic unit, or the Respondents, to protect the best interest of the University, to preserve evidence, or to protect resource

