

Policy and Procedures on Grievances by Graduate Students in the Department of French 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, *Guiding Standards for Faculty Supervision of Graduate Students* (<http://www.grad.illinois.edu/guidingstandards>). 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 these problems involving graduate students.

The purpose of this policy is to protect the interests of graduate students in the Department of French 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 Department policy. Any graduate student in the Department of French 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. 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 French handbook and *The Graduate College Handbook of Policy and Requirements for Students, Faculty and Staff* (<http://www.grad.illinois.edu/gradhandbook>).

This *Policy and Procedures on Grievances by Graduate Students in the Department of French* specifies the policy and describes the procedures to be employed to resolve grievances by graduate students of this Department. It was approved by the Department of French on XXX, and by the Graduate College on XXX.

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 has been adversely affected by an incorrect or inappropriate decision or behavior of a faculty member or administrator. Examples include, but are not limited to the following:

1. inappropriate application of a Department or University policy;
2. failure to follow department or Graduate College policies or procedures for the assessment of preliminary examination or other degree milestones;
3. being improperly terminated from a program;
4. being required to perform personal services unrelated to academic duties;
5. being required to meet unreasonable requirements for a graduate degree that extend the normal requirements established by the campus or by the Department;
6. being the subject of retaliation for exercising his/her rights under this policy; or
7. being the subject of professional misconduct by a student's graduate supervisor or

other faculty or staff member.

B. 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 www.fs.uiuc.edu/cam/cam/ix/ix-b/ix-b-3.html).

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 French 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, the director of graduate studies, or the head of the Department, 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.

IV. FORMAL PROCEDURES

A. Identification of the Grievance Committee

1. Annually two members of the faculty shall be appointed by the head and one graduate student shall be selected by the graduate students to serve on the grievance committee.
2. The committee shall elect a chair from among its faculty members. The chair is responsible for assuring that a record of the committee's investigations, deliberations, and recommendations is forwarded to the department head.
3. The graduate student grievant may request that there be no graduate students on his or her grievance committee.

B. Procedures

1. A student in the Department of French may file a formal grievance with either the Department head or directly with the Graduate College, as the student elects. A formal grievance through the Department of French should be filed promptly and must be filed in writing within 60 business days of the decision or behavior resulting in the grievance as defined in *Policy and Procedures on Grievances by Graduate Students* (http://www.grad.illinois.edu/policies/gc_grievances). A grievance filed through the Graduate College must be filed according to the Graduate College Policy and Procedures. The Department Head may attempt to mediate a resolution for matters that do not meet the deadline, but such matters will not be submitted for formal review under the Department policy. The written grievance should indicate the parties involved; the action or decision being contested; the date(s) of the alleged incident; any applicable university, campus or unit policy; an explanation of why the action or decision is inappropriate; and the remedy sought.

Upon receipt of a request for formal review, the head will review the request to consider whether any issues fall under the Department grievance policy and merit 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.

2. 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 written charge shall also include the identities of the committee members and that either party may challenge a committee member on the ground of a Conflict of Interest within five (5) business days of receipt of the Written Charge; a statement that both parties may submit additional materials relevant to the Written Charge within ten (10) business days of receipt of the written Charge; and a statement that a Party may make a written request for a hearing with the Committee within ten (10) business days of receipt of the Written Charge and that the Committee will determine if a hearing is warranted. The primary involved parties shall receive a copy of the charge.
3. Any participant 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 a legitimate Conflict of Interest exists, the head shall replace the person with one who meets the stated criteria. After the time granted to the Parties to provide additional materials, the grievance committee's investigation shall include a review of written materials presented and seeking information from the primary parties in writing or in person. The Chair shall convene the Committee Members to review the process, discuss the Written Charge and review the materials received. The Committee will also review any requests for a hearing and decide if a hearing would be helpful in making findings and recommendations regarding the Written Charge; provide direction on whether it wants the Committee Chair to seek any additional information relevant to the Written Charge from any of the parties or other sources; and confirm that the Committee Chair has provided copies of written materials received by the Committee to

all Parties to the Grievance.

4. If the Committee concludes a hearing is necessary, the Committee Chair shall send notice of a hearing no fewer than five (5) business days prior to the hearing. The notice must include the date, place and time of the hearing and a statement that each party may have a Consultant present at the hearing. Continuances may be granted by the Committee Chair with good cause shown.
5. Hearing 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. Both Parties shall be permitted to be present throughout the hearing but are not required to attend. Any person, including a Party, who disrupts a hearing or who fails to adhere to the directives of the Chair may be removed from the hearing.
6. Hearing: Purpose and Structure. The purpose of a hearing under this policy is to allow the 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 hearing is not intended to be a trial. Formal rules of evidence shall not apply. All Parties shall treat each other with dignity and respect.. During the 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. 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. At the end of the hearing, each primary involved party may make a closing statement. The confidentiality of all information shall be preserved.
7. 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).
8. Within 20 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:
 - a) a copy of the Written Charge from the Department Head
 - b) a summary of the grievant's contentions and relief sought;
 - c) the response of the individual against whom or department 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 investigation grievance committee's charge;
 - g) a listing of the evidence relevant to each finding;
 - h) an indication of whether there was a reasonable basis in fact and honest belief for the allegations in the investigated grievance;
 - i) a recommendation of appropriate redress for the grievant(s), if applicable, and
 - j) any recommended changes in policies and procedures to minimize the probability of recurrence.
9. Opportunity to Comment. Copies of the Report shall be provided to the Parties. A party may submit written comments to the Department Head concerning the Report to the Head within five (5) business days of receipt of the Report.

After receipt of the committee's written report and within 5 business days of the deadline for receipt of all written comments concerning the Report, the head shall determine the disposition of the case and communicate the decision to the primary involved individuals. If the head determines that the grievance has not been proved or has no merit, the head will notify all involved 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 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 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 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.

10. 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. See Graduate College Policy and Procedures on Grievances by Graduate Students <http://www.grad.illinois.edu/gradhandbook/chapterix/section04>.

11. 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 Department shall destroy the grievance file on a date six (6) years beyond the grievant's time limit for completion of the degree. Annually, a report of the number of grievances filed under the departmental procedures shall be forwarded to the Graduate College.

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 French. 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 French 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.

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 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 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. 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. 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.

D. Standards of Evidence

The grievance committee's decisions 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.

E. Academic Freedoms and Rights of the Parties

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:

1. To receive notice of the identity of the members of the grievance committee.
2. 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.
3. To submit statements in writing and to request to meet with the committee to present information.
4. To consult private legal counsel, or another person who may provide advice at the meeting with the committee. 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. Prior notice of the presence of an advisor must be given and any other primary involved party may request a delay of up to 5 business days to arrange for the presence of an advisor.
5. 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.

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 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, in consultation with the dean of the academic college, decide how to address the situation.

G. 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. Business Day - Means Monday through Friday, excluding University and campus holidays and reduced service days.

H. 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 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.

I. Termination of University Employment/Withdrawal from the University

The termination of University employment or withdrawal from the University 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. 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. 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 Head and Grievance Committee Chair have accurate contact information to facilitate communications as described in these procedures.

K. Interim Action

At any time after a grievance has been filed and before final disposition of the case, the Dean, with the approval of the Provost, 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.

02/2013