

Academic Grievance

Guidelines for Graduate Student Grievance Hearings, University of North Dakota

The Graduate Committee hears grievances brought by graduate students seeking redress on academic decisions made by the Graduate Dean. This document sets out the procedures for the consideration and hearing of student grievances.

I. PRINCIPLES UNDERLYING STUDENT GRIEVANCE HEARINGS

1. The procedures should be fair and transparent;
2. Student grievances should be dealt with within a reasonable time, decisions should not be rushed, and all information relevant to reaching a fair decision should be taken into consideration;
3. A grievant may be accompanied by an advisor, who may be a lawyer, when appearing at any grievance hearing;
4. The principal parties should have equal access to relevant information and documentation;
5. An individual's privacy and confidentiality should be respected, subject to the need for an open and fair investigation.
6. Procedures should ensure that, where a grievance is upheld, appropriate action is taken;
7. Members of a student grievance hearing panel should disclose any professional or personal relationship they may have with any of the parties;
8. Members of a student grievance hearing panel should recuse themselves if they have a conflict of interest and/or may have difficulty objectively reviewing the facts and information presented.

II. SCHOOL OF GRADUATE STUDIES STUDENT GRIEVANCE DOMAIN AND PROCEDURES

1. The Graduate Committee will review written student grievances concerning academic decisions made by the Graduate Dean.
2. The Graduate Committee does not review the substance of grievances of course grades, allegations of academic dishonesty or scientific misconduct, matters relating to employment or assistantships, or allegations of discrimination. If it has been determined by the relevant administrators or committees that situations such as these have occurred, the Graduate Committee may review whether actions of the Graduate Dean were made on sufficient grounds.
 - a. Grade grievances are subject to review by the College in which the course is offered.
 - b. Allegations of academic dishonesty, scientific misconduct, and discrimination are subject to review by the College in which the academic dishonesty, scientific misconduct, or discrimination is said to have taken place.
3. Definitions:
 - a. "Graduate Dean" refers to the Dean of the School of Graduate Studies or his or her designee.
 - b. "Day" means normal university school day when regular classes or examinations are held, not including Saturday and Sunday.
 - c. A Graduate Student Grievance Hearing Panel may be convened during the summer if all the parties are available, and sufficient members of a Graduate Student Grievance Hearing Panel can be available.
 - d. "Grievance Hearing" is the formal meeting in which the student and other principal parties present information regarding the grievance, and the course of events that led to the filing of the grievance.
 - e. "Grievance Hearing Panel," hereby known as the Panel, is the group of Graduate Committee faculty and student designee who are chosen to be present at a grievance hearing.
 - f. "Grievant" is the student filing the grievance.
4. A Panel consists of the Chair or Vice Chair of the Graduate Committee acting as non-voting Chair of the Panel, four voting members of the

Graduate Committee and one voting graduate student (normally the Graduate Committee student member). Each Student Grievance Hearing will be heard by a separate Panel appointed by the Graduate Committee Chair. When establishing Panels, the Graduate Committee Chair will consider the expertise and experience of the members, their familiarity with student grievance hearings, the breadth of background they bring to the Panel, and the potential for perceived conflicts of interest. In the process of setting Panels, Panel members should indicate if they have any potential conflicts of interest. In the event that the Chair of the Graduate Committee is associated with the grievant's department, or in some other way has a conflict of interest, delegation of Panel members will fall to the Vice Chair of the Graduate Committee. The grievant and the Graduate Dean may each disqualify, for any reason, up to two of the Graduate Committee members from serving on the Panel.

III. FILING A GRIEVANCE

1. A student who disputes an academic decision should first discuss his or her concerns with the Dean of the School of Graduate Studies.
2. The student must file seven copies of a Request for Grievance Hearing (see section III. D, below) stating the grounds and argumentation in support of a grievance to the Chair of the Graduate Committee, not to exceed 10 double-spaced pages excluding attachments. The Chair of the Graduate Committee will review the request to make certain it grieves an action of the Graduate Dean. Grievances that are not within the jurisdiction of the Graduate Committee will be dismissed and returned to the student.
3. A grievance hearing is not a rehearing of the case. The following shall be allowed as grounds for grievance:
 - a. Action of the Graduate Dean not being commensurate with the problem being addressed.
 - b. Decisions contrary to the weight of evidence.
4. Seven written copies of the Request for Grievance Hearing must be submitted to the Chair of the Graduate Committee no later than 20 days after receiving notification of the action that the student is seeking to be overturned or changed. The request should identify:
 - a. The disputed academic decision (within the jurisdiction of the Graduate Committee);
 - b. The person that made the decision;
 - c. The date the decision was made;
 - d. All efforts made to resolve the dispute informally and formally;
 - e. Information directly relevant to the Panel's review of the grievance;
 - f. Relevant witnesses or individuals whom the grievant may call during the hearing;
 - g. Any other relevant pertinent evidence or documents and;
 - h. The desired outcome the student is seeking as a result of a grievance hearing.
5. The Graduate Committee chair will notify the student in writing of his or her decision regarding the Request for Grievance Hearing within 5 days of receiving the request. If the Graduate Committee chair approves the Request for Grievance Hearing, the student will receive a list of prospective members of the Panel with the letter notifying them of the chair's decision. The Recording Secretary will also send the Request for Grievance Hearing and supporting information to the Dean of the School of Graduate Studies within 5 days of the approval decision.
6. Within 10 days of receiving notice of the grievance from the Recording Secretary, the Graduate Dean will provide six copies of a written response (and supporting documents) to the Graduate Committee Chair and one copy to the grievant. The response may not exceed 10 double-spaced pages excluding attachments. The request should identify:
 - a. Issues raised by the grievant;
 - b. All efforts made to resolve the dispute informally and formally;
 - c. Information directly relevant to the Panel's review of the grievance;
 - d. Relevant witnesses or individuals whom the Graduate Dean may call during the hearing;
 - e. Any other relevant pertinent evidence or documents; and
 - f. The desired outcome the Graduate Dean is seeking as a result of a grievance hearing.

IV. INITIAL REVIEW OF GRIEVANCES

Within 10 days of receiving the Graduate Dean's response, the Chair of the Graduate Committee will appoint a Panel, as outlined above and communicate the names of the Panel members to the grievant and the Graduate Dean. The grievant and the Graduate Dean must inform the Chair of the Graduate Committee within 5 days if he/she wishes to disqualify any prospective Panel members. Once the Panel has been established, a date for the hearing will be set. The Chair of the Panel will send notice of the hearing to the student and the Graduate Dean. The notice will include the date, time, location and procedures of the hearing. The Chair of the Panel may invite others to provide information at the hearing. The grievance hearing will be normally scheduled within 10 days of the Graduate Dean's written response to the filed grievance.

V. MEDIATION

At any time the parties may consider mediation of outstanding issues. None of the parties or the Graduate Committee will conduct the mediation. All applicable timelines remain in effect, unless extended by the Chair of the Graduate Committee.

VI. GRIEVANCE HEARING

1. If either party intends to submit supplemental materials (six copies) to the Panel for consideration, he/she must also provide hard copies to the other parties to the hearing. All copies must be provided at least 5 days prior to the scheduled hearing. These materials may not exceed 10 double-spaced pages excluding attachments. Failure to provide copies in time may result in the materials not being considered by the Panel.
2. Hearings will be conducted in a manner conducive to ascertaining the facts of the case. Parties to the grievance will be provided an opportunity to:
 - a. Be present and hear all arguments and oral statements made to the Panel during the hearing;
 - b. Make arguments, present oral statements and written documents, and call witnesses with regard to issues of fact relevant to the grounds for grievance; and
 - c. Ask questions of other witnesses, either directly or through the Chair (to be determined by the Chair).
3. Each party may be accompanied at the hearing by an advisor, who may be a lawyer. The advisors are not allowed to address the Panel, question witnesses, or take an active Graduate Academic Information role in the proceedings. The advisor is simply there to provide advice to a party. The Graduate Dean will not bring a lawyer unless the grievant indicates he/she intends to bring a lawyer. If the grievant intends to bring a lawyer, he/she should notify the Graduate Dean and the Chair of the Graduate Committee 5 days prior to the start of the hearing.
4. At any time, the Chair of the Panel may consult an advisor or a lawyer, call witnesses, or ascertain information deemed relevant to the grievance. The Chair of the Panel is authorized to request the appearance of additional witnesses or the submission of additional information necessary to clarify an already introduced issue. The Panel may address questions to any person participating in the hearing.
5. The Panel may establish time limitations for the oral presentations of the parties. As a regular order of business, each party will have 30 minutes for presentation, inclusive of time allocated to allowing witnesses to speak. It is recommended that long statements by witnesses be presented in written form as attachments to the original grievance or response.
6. The formal rules of evidence do not apply to Grievance Hearings. All information not repetitious or irrelevant may be admitted, subject to guidelines of time and length.
7. No witness will be allowed to attend the hearing before he or she testifies or until he or she has been released.
8. Hearings will be closed to the public unless the student wishes them to be open. If the hearings are open, great care must be exercised by all who speak to protect the privacy of others who are not parties to the proceedings.
9. In hearings involving a single incident with more than one student, a single hearing may be scheduled for all of the students. If the Chair determines that it would be in the best interest of individuals involved, separate hearings may be provided. When collective hearings are held, individual findings, decisions, and recommendations will be rendered. Students who

do not file a grievance will not automatically benefit from a grievance filed by another student.

10. The hearing will be recorded. Both parties may access the recording, after the final report is issued, by contacting the Recording Secretary of the Graduate Committee.
11. The Chair may require someone to leave the hearing whose conduct or presence may impede the hearing process.
12. All documents, recordings and findings will be subject to the university's records retention policy.

VII. ORDER OF PROCEEDINGS IN A GRIEVANCE HEARING

1. The Chair will begin the hearing with a brief opening statement. The Chair will then ask each person in the room to introduce himself or herself for the record. The Chair will state the reason for the hearing, describe the role of the Panel and explain the procedures to be followed. The Chair will ask the student filing the grievance whether he or she wishes the hearing to be open or closed. If the student requests a closed hearing, only the Recording Secretary, the principal parties, the Panel and, if applicable, their advisors shall remain. Witnesses will only be allowed in the room when they are presenting, but may be asked to remain available to answer additional questions later in the proceedings.
2. Following the Chair's summary, and unless otherwise determined by the Chair of the Panel, the order of presentation will be:
 - a. Grievant presents case, including witnesses and other evidence (30 minutes). Members of the Panel may ask brief questions to clarify a point, but in general the student should be allowed to present without interruption. Witnesses must exit after providing their information, and should not be allowed to speak with each other until released. They should be available for questions later;
 - b. Graduate Dean presents case, including witnesses and other evidence (30 minutes). Members of the Panel may ask brief questions to clarify a point, but in general the Graduate Dean should be allowed to present without interruption. Witnesses must exit after providing their information, and should not be allowed to speak with each other until released. They should be available for questions later;
 - c. Panel members question either party and witnesses. Determination of the order of questions, requesting the presence of witnesses, and managing the dialog during the hearing is done at the discretion of the Chair in consultation with other members of the Panel;
 - d. Summary by the Graduate Dean (5 minutes);
 - e. Summary by the Student (5 minutes);
 - f. Declaration by the Chair that the hearing is concluded.

VIII. FINDINGS, DECISIONS, AND RECOMMENDATIONS OF THE PANEL

1. Upon completion of the hearing, the Panel will meet in closed session for deliberations. If the student requests an open hearing, then deliberations will also be open. If the process requires more time than originally scheduled, the Panel may suspend its discussion and reconvene at an agreed upon later date and time. A simple majority vote of the Panel is required for all findings, decisions, and recommendations.
2. If, in the course of deliberations, the Panel determines it would like to obtain additional information from either party, or from any other individual that the Panel feels could provide useful information, the Chair of the Panel will reopen the hearing at a mutually convenient time for all parties.
3. The Panel Chair will prepare a written final decision, to include:
 - a. A statement addressing the subject of the grievance;
 - b. A decision that indicates whether the grievance is upheld, denied, or if a modified solution to the situation is recommended;
 - c. (Optional) recommendations, if appropriate, for further actions by University authorities.
4. All members of the Panel sign the Decisions, Findings, and Recommendations document.

5. The Panel will provide the grievant and the Graduate Dean with a copy of the decision of the Panel within 10 days from the date of the conclusion of the hearing.

IX. SUBSEQUENT HEARINGS

1. The Panel acts on behalf of the Graduate Committee. The student may grieve the decision of the Panel to the Student Academic Standards Committee.