

SPECIAL REPORT
of the
GRADUATE COUNCIL
concerning the
CREATION OF A GRADUATE SCHOOL
ACADEMIC GRIEVANCE PROCEDURE

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Proposal to Create a Graduate School Academic Grievance Procedure

In the year 2000, the Faculty Senate adopted a campus-wide Academic Grievance Procedure, superseding a previous Graduate School grievance procedure (see Sen. Doc. No. 00-015). The scope of the campus-wide Academic Grievance Procedure is limited to grading disputes, as may be inferred from this statement of the student's burden of proof:

The burden of proof shall be placed on the student, who must demonstrate, by a preponderance of the evidence, that one or more of the specified forms of arbitrary and capricious grading has occurred and that its occurrence has adversely affected her or him.
[Quoted from Sen. Doc. No. 00-015.]

The academic lives of most graduate students are not reducible to taking courses and receiving grades. Disputes occasionally arise involving academic dismissal, involuntary transfer from a doctoral to a master's program, extensions of the Statute of Limitations, comprehensive examinations, theses and dissertations, and other aspects of graduate students' academic experience. Currently, the University has no forum in which to resolve these disputes.

The attached document would create such a procedure. This procedure will be managed by the Graduate School. Grading disputes brought by graduate students would continue to be heard under the campus-wide Academic Grievance Procedure. Disputes over matters covered by other University policies and procedures, such as research misconduct, are explicitly excluded as well.

MOTION: That the Faculty Senate approve the Creation of a Graduate School Academic
12-17 Grievance Procedure, as presented in Sen. Doc. No. 17-026.

Graduate School Academic Grievance Procedure

I. Overview

The Graduate School Grievance (“GSG”) procedure exists to deal with complaints by current or former graduate students against the University, one of its administrative or academic units, or one of its faculty or staff concerning “Very Serious Academic Matters”, as defined in Section II(3) herein. To ensure that the possibility of informal resolution is first explored fully, complainants are strongly urged to avail themselves of the services of the University Ombuds Office before invoking the GSG process. A graduate student with a complaint against another student should consult the Dean of Students Office.

II. Scope

1. The complainant must be a current or former graduate student at the University of Massachusetts Amherst. If the complainant is a former graduate student, then the matter must primarily involve events that occurred while the complainant was still a student.
2. The following matters are outside the scope of the GSG procedure:
 - a. Matters of academic judgment, as defined in the [Academic Grievance Procedures](#).
 - b. Complaints that are pending, under appeal, or have been brought to a final disposition under any other campus grievance, complaint, or investigative process.
 - c. Grading disputes and other Academic Grievances that are addressed under the University’s [Academic Grievance Procedures](#).
 - d. Decisions about admission or readmission into a graduate program, which are addressed in the [Admissions Policies and Regulations](#) and the [Enrollment Policies and Regulations](#) sections of the *Graduate School Bulletin*.
 - e. Matters that lie within the scope of other existing University policies, including, but not limited to: the Research Misconduct Policy, the Code of Student Conduct, the Sexual Harassment Policy, the Workplace Bullying Grievance Procedure, the Affirmative Action and Non-Discrimination Policy, the Rules and Regulations Governing the Residency Status of Students for Tuition Purposes, disability accommodation and service animal policies, and the Academic Honesty Policy. (For links to these and other policies, see the University’s Policies and Procedures [page](#).) Exceptions may be made with the approval of the Graduate Dean at the request of the administrator(s) responsible for enforcing these other policies.
 - f. Matters that lie within the scope of the collective bargaining agreement between the University and the Graduate Employee Organization (GEO).
3. “Very Serious Academic Matters” which fall within the scope of the GSG procedure, unless excluded under Section II(2) above, include, but are not limited to:
 - a. Academic dismissal.
 - b. Involuntary transfer from doctoral to master’s program.
 - c. The Statute of Limitations for completion of a graduate degree.
 - d. Satisfactory progress toward completion of the degree.
 - e. Inconsistent application of Graduate School or graduate program policies or requirements.
 - f. Significant failure by advisors to discharge their responsibilities, and other aspects of faculty/student relations, not falling under any other existing policy.
 - g. Comprehensive examinations.
 - h. Theses and dissertations.

- i. Fellowships and other sources of funding lying outside the scope of the GEO collective bargaining agreement, if they are administered by the University and are awarded for academic merit.
- j. Retaliation for bringing a complaint under this procedure.
4. In general, the GSG procedure is limited to adjudicating Very Serious Academic Matters, as defined above in section II(3), that cannot be handled through the procedures set forth in existing University policies.
5. The matter must involve some specific harm with the possibility of remediation.
6. The proposed remedy must lie within the authority of the Dean of the Graduate School.

III. Filing a complaint

1. A case is opened by a letter from the complainant addressed to the Dean of the Graduate School. The letter should detail the basis for the complaint and the remedy sought. It should be complete and specific, including the names of witnesses to any relevant event(s), with the dates of those event(s). The complainant will not be permitted to raise new issues later in the process unless the complainant alleges further harm after the submission of this letter or new evidence has emerged that was not known to the complainant at the time of filing. A complaint must be filed no later than one year after the point at which the subject of the complaint first became known to the complainant.
2. In consultation with Associate and Assistant Deans of the Graduate School and the Chair of the Graduate Council, the Dean of the Graduate School will decide whether:
 - a. the matter falls within the scope of the GSG process, and
 - b. the proposed remedy (if any is set forth by complainant) is within the Dean's authority to grant. If in the judgment of the Dean (in consultation with the Associate and Assistant Deans of the Graduate School and the Chair of the Graduate Council), one or both of these requirements is not met, the Dean will so inform the complainant in writing. The Dean may request a revised complaint, particularly when the proposed remedy lies outside the Dean's authority. The Dean may also dismiss the complaint if another University policy applies to the matter raised. A decision to dismiss the complaint is not subject to appeal and a substantially similar complaint cannot be submitted later by the same complainant.

IV. Soliciting a response

1. If the complaint alleges harm by named individuals, such as faculty members, or a named unit, such as an academic department, a copy of the complaint will be sent to the individual(s) or unit by the Dean and they will be invited to respond in writing. That response must be received by the Dean within 14 calendar days when classes are in session, or as soon as practicable when classes are not in session, but in any case no later than 14 calendar days after classes resume.
2. After receiving the response, the Dean may attempt to bring the parties to an informal resolution. If an informal resolution is reached, it will be recorded in a memorandum of understanding signed by all parties.
3. If no informal resolution is reached, the Dean will convene a GSG panel to consider the matter and make a recommendation.

V. GSG Process

The GSG panel will be chosen by the Dean in consultation with the chair of the Graduate Council. It will be comprised of three graduate faculty members and two graduate students drawn from the Council's membership, available to serve and having no conflicts of interest. If insufficient members of the Graduate Council are available to serve and without conflicts, or if the case requires technical expertise outside of that available in the membership of the Graduate Council, the Dean may, in consultation with the chair of the Graduate Council, appoint GSG panel members as necessary from the graduate faculty or graduate students at large. The Dean will choose one faculty member of the GSG panel to serve as chairperson. Once this body has been empaneled, the Dean, an Associate Dean, or a Graduate School staff member will provide it with training in the hearing process.

The Hearing

The GSG panel will meet to consider the complaint. This hearing will proceed as follows:

- a. **Timing**
When classes are in session, the hearing will commence no later 30 calendar days after the GSG panel is appointed. When classes are not in session, the hearing will commence as soon as is practicable, but in no case later than 30 calendar days after classes resume.
- b. **Companions**
The Complainant has a right to be accompanied by one companion, who may advise him/her during the hearing. Under no circumstances will the companion be permitted to address the GSG panel. The companion cannot be an attorney.
- c. **Rules of the Hearing**
 - i. The Chairperson of the GSG panel will fix the time and place for the hearing, and will give prior written notice to the Complainant and to any individual(s) or departmental representatives who submitted a response under section IV above. The complainant will be responsible for notifying companion and witnesses, and will provide the Chairperson with their names and roles prior to the hearing. The Chairperson will allow individuals to participate remotely by telephone or internet, provided that the remote participant is audible to all local participants, and vice-versa.
 - ii. The hearing will not be recorded, and no written transcript will be made. Witnesses will not be sworn.
 - iii. The following persons are entitled to attend the hearing:
the Complainant,
the Complainant's companion, and
any individual(s) or departmental representatives who submitted a written response under section IV.
Witnesses will be brought into the hearing only when giving testimony.
 - iv. The GSG panel may proceed with the hearing and make its findings of fact and recommendations even in the absence of any person who fails to appear. The GSG panel may not, however, base its findings or recommendations on the fact that a person failed to appear. The GSG panel may grant a postponement for good cause.
 - v. During the hearing, the Complainant may make statements, offer evidence, and bring forth witnesses previously identified to the GSG Panel to make statements to the GSG Panel, subject to questioning from the GSG Panel. The GSG Panel may also request that the Complainant produce any such additional evidence as the GSG panel deems necessary to an understanding of the complaint. If anyone has filed a written response to the complaint, the GSG Panel will also offer those persons an opportunity to address the panel.

- vi. Witnesses will be limited to those with actual knowledge of the facts of the case. The number of witnesses will normally be limited to three, but the Chairperson of the GSG panel can permit a larger number.
- vii. The Chairperson will have authority to truncate argument or testimony that is dilatory, irrelevant, or repetitious.
- viii. The GSG panel will not be bound by the procedures and rules of evidence in a court of law. The Complainant may not introduce new claims or arguments at the hearing not made in their written submission of the original complaint or the response unless relevant new evidence has become available. The Chairperson will determine whether new evidence presented for the first time at the hearing is relevant or not.
- ix. The burden of proof is on the Complainant, and the GSG panel's findings shall be determined by a preponderance of the evidence.
- x. The GSG panel may in its discretion recess the hearing until a future date upon request of any party or upon its own initiative.

The Report

Within 21 calendar days after the conclusion of the hearing, the Chairperson will submit the GSG panel's written report to the Dean of the Graduate School. The report will state the GSG panel's findings of fact on the question(s) in dispute and the GSG's recommendations for action, if any. Both the findings of fact and the recommendations will be determined by majority vote of the GSG panel. The report will include the panel's vote.

VI. Final Disposition

The Dean of the Graduate School will normally order a resolution in accordance with the GSG panel's recommendations. If the GSG recommends a resolution that is beyond the Dean's authority, the Dean will endeavor to find an alternative resolution that adheres to the spirit of the GSG panel's recommendation. If the Dean disagrees with the GSG panel's recommendations, that disagreement will be explained in writing to the panel and the Complainant, who will also receive a copy of the panel's report. The Dean's judgment in such matters will be final and not subject to appeal, except as set forth below.

In the event of an adverse outcome, the Complainant may appeal to the Dean within 10 working days. Such appeals are limited to procedural matters involving the conduct of the GSG hearing or the emergence of material new evidence that was not available at the time of the hearing. The remedy is limited to the Dean's convening a new GSG panel to hear the case *de novo*. There is no further appeal.

Individuals who file a complaint under this procedure shall be expected to abide by the final disposition of the complaint.