

## College of Education and Human Development Grievance Policy

Students enrolled in or taking courses in the College of Education and Human Development (CEHD) are expected to abide by University of North Dakota's Code of Student Life (<http://und.edu/code-of-student-iife/i> and demonstrate high standards of ethical and professional conduct.)

Students are expected to follow policies established by their specific academic program(s) as well as any relevant professional associations (i.e. North Dakota Educational Standards and Professional Board Code of Ethics for Teachers). Students are expected to familiarize themselves with applicable University and CEHD policies and degree program requirements.

Similarly, students should expect faculty and staff members to demonstrate the same ethical and professional standards and to abide by all University of North Dakota (UND) policies including those set forth in the UND Faculty Handbook.

### Process for Students Filing an Academic Grievance

This process applies to any academic grievance. An academic grievance is defined as: a statement expressing complaint, resentment, or accusation lodged by a student about an academic circumstance arising out of a student's enrollment in CEHD or while taking a CEHD course (such as grading, testing, and quality of instruction) which is thought by the student to be unfair.

*Complaints concerning discrimination or harassment should be made to the Equal Opportunity and Title IX office and handled through that office.*

**Graduate student grievances regarding Graduate School policies fall under the jurisdiction of the Graduate School.** All other grievances concerning a graduate student's academic issues should follow the process described in this policy.

All academic grievances must be initiated by the student within thirty (30) business days of the event or decision the student wishes to grieve. Each step of the grievance process must be completed by the student within thirty (30) business days of the completion of the previous step.

If a student has questions about the grievance process, they should consult with their academic advisor or the CEHD's Associate Dean of Student Services and Assessment.

### **Faculty Contractual Timeline**

Vital to the Grievance process, faculty contractual responsibilities begin August 16 of each year and conclude May 15. If a student's academic grievance is made following the conclusion of Faculty contractual employment, (May 15), the process will pause and enter a waiting period without advancing any step or time frame until August 16 when faculty re-enter their contractual employment obligations. All procedures and timelines will then resume at such time.

### **Definitions**

1. Grievant: the student who initiates the grievance.
2. Respondent(s): the person or persons against whom the grievance is brought.
3. The Parties: means the Grievant and the Respondent(s) and in the case of an appeal, the chair/associate dean whose decision is being appealed.
4. Advisor: a person who counsels the grievant during a hearing. (This is different than the student's assigned faculty advisor, although a faculty advisor could serve as the hearing advisor as well).

### **Step 1: Informal Resolution**

The Grievant should first discuss the grievance with the Respondent (s) as soon as possible. Together the Grievant and Respondent(s) should attempt to informally resolve the grievance. At the request of the Grievant, the Associate Dean of Student Services and Assessment may attend any meetings between the Grievant and the Respondent(s) as a neutral party aiding in an informal resolution process.

### **Step 2: Formal Grievance at the Department Level**

If the grievance is not resolved to the Grievant's satisfaction through the informal resolution process, the Grievant may file a formal grievance. The grievance must be provided to the Department Chair, in writing, within thirty {30} business days of the incident which formed the basis of the academic grievance {or the Associate

Dean of Student Services and Assessment if the grievance involves an employee in the Office of Teacher Education or a Department Chair). The formal written academic grievance must provide a clear and concise description of the basis for the grievance and the specific remedy sought.

The Chair/ Associate Dean will visit with the Grievant and the Respondent(s) and request such additional information as deemed necessary to render a response. Within twenty (20) business days after the grievance is submitted, the Chair/ Associate Dean shall issue a written statement to inform the Parties what actions, if any, the Chair/ Associate Dean will take in response to the grievance. The Department will retain records of all department level academic grievances pursuant to the records retention schedule.

The decision of the Chair/ Associate Dean can be appealed as provided in Step 3 of the Grievance Process.

**Step 3: Formal Grievance at the College Level:** If the grievance is not resolved to the Grievant's satisfaction at the Department level, the Grievant may appeal the decision of the Chair/ Associate Dean to the CEHD Grievance Committee. The Grievant must submit a written appeal to the Associate Dean of Student Services and Assessment within thirty (30) days after receiving the Chair/ Associate Dean's written statement. The written appeal must include:

1. The disputed department decision, date of decision, and the person/body that made the decision;
2. A summary of all efforts made to resolve the dispute informally and formally;
3. Information or documentation directly relevant to the grievance;
4. The desired outcome the Grievant is seeking from the Grievance Committee;
5. The name of the Grievant's Advisor, if any, and whether or not the Advisor is a licensed attorney.

#### **CEHD Grievance Committee Procedures**

Within ten (10) business days of receipt of the written appeal, the Associate Dean for

Student Services and Assessment will convene the CEHD Grievance Committee (Committee) and designate a Chair. The Committee shall be composed of four elected faculty members, two from each department, and a student (an undergraduate student if the grievance is filed by an undergraduate student; a graduate student if the grievance is filed by a graduate student).

Faculty will be elected to the committee for a two year term during regularly scheduled college elections. Department Chairs will nominate students to serve on the committee as needed when a college grievance is filed; the Associate Dean will appoint the student. Faculty and students of the program involved in the grievance will be excluded from serving on the Committee.

If a conflict of interest is identified that may impact a committee member's objectivity in the matter of the academic grievance, recusal of the committee member may be warranted. A recusal determination will be made by the Committee through disclosure and consideration of potential conflict. In all cases in which a committee member is recused, an alternate faculty member will be appointed by the Associate Dean to complete the membership of the Committee.

Committee members will meet with the University Office of General Counsel to review relevant UND policies and procedures. This meeting will take place before the Committee has received any documents or information related to the appeal. Counsel may only advise on procedural matters. Within *five* (5) business days of the Committee's establishment, the Committee Chair shall notify all Parties (including the Chair/Associate Dean whose decision is being appealed) of the opportunity to submit information to the Committee and provide a copy of the appeal. The Committee shall only consider information that is relevant to the appeal. A copy of all documents for the Committee's consideration must be provided to the Chair at least *five* (5) business days prior to the hearing.

The Committee shall set a time, date, and place for a hearing; at which time the Committee may ask any person involved with the academic grievance or lower level decision any questions they have regarding the grievance. The hearing shall take place no more than thirty (30) business days following the receipt of the written appeal with the Associate Dean for Student Services and Assessment.

The Parties to the appeal will be invited to appear at the hearing to answer questions or to present any relevant information. The Committee also has the discretion to request the presence of additional individuals at the hearing to provide information relevant to the appeal. Each party will be permitted to have an Advisor present at the hearing. If an Advisor will be present, the Party(ies) with the Advisor must notify the Chair of the Committee as soon as possible, but no later than *five* (5) business days prior to the hearing. The Advisor may not participate in the presentation or discussion during the hearing, unless asked to so, or unless given explicit permission by the Chair to do so. The hearing is an educational process, not a legal proceeding and does not follow the procedures of a court of law. The rules of evidence do not apply.

Committee members, the Parties, and the Chair/ Associate Dean whose decision is being appealed, may appear via electronic means, at the discretion of the Committee. If an individual will be appearing electronically, it is their responsibility to acquire permission from the Committee, obtain the necessary resources to do so, and notify the Committee Chair of the arrangements, at least five (5) business days before the hearing.

### **Hearing Format**

- i. The Chair will complete introductions and explain the general format of the hearing. Each individual involved in the grievance, including each committee member involved in the hearing, will sign a non-retaliation statement, which will be acknowledged into the record.
- ii. The Grievant will give an account of the problem, complaint, or resentment that led to the original grievance. The Grievant will also provide a response to the Chair/ Associate Dean's decision regarding the grievance.
- iii. The Chair/ Associate Dean who issued the department level decision against which the appeal was filed, shall give an account of the issue(s), their review of the issues, and their decision.
- iv. The Respondent will be provided with an opportunity to give their account of the issue(s). However, the Respondent is under no obligation to give such account.

- v. Each Party present at the hearing will have thirty (30) minutes for presentation. The Committee may ask questions of each Party after their presentation has concluded.
- vi. Any questions or responses by the Parties involved in the hearing will be directed through the Chair and will be presented only after all sides have presented their statements. The Committee members will also have the opportunity to question the Parties after all sides have presented their statements.
- vii. The Chair will assure that the Committee's discussion is limited to the specific matter(s) listed in the written appeal and will restrict the Committee's recommendation(s) to the specific matter(s) cited in the appeal.
- viii. At the conclusion of all statements and questions, each Party will be provided with an opportunity to make a closing statement. Closing statements are limited to no more than five (5) minutes.
- ix. The Chair will excuse the Parties (and Advisors, if any) from the hearing at the conclusion of their presentations, and after the Committee's questions, if any, have been answered. During deliberation, the Committee will consider all documents and testimony provided by the Parties.
- x. No later than ten (10) business days following the hearing, the Committee will issue a written report of its findings, conclusions, and decision. In very rare cases, the Committee may request an extension in writing, to the Associate Dean of Student Services and Assessment. If an extension is granted, the Parties will be notified of the extension. Only one extension may be granted and shall not exceed fifteen (15) business days. The decision will be based on the testimony at the hearing and the documentation received from the Parties involved in the grievance. The Chair is responsible for creating the final report, and all members of the Committee shall sign

and date the final report with an indication of whether or not they are in agreement with the decision. A minority report can be written. The Chair will notify the Parties of the Committee's decision and provide each with a copy of the final report. The final report must also be provided to the Associate Dean of Student Services and Assessment.

The record shall consist of all written documentation received from the Parties, the recording of the hearing, and the Committee's final report. The office of record for grievance records retention is the Associate Dean of Student Services and Assessment. The record will be retained pursuant to the records retention schedule.

#### **Step 4: Appeal at the Dean Level:**

If the academic grievance is not resolved to the Grievant's satisfaction by the CEHD Grievance Committee, the Grievant may file an appeal with the Dean of the College of Education and Human Development. In such cases the entire record of the grievance will be forwarded to the Dean for his or her review and decision. Copies of the Dean's decision will be forwarded to the Parties within thirty (30) business days of the Dean's receipt of the grievance record.

#### **Step 5: Appeal outside of CEHD**

Grievances not resolved following the decision of the Dean may be brought in accordance with relevant UND policies and procedures.

In all stages of the grievance process, it is the responsibility of the Grievant to initiate and advance the grievance to the appropriate stage of the process and to be knowledgeable about the relevant policies and procedures.