

# **GRADUATE SCHOOL GRIEVANCE GUIDELINES**

## **Student Grievance Procedures**

### **INTRODUCTION**

These University of Miami Graduate Grievance Procedures provides an opportunity for the resolution of disputes involving graduate students in a fair and collegial manner. These Graduate Student Grievance Procedures supersede all prior such procedures in effect or formerly utilized at the graduate level. They do not supplant UM Students Rights & Responsibilities or any other published policy or procedure relating to graduate students.

### **PURVIEW OF THE GUIDELINES**

The formal grievance process described herein is intended for cases not involving grades or matters covered by the Honor Code, which have not been resolved at the department or program level, and it is available only after a final determination within the relevant School or College has been reached. Students are encouraged to seek assistance from the University Ombudsperson for possible resolution before initiating the formal graduate grievance process. The procedures set forth here are applicable to any of the following types of grievances by graduate students who are enrolled in any graduate program at the University of Miami, except exclusively in the MD and JD programs:

1. grievances alleging improper dismissal or suspension from a graduate program;
2. grievances alleging the improper withholding or termination of financial support of any kind;
3. grievances alleging any other improper treatment, either substantive or procedural, of a graduate student by a faculty member, department or program, or university agency or administrator except:
  - a. allegations of improper evaluation of the quality and/or quantity of academic work (see UM Student Rights & Responsibilities);
  - b. allegations of unfair recommendation for employment or further graduate study;
  - c. allegations of discriminatory treatment arising from the student complainant's age, race, gender, sexual preference, handicap, national origin, or religion. (Such allegations ordinarily are handled by the Office of Equality Administration);

### **CONSTITUTION OF THE COMMITTEE AND GRIEVANCE PANEL**

The Graduate Council Grievance Committee (GCGC) is a standing committee comprised of the Schools' and Colleges' alternate representatives to the Graduate Council. Grievances as understood herein shall be heard by *ad hoc* appeals panels, constituted from time to time by the Dean of the Graduate School to review individual graduate grievances. The grievance review panel (GRP) shall consist of five disinterested members: four faculty members of the GCGC and one graduate student appointed by the executive board of the Graduate Students' Association. Notice of the constitution of the GRP shall be given by the Office of the Graduate Dean in writing to all parties to the grievance within ten (10) days after the grievance review request is properly filed.

Any party to the grievance may challenge the disinterestedness of a GRP member in writing to the Dean of the Graduate School within five (5) days after notification of the appointment. The challenge must specify reasons that would prevent the committee member or graduate student from making an unbiased recommendation with respect to the grievance. If such a challenge is determined to be valid by the Graduate Dean, a substitute appointment shall be made and the process will resume accordingly.

### **PROCEDURE AND TIME LIMITS FOR FILING A GRIEVANCE**

After a final determination has been made in the relevant School or College (or by the head of the relevant administrative office in the event of a grievance against a university agency), a student who believes he or she has grounds for appeal within the purview of these guidelines may file a written grievance review request with the Office of the Dean of the Graduate School. The request shall describe the student's allegations in a clear and concise fashion and shall clearly identify the individual(s), program(s), department, School or College, and/or University agency or administrator against whom the grievance is brought. The student's written grievance review request shall be filed within thirty (30) days of the final determination. No grievance review request nor any other appeal of any kind will be granted after this time limit has expired unless a written extension of time is granted by the Dean of the Graduate School based on a written request from the grievant stating good cause.

## **DEFINITIONS AND ASSUMPTIONS**

*Burden of Persuasion:* The burden of persuasion is on the grievant.

*Final Determination:* This grievance process is available only after a final determination within the relevant School or College has been reached. This provision is intended to require the grievant to exhaust the remedies available within the relevant School or College before appealing to the Graduate Dean. In the case of a student in an interdisciplinary program who does not yet have a chair and/or committee assembled, the Dean of the Graduate School shall make a final determination in the student's case subject thereafter to the appeal contemplated by this policy. Appeal from the Graduate School Dean's decision follows this same procedure, except that the GRP shall be constituted by the Office of the Provost from the pool of GCGC members. Written notice of the constitution of the GRP in the case of a student in an interdisciplinary program without a chair or committee, shall be given by the Office of the Provost to all parties to the grievance within ten (10) days after the grievance review request is properly filed. All other deadlines, requirements, procedures, and the hearing format remain the same.

*Originals:* Wherever possible, the party in possession of an original document in support of or rebuttal to or at issue in the grievance shall provide it to the GRP within the time frames set out in the Hearing Materials and Preparation Deadlines. If a party has only a copy of a document not received by him, her, or it, the copy shall serve as an original. Digital documents or email messages in contention shall be printed and may then serve as originals.

*Party:* A party is the student grievant or the individual, program, department, School or College, or University agency or administrator against whom the student brings his or her grievance.

*Time Limits:* All time limits shall be calculated based on working days of the Fall and Spring Semesters, excluding reading and exam periods and University holidays. Grievances originally filed after the end of the Spring semester will be heard at the beginning of the following Fall Semester. Any stated time limit herein may be extended with the written consent of the grievant and the Dean of the Graduate School.

*Written:* Any document to which these guidelines refer as written signifies paper (hard) copy. Email messages and digital or other electronic versions do not meet the requirement that a form or notice be provided in writing. However, a party may transmit a digital version of any written document by email in addition to providing it in paper form.

## **DEADLINES FOR HEARING MATERIALS, PREPARATION, AND WITNESS IDENTIFICATION**

All materials to be considered for review by the members of the GRP must be submitted in writing to the Office of the Dean of the Graduate School at least fourteen (14) days before the scheduled date of the hearing, at which time such materials will be distributed to all parties to the grievance and to the members of the GRP. Thereafter, to the extent that any of the parties wishes to have additional materials considered by the GRP, such materials must be received by the Graduate School no later than seven (7) days before the scheduled date of the hearing, at which time all such additional written materials will be distributed to the parties as well as to the members of the GRP. Any party submitting written materials for consideration shall submit the original(s) and five (5) copies thereof to the Office of the Graduate Dean at his, her, or its own expense.

The name of any witness to be called by any party at the hearing shall be provided in writing to the Office of the Graduate Dean no less than five (5) days before the scheduled date of the hearing.

## **HEARING**

The grievance review hearing is chaired by a designated member of the GRP. The hearing is staffed by the non-voting Administrative Assistant of the Dean of the Graduate School, who will record it for archival purposes only. The hearing will proceed as follows:

- a. GRP chair's introduction, summary of issues, and process overview.
- b. Student's presentation of issues (15 minutes maximum).
- c. University representative's presentation of issues (15 minutes maximum).
- d. Optional: Presentation(s) by witnesses (limited to 3 per side and a maximum of 15 minutes total per side).
- e. Questions by members of the GRP.
- f. All presenters and witnesses are excused.
- g. Deliberation by GRP.

Presentation of the issues should be concise and relevant. Undoubtedly the dispute is somewhat complex or it would not have reached this stage. Points of dispute or ambiguity may be summarized or illustrated by anecdote at the hearing. Experience suggests, however, that the best approach is to minimize formal presentations and allow the GRP members maximum time for questions.

**GRP DECISION AND AUTHORITY**

No additional substantive information may be submitted by any party following the hearing, unless requested by the grievance review panel. The GRP may but need not seek additional information from other sources during its deliberations, which will be conducted in closed session. Following its deliberations, and within ten (10) days of the date of the grievance review hearing, the GRP will make its confidential advisory recommendation to the Dean of the Graduate School [Office of the Provost in the event of a student in an interdisciplinary program who does not yet have a chair or committee]. The subsequent decision by the Dean of the Graduate School [Office of the Provost], which shall be rendered within ten (10) days of the GRP's recommendation, is final.

**MODIFICATIONS**

These procedures may be modified or withdrawn with or without notice.