

Department of Counseling Psychology and Guidance Services

GRADUATE STUDENT GRIEVANCE POLICY AND GUIDELINES

Rationale

Despite the overall best intentions and efforts of faculty and students alike, there are specific occasions in which the inequity of power may negatively impact or cause harm to students. On such occasions, students may have a grievance against other students, faculty, or the department as a whole. The purpose of this document is to specify the recourse available to students with grievances, including: (1) definitions and examples of grievances, (2) routes of grievances through levels of appeal, (3) instructions for the student in filing a grievance, and (4) regulations for hearing, deliberating, and adjudicating grievances.

Definitions and Examples

Webster defines a “grievance” as “a circumstance (real or imagined) thought to be unjust or injurious and grounds for complaint or resentment” (1983, p. 625). While this suffices to broadly define grievance, it does not address what circumstances are within the purview of a university academic program. These are herein defined as circumstances, including the words and actions of other students, faculty, or staff, that infringe upon the rights of students, causing harm to the student’s educational experience. The rights of students are defined by the Ball State University Faculty and Professional Personnel Handbook and the Code of Student Rights and Responsibilities; pertinent sections are reprinted here:

Reaffirmation of Student Academic Freedom

The vision of Ball State University is, in part, to be “a learner-centered and socially responsible academic community.” Therefore, Ball State University expects and requires all of its students and their guests to cooperate in developing and maintaining high standards of scholarship and conduct. Upon entrance into the University, students are not only presented with many rights, privileges, and opportunities, they are also faced with attendant responsibilities. In order for students to live and learn in harmony with others in the University community, they must assume responsibility for their actions and respect the rights and beliefs of others.

1.5.1 Academic freedom is a foundation of any University community. The affirmation of academic freedom of students should be accepted as a reciprocal understanding among the individual student or groups of students and the faculty and administration. The student is not only privileged to

think independently but, in the tradition of a University, is responsible for developing independent thinking. The University seeks to provide and maintain an academic climate which is conducive to learning.

II. Statement

1.5.2 Ball State University, as an institution of higher education, reaffirms the following policies, insuring the academic freedom of students:

- a.** That students have the right to the best education possible;
- b.** That students have the rights and responsibilities for participation in policy and decision making and implementation in areas affecting student welfare;
- c.** That students have inherent rights to the establishment and practice of representative self-government as set forth in the Constitution of the Student Government Association of Ball State University;
- d.** That students have rights to and means whereby they may communicate their ideas and concerns to responsible authorities in the University;
- e.** That students have the right to ready access to the spoken and printed word;
- f.** That students have the right to express their thoughts and judgments concerning the professional competency of the faculty and professional personnel.

(from the 2007-08 Faculty and Professional Personnel handbook, pg. 234)

Accordingly, a grievance may be defined as a perceived violation of any of the rights of students described above. The Department of Counseling Psychology and Guidance Services affirms the right of its students to express grievances and accepts the responsibility to provide due process, to provide a means for the safe hearing of grievances, and to attempt a resolution of the expressed grievance that is satisfactory to the complainant. The departmental grievance procedure does not preclude the use of legal or professional resources for addressing grievances.

Examples of grievances include any words or actions on the part of other students, faculty, or staff in the department which limit the student's access to learning, which limit their free speech, which limit their freedom of association and assembly, or which limit their freedom of expression and inquiry. Other examples include incompetent teaching by a faculty person; unfair or inequitable evaluation or grading practices; lack of respect from peers and faculty; unfair or unreasonable demands; coercion; sexual harassment; exploitation of ideas, products, work, time, or resources; and discrimination on the basis of sex, ethnic origin, physical ability, sexual orientation, or age. While this list covers many potential areas of concern, it is not exhaustive. The department assures students the right to a fair hearing and due process concerning any circumstance involving a member of the department (student, faculty, or staff) which has been perceived to be harmful, unfair, or otherwise damaging to the student.

Routes for the Expression of a Grievance

It is anticipated that many perceived incidents of unfairness, harm, or other damage will be resolved without requiring formal proceedings. Ideally, this would be achieved through direct and reasonable communication between the parties involved with little or no mediation required. It is affirmed that faculty have a special responsibility to hear student grievances directed against them, to consider them seriously and fairly, to be cognizant of the imbalance of power inherent in the student/faculty relationship, and to assure that there will be no penalty to the student simply for the expression of a grievance against them. Before filing a formal grievance, students are encouraged to directly approach persons against whom they may have a grievance and attempt a satisfactory resolution.

It is recognized, however, that in some instances a direct confrontation may be threatening and risk greater harm to the student. If direct communication is unsuccessful or if the student perceives it to be too great a risk, then the procedures outlined herein should be followed. In general, the student should consider beginning at the first level of recourse and proceeding through higher levels until a satisfactory resolution is achieved. If a given level, however, includes the person against whom the grievance is held, that level may be skipped. If the perceived risk to the student of additional harm is too great at any given level, that level may be skipped. Unsatisfactory resolution of the grievance at any level may be appealed at the next higher level. The following steps of appeal are suggested but not required:

1. Direct communication with the person against whom the grievance is held;
2. Presentation, orally or in writing, of the grievance to the student's advisor, committee chair, program director, or a Graduate Studies Committee (GSC) student representative;
3. Presentation, orally or in writing, of the grievance to the Department Chair;
4. Presentation, in writing, of the grievance to the GSC of the department;
5. Filing of a grievance, following university policy, with the Teachers College Dean's Office;
6. Filing of a grievance, following university policy, with the Graduate School;
7. Filing a grievance, following university policy, with the University Academic Freedom and Ethics Subcommittee of the Professional Affairs Council;
8. Filing a grievance, following university policy, with the Dean of Students;
9. Filing a grievance, following university policy, with the Office of University Compliance;
10. Filing a grievance, following university policy, with the Office of the Provost and Vice President for Academic Affairs.

The remaining procedures outlined herein address only steps 1-4 of the grievance routes; the procedures for steps 5-9 are published elsewhere. Students should contact the particular office to identify the procedures for filing a complaint with that body.

Procedures

1. Direct communication with the person involved.

The student should arrange an appointment with the person against whom he/she has a grievance, explaining the purpose of the meeting. At the meeting, the student should clearly, specifically, and reasonably present his/her complaint and request a resolution. The recipient of the grievance is responsible for openly and completely hearing the complaint, considering it seriously, and responding honestly, with respect, in an attempt to provide resolution.

2. Presentation of the grievance to the student's advisor, committee chair, program director.

The student should schedule an appointment with his/her advisor, committee chair, the program director, or student GSC representative (hereinafter referred to as the "advocate"), informing him/her of the purpose of the meeting. At the meeting the student should clearly, specifically, and reasonably present his/her complaint, including the identity of the person. The advocate should openly and completely hear the complaint and consider it seriously and respectfully. If requested, the advocate may offer confidentiality, but this cannot be honored if he/she is asked to pursue the matter on behalf of the student. The advocate should ascertain whether the student has attempted direct resolution and, if not, encourage this. If, however, the student perceives too great a risk in doing so the advocate should respect this and may offer to intercede. He/she may arrange a meeting with the student and the person against whom the student has a grievance and attend as a mediator. Other procedures for intercession are left to the discretion of the advocate. The advocate may also decline to intercede but in so doing should offer assistance in achieving the next level of appeal.

3. Appeal to Department Chair.

The student should request a meeting in writing with the Department Chair, informing the Chair of the purpose of his/her request and outlining the particular grievance. The Chair will openly and completely hear the complaint, consider it seriously and with respect, and act toward satisfactory resolution of the student's grievance. The Chair will notify in writing the person against whom the grievance is held of the filing. The Chair may intercede with the person against whom the grievance is held or schedule a meeting among all parties (including, with the student's assent, the student's advisor, chair, program director, or other advocate), at which the Chair will act as mediator. The Chair may conduct an investigation by interviewing all relevant parties and any witnesses in an attempt to resolve the grievance. In these proceedings the Chair is not an advocate for either party, but a neutral mediator. At any point, or if resolution is not achieved, the Chair may decline to further pursue the grievance and may instead recommend that the student pursue the next level of appeal.

4. Appeal to the Graduate Studies Committee.

The student should appeal, in writing, to the chair of the department GSC. The written appeal should describe, in detail, the nature of the grievance and all parties involved. The GSC will convene within ten days of receipt of the complaint. At the initial hearing, the student, accompanied by an advocate of his/her choice if desired, will be asked to present his/her grievance to the Committee. Any Committee member who may be biased or risks a conflict of interest shall withdraw from the proceedings and may be replaced at the discretion of the GSC chair. The student has the right to request that any committee member be excluded from the hearing, which may be granted by the committee chair. The student is not required to be present at the same time as the person against whom the grievance is held but may attend if he/she so desires. Both the student and the person against whom the grievance is held may submit testimony of up to three witnesses (more may be used at the discretion of the GSC Chair). The Committee may call as many witnesses as it believes are necessary. While the GSC will attempt a straightforward resolution of the grievance to the satisfaction of the student, it may also, unlike lower levels, rule either in favor of or against the student's grievance, or reach no conclusion and recommend that the student appeal his/her grievance at the next higher level. Rulings require a simple majority of voting members of the Committee. Should they rule against the student's grievance, the matter will be considered closed as a departmental issue. The student, however, retains the right to pursue recourse at higher levels. A formal letter from the GSC Chair will summarize the findings and any recommendations of all hearings. Copies will be sent to all parties and kept on file with the department chair. All hearings will be considered confidential.

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