

## **Graduate Student Grievance Process and Procedures Revised 2019**

### **I. Purpose**

The Graduate School Grievance Process and Procedure (“the Grievance P&P” or “P&P”) establishes and describes the process through which graduate students can communicate concerns related to academic issues or academic conflicts, with the goal of ensuring that the student filing a grievance is better able to achieve academic success. This is a non-adversarial, non-judicial process. The rules of evidence, and any other rules that typically govern a criminal or civil court, are not applicable to the Grievance Procedure.

### **II. Jurisdiction and Scope**

- A. Students Covered. The Grievance P&P applies only to students enrolled in a graduate program at the University of Colorado Boulder. The Grievance P&P covers all CU Boulder graduate students and programs except for graduate students enrolled in the Leeds School of Business MBA program and the School of Law. If the issue being grieved is one that has resulted in a student’s program dismissal, the student retains the right to file a grievance on that issue for up to 30 days after the written dismissal notice.
- B. P&P Supersedes. This document specifies the process that graduate students must follow in submitting grievances at the graduate program level, and the process that faculty in graduate programs (except for students and faculty in the programs identified above) must follow in considering these grievances. The processes and procedures in this document replace and supersede any existing department/program graduate student grievance processes, procedures, or policies. The Grievance P&P also specifies the process that graduate students must follow if their grievance is not satisfactorily resolved at the program level and they wish to submit an appeal to the Graduate School, and the process that the Graduate School will follow in considering the appeal.
- C. Matters Covered. Grievances covered by the Grievance P&P include problems related to academic issues, such as arbitrary, inconsistent, or capricious actions taken against a graduate student; deviations from stated grading and examination policies as they appear on syllabi, on assignments, or in departmental guidelines for graduate study; failure to provide in writing reasons behind termination or dismissal, either from the program or from employment or other support; unfair treatment related to graduate student appointments; unfairness in the application of graduate requirements or regulations; and in general any actions taken by a program that relate to graduate students and that hinder the student’s ability to make normal progress toward the degree. Individuals named in a grievance must be teaching or research faculty directly involved in the student’s program of study. In those instances where a graduate student has a complaint against faculty

in a campus research institute, a national laboratory, or in a setting governed by a federal grant whether on or off campus, the student's home academic department (the unit awarding the degree) is responsible for helping to identify a resolution. Nothing in this document is intended to create an appeal right to an employment termination decision or otherwise undermine at-will appointments.

D. Matters Not Covered. The following issues *do not* fall under the jurisdiction of the Graduate School Grievance P&P:

1. **Grade appeals** must be filed in accordance with the grade appeal procedures of the school or college in which the degree-granting unit is housed. Although the Grievance P&P does not cover appeals based on the academic (content-specific) grounds on which a grade was assigned, as noted above, the Grievance P&P does cover deviations from stated grading and examination policies as they appear on syllabi, on assignments, or in departmental guidelines for graduate study.
2. **Academic decisions rendered by a program that can be properly judged only by specialists with content-area expertise** will not be considered. Such decisions may include dismissal from a graduate program based on failure to maintain the requisite GPA; dismissal from a graduate program based on two failed attempts at comprehensive or final examinations; and denial of admission to candidacy based on the graduate program's rules for qualification.
3. **Allegations of sexual misconduct, protected class discrimination or harassment, or retaliation and/or conflict of interest in cases of amorous relationship** will be reported to the [Office of Institutional Equity and Compliance \(OIEC\)](#) and are not under the jurisdiction of the Graduate School Grievance P&P.
4. **Allegations of [research misconduct](#), including unfair treatment in assigning joint authorship**, should be filed with the Standing Committee on Research Misconduct (SCRM).
5. **Allegations of unprofessional conduct on the part of teaching or research faculty** should be reported to the supervising administrator of the faculty member, as addressed in the Academic Affairs Policy [Professional Rights and Responsibilities of Faculty Members and Roles and Professional Responsibilities of Academic Leaders](#).
6. **Issues of Student Conduct** which fall under the jurisdiction of the [Office of Student Conduct and Conflict Resolution \(OSCCR\)](#) shall be covered by related policies and processes.
7. Any other allegations or issues that **fall under the scope of a separate, specialized process outside of graduate programs and the Graduate School**.

E. Discretionary Authority. The Dean of the Graduate School has final discretion as to whether or not an issue is academic and otherwise falls under the jurisdiction of the Graduate School Grievance P&P.

### III. Grievance Procedures

- A. Exhaustion of Pre-Appeal Processes. Whenever possible, graduate students and faculty in graduate programs should seek informal resolution of the issues covered in the P&P. A list of campus resources and Graduate School policies that may be helpful in identifying and achieving resolutions can be found on the Graduate School [website](#). In cases where an informal resolution has not been achieved, graduate students may submit a grievance but must first do so with their graduate program. If the issue is not resolved at the graduate program level, then the student may subsequently submit an appeal to the Graduate School. The Graduate School will not accept an appeal unless or until the student has exhausted the graduate program level grievance process, as outlined below in Section III.D.
- B. Distribution and Awareness. All graduate programs should ensure that graduate students and graduate faculty are aware of the Graduate School Grievance P&P. Best practices for ensuring such awareness include communicating the P&P to graduate students at program-level orientations and in program-level graduate handbooks. This document will also be posted on the Graduate School's website.
- C. Graduate School is a Resource. Graduate students may, but are not required to, contact the Graduate School before submitting a program-level grievance. The Graduate School can provide a copy of this P&P, including the [Graduate Student Grievance form \(GSG\)](#), as well as information concerning campus resources that may be helpful in the pursuit of an informal resolution. Regardless of whether a graduate student informs the Graduate School of intent to submit a program-level grievance, the student must follow the Graduate School Grievance P&P in submitting the program-level grievance.
- D. Graduate Program Grievance Procedures
  1. *Grievance Submission and DGS Review and Discretion*
    - a. If the academic issue cannot be resolved informally, the graduate student may submit a completed Graduate Student Grievance form to the director of graduate studies (DGS) in the student's graduate program, copying the Graduate School as specified on [GSG](#) form. If the DGS is named in the grievance, the GSG form should be submitted to the department chair. If the chair, too, is named in the grievance, the graduate student should contact the Graduate School for guidance on program-level submission. The DGS/chair should notify the school/college Associate Dean and the Dean of the Graduate School upon receipt of a student grievance.
    - b. If the GSG form is deemed incomplete by the DGS, the DGS should promptly return the form with instructions for its completion.

- c. The DGS (or department chair, if the DGS is named in the grievance) will determine whether or not the issue(s) being grieved falls within the scope of the Graduate Student Grievance P&P as defined in Section 11. above. The DGS is encouraged to consult with the Graduate School if questions arise with regard to the P&P's scope. Issues listed under Section II. D 1-7 above do not fall within the P&P and should be reported to the appropriate office. Allegations of sexual misconduct, protected class discrimination or harassment, or retaliation must be reported to the Office of Institutional Equity and Compliance (OIEC).
- d. Upon receipt and review of the GSG form and related materials, the DGS has the discretion, in consultation with the Dean of the Graduate School, to consider the status of any other university investigatory or review process, if known, including those conducted by OIEC, OSCCR, SCRM, or the Director of Faculty Relations. If issue(s) related to those being grieved are under review by one or more of these offices, the DGS may, after consulting with the other office, and with the permission of the Dean of the Graduate School, choose to delay initiation of the Graduate Program Grievance procedures until the office's investigation or review has culminated. For example, a student might submit a grievance alleging that insufficient mentoring has impeded the student's ability to make normal progress toward the degree, and might also allege that the insufficient mentoring is product of a faculty supervisor's protected class discrimination against the student. In such a situation, the DGS may, with the permission of the Dean of the Graduate School and in consultation with OIEC, choose to delay the Graduate School grievance process pending completion of an OIEC investigation. In any case, pursuant to jurisdiction and scope clarified above in Section II. D., the DGS would only be authorized to consider the allegations not involving protected class discrimination, to the extent they are severable. If the DGS determines that the allegations are not severable from allegations being reviewed or investigated by another university office, then the DGS should decline to review the grievance.

2. *Committee Formation, Materials Distribution, and Opportunity to Respond*

- a. If the DGS determines that the issue(s) being grieved fall within the scope of the Graduate School Grievance P&P, the DGS will form a Graduate Program Grievance Committee. Only faculty members holding regular graduate faculty appointments in the student's graduate program may serve on the Graduate Program Grievance Committee. Faculty against whom the grievance has been submitted shall not serve on the committee. The committee will typically have two to four members. The DGS serves as a non-deciding advisory chair of the committee in addition to the two to four deciding members. If there are not two faculty members from the graduate program who hold regular graduate faculty appointments and are not named in the grievance, the DGS should contact the Dean of the

Graduate School for guidance. The Dean may, in consultation with the DGS, suggest a committee member or members from another CU Boulder graduate program.

- b. The DGS should promptly distribute the GSG form and all appended materials to the faculty member or members against whom the grievance has been filed. The faculty member(s) will have opportunity to respond in writing to the grievance within ten business days, but a response is not required. If more than one faculty member is identified in the grievance, faculty members may respond individually or collectively. The DGS should promptly provide a copy of the response, if any, and all materials submitted with the response to the student who has filed the grievance. The DGS will share the grievance, response(s), and any appended materials with the Graduate Program Grievance Committee and schedule a hearing.

### 3. *Hearing Procedures*

- a. The graduate student (grievant) will be given the opportunity to be heard in person, over the phone, or by other means before the Graduate Program Grievance Committee. The responding faculty member(s) will also be given an opportunity to be heard in person, over the phone, or by other means if the faculty member is not available, before the committee. The grievant and the faculty member(s) against whom a grievance has been filed will normally not be heard before the committee at the same time. If more than one faculty member is identified in the grievance, they will typically be heard together before the committee; however, the DGS reserves the discretion to require separate hearings.
- b. The grievant, as well as the faculty member(s) identified in the grievance, have the right to consult with an attorney or any other advisor of their choosing who does not have a conflict of interest. Each person (whether grievant or faculty member) may be accompanied by no more than one person (attorney, friend, spouse, etc.) at the hearing. Because hearings are not legal proceedings nor intended to be adversarial, anyone accompanying the student or a faculty member identified in the grievance will not be allowed to speak for or on behalf of the individual during the hearing. If an individual chooses to bring an advisor to the hearing, it is the individual's obligation to select an advisor whose schedule allows attendance within the time frame designated by the DGS. The DGS is not obligated to reschedule the hearing to accommodate an advisor's schedule.
- c. At the hearing, members of the Graduate Program Grievance Committee will preside and will typically ask the grievant and faculty member(s) to summarize their perspective on the alleged conflict, ask for any additional relevant information, and request clarifications, if needed, pertaining to the grievance, the response(s), or appended materials. Committee members can and should ask questions about, discuss, and consider all contents of the grievant's GSG form, any verbal information offered by the grievant

during a personal appearance before the committee, any written response from the respondents, and any verbal information offered by a respondent during a personal appearance before the committee, for the purposes of rendering a decision and making recommendations regarding the specific grounds stated by grievant in the GSG form.

- d. The committee should not ask questions about or make decisions or recommendations about any information for purposes that fall outside of the specific grounds stated by the grievant, and must not ask questions about or make decisions or recommendations that are outside the scope and jurisdiction of this document, even if related to the issues alleged by the grievant. While such information may be important, it would be more appropriately addressed via other university processes outside of the jurisdiction of this specific process.

#### 4. *Committee Report and Recommendations*

- a. After the hearing and without the grievant or respondent(s) present, the committee should engage in discussion of the grievance and suggest recommendations. The focus of the hearing and the committee's resulting report should be to seek to understand the source of an alleged concern or conflict, but only if it falls within the scope and jurisdiction of this process, and then to provide recommendations in consideration of the grievant's sought remedies, if appropriate and available. These recommendations should enable authorized faculty and program administrators to work with a grievant to achieve resolutions or to consider areas for program improvement. For example, if the panel determines that a concern is a result of a misunderstanding, the panel should suggest ways to improve communication.
- b. The committee is not authorized to decide student or personnel sanctions or require conditions on programs or individuals. Recommendations concerning personnel are referred to the appropriate appointing authority. The DGS/chair of department, in consultation with the Dean of the Graduate School, will contact the appropriate appointing authority to relay any recommendations involving personnel and help to implement any recommended resolution. In cases of concerns of serious misconduct by University faculty, research faculty, or staff, the report will be referred to the appropriate disciplinary authority (appointing authority, Faculty Affairs, etc.) for further review and consideration.
- c. After the hearing and committee discussion, the DGS will prepare a draft report summarizing the issues and containing resolution recommendations for the committee's review and approval. The final report will contain specific recommendations regarding the issues that the committee identified in the allegations and address any specific remedy sought by the grievant. Prior to finalizing the DGS report, the DGS and/or committee is encouraged to consult with the Office of University Counsel.

- d. Within ten business days, or such other reasonable time period as determined by the DGS, of the hearing, the DGS will distribute the final report to the graduate student who filed the grievance and to the faculty member(s) against whom the grievance was filed. From official acceptance of the grievance to the issuance of the report to the graduate student, ideally, the grievance process at the graduate program level should take no more than 60 calendar days; however, each grievance is unique and the time period should be reasonable to the nature, scope, and timing of submission of the grievance.
- e. During semester breaks (including summer), it may not be possible to adhere to the business and calendar day deadlines specified above. The DGS and Graduate Program Grievance Committee should in any case make every attempt to respond to the grievance and issue a report as expeditiously as possible, but delays occasioned by semester breaks or other conditions will not invalidate the process. However, the reason for any delay should be communicated to the grievant.
- f. While the grievance is pending at the graduate program level, the Graduate School will, as necessary, assist graduate students, faculty members named in grievances, directors of graduate studies/chairs, and Graduate Program Grievance Committee members with procedural guidance, but typically will not engage in any substantive judgments pertaining to the academic issue itself with the student, the faculty member(s) against whom the grievance has been filed, the DGS/chair, or the Graduate Program Grievance Committee. Exceptions to this rule can be made, at the sole discretion of the Dean of the Graduate School, in cases where the graduate program has failed to respond to the student or has failed to respond in a timely fashion. The Dean of the Graduate School may also intercede at any point during the program-level grievance procedure if the Dean becomes aware of deviations from the P&P and/or of issues that require immediate intervention or investigation from a campus investigatory body (e.g. OIEC, Director of Faculty Relations, OSCCR, Standing Committee on Research Misconduct).

#### E. Appeal to the Graduate School

- 1. *Appeal Submission, Dean Review and Discretion, and Opportunity to Respond to Any Additional Materials*
  - a. Procedures at the Graduate School level intentionally align with procedures at the graduate program level, since at the Graduate School level the grievance becomes an appeal process.
  - b. If, on receiving the Graduate Program Grievance Committee's report, the graduate student finds that the report and recommendations do not satisfactorily resolve the academic issue which occasioned the grievance, the student may appeal to the Graduate School by submitting the Graduate Student Grievance form ([GSG](#)), faculty response(s), appended materials,

and the Graduate Program Grievance Committee report to the Dean of the Graduate School, or designee. The graduate student must appeal within twenty business days of receiving the Graduate Program Grievance Committee's report or the appeal may be determined to be untimely and not considered. Consistent with the above, the graduate student must have exhausted the program-level grievance procedures before appealing to the Graduate School.

- c. On receiving an appeal, the Dean will promptly communicate with the DGS of the graduate program to confirm whether the Graduate School is in receipt of all relevant materials (e.g. GSG form, faculty response[s], appended materials) previously a part of the graduate program grievance review. If the materials are deemed incomplete, the Dean of the Graduate School will promptly return the form to the graduate student and/or faculty member(s) and/or DGS with instructions for its completion.
- d. The graduate student may decide to append any additional documentation or information deemed relevant. However, all such documentation and information will be shared with the faculty member(s) named in the appeal, and the faculty member(s) will be given an opportunity to respond in writing to any additional documentation or information.
- e. The Dean will promptly verify whether the P&P has been followed at the program level, e.g. by determining that the issue(s) being appealed falls within the scope of the Graduate School Grievance P&P. Issues listed under Section II. D 1-7 above do not fall within the P&P, and the Dean will verify with the DGS that any issues pertaining to Section II. D 1-7 have been reported to the appropriate office. If the Dean determines that the process has not been followed at the program level, he/she has the discretion to return the grievance to the program level committee for review in accordance with the process and procedures. The Dean may also decide that the grievance should proceed to the appeal process.
- f. Upon receipt and review of the GSG form and related materials, the Dean has the discretion to consider the status of any other university investigatory or review process, if known, including those conducted by OIEC, OSCCR, SCRM, or the Director of Faculty Relations. If issue(s) related to those being appealed are under review by one or more of these offices, the Dean may, after consulting with the other office, choose to delay initiation of the appeal until the office's investigation or review has culminated. For example, a student might submit an appeal alleging that insufficient mentoring has impeded the student's ability to make normal progress toward the degree, and might also allege that the insufficient mentoring is product of a faculty supervisor's protected class discrimination against the student. In such a situation, the Dean may, in consultation with OIEC, choose to delay the Graduate School grievance process pending completion of an OIEC investigation. In any case, pursuant to jurisdiction and scope clarified above in Section II. D., the Dean would only be authorized to consider the allegations not involving protected class discrimination, to the extent they are severable. If the Dean



determines that the allegations are not severable from allegations being reviewed or investigated by another university office, then the Dean should decline to review the appeal.

- g. The Dean of the Graduate School will notify the graduate student, faculty member(s) against whom the appeal has been filed, DGS, and chair once the Dean has accepted the appeal and initiated the appeal process. The Dean of the Graduate School will copy the college/school dean or associate dean for graduate studies on this notification.

## 2. *Appeal Committee Formation*

- a. The Dean of the Graduate School will then form a Graduate School Appeal Committee. The Appeal Committee is composed of five members, not including the Dean of the Graduate School who will act as the non-deciding chair and advisor to the committee. The five members include four members of the graduate faculty from outside the student's department, and a graduate student. The graduate student will be a representative from the United Government of Graduate Students (UGGS), but may not be the UGGS representative on the Graduate School Executive Advisory Council and cannot be from the grievant's department. All faculty on the Committee must have regular graduate faculty appointments, experience as a graduate student supervisor, and, although not required, preferably experience as director of graduate studies (e.g. graduate associate chair of a department).
- b. The Dean will schedule a hearing as soon as conveniently possible after confirming all materials and written responses have been received.

## 3. *Appeal Hearing Procedures*

- a. The graduate student (grievant) will be given the opportunity to be heard in person, over the phone, or by other means before the Graduate School Appeal Committee, as indicated on the GSG form. The responding faculty member(s) will also be given an opportunity to be heard in person, or over the phone, or by other means before the committee. The grievant and the faculty member(s) against whom an appeal has been filed will normally not be heard before the committee at the same time. If more than one faculty member is named in the appeal, they will typically appear together before the committee; however, the DSG reserves the discretion to require separate hearings.
- b. The grievant, as well as the faculty member(s) identified in the appeal, have the right to consult with an attorney or any other advisor of their choosing who does not have a conflict of interest. Each person (whether grievant or faculty member) may be accompanied by no more than one person (attorney, friend, spouse, etc.) at the hearing. Because hearings are not legal proceedings nor intended to be adversarial, anyone accompanying the student or a faculty member identified in the grievance

will not be allowed to speak for or on behalf of the individual during the hearing. If an individual chooses to bring an advisor to the hearing, it is the individual's obligation to select an advisor whose schedule allows attendance within the time frame designated by the Dean. The Dean is not obligated to reschedule the hearing to accommodate an advisor's schedule.

- c. At the hearing, members of the Graduate School Appeal Committee will preside and will typically ask the grievant and faculty member(s) to summarize their perspective on the alleged conflict, ask for any additional relevant information, and request clarifications, if needed, pertaining to the grievance, the response(s), or appended materials. Committee members can and should ask questions about, discuss, and consider all contents of the grievant's GSG form, any verbal information offered by the grievant during a personal appearance before the committee, any written response from the respondents, and any verbal information offered by a respondent during a personal appearance before the committee, for the purposes of rendering a decision and making recommendations regarding the specific grounds stated by grievant in the GSG form.
- d. The committee should not ask questions about or make decisions or recommendations about any information for purposes that fall outside of the specific grounds stated by the grievant, and must not ask questions about or make decisions or recommendations that are outside the scope and jurisdiction of this document, even if related to the issues alleged by the grievant. While such information may be important, it would be more appropriately addressed via other university processes outside of the jurisdiction of this specific process.

#### *4. Appeal Committee Report and Recommendations*

- a. After the hearing and without the grievant or respondent(s) present, the committee should engage in discussion of the appeal and suggest recommendations. The focus of the hearing and the committee's resulting report should be to seek to understand the source of an alleged concern or conflict, but only if it falls within the scope and jurisdiction of this process, and then to provide recommendations in consideration of the grievant's sought remedies, if appropriate and available. These recommendations should enable authorized faculty and program administrators to work with a student to achieve resolutions or to consider areas for program improvement. For example, if the panel determines that a concern is a result of a misunderstanding, the panel should suggest ways to improve communication.
- b. The committee is not authorized to decide student or personnel sanctions or require conditions on programs or individuals. Recommendations concerning personnel are referred to the appropriate appointing authority. The Dean of the Graduate School will contact the appropriate appointing authority to relay any recommendations involving personnel and help to implement any recommended resolution. In cases of concerns of serious

misconduct by University faculty, research faculty, or staff, the report will be referred to the appropriate disciplinary authority (appointing authority, faculty affairs, etc.) for further review and consideration.

- c. After the hearing and committee discussion, the Dean of the Graduate School, or designee, will prepare a draft report summarizing the issues and containing resolution recommendations for the committee's review and approval. The final report will contain specific recommendations regarding the issues that the committee identified in the allegations and address any specific remedy sought by the grievant. Prior to finalizing the report, the Dean and/or committee is encouraged to consult with the Office of University Counsel.
- d. Within twenty business days, or such other reasonable time period as determined by the Dean, of the hearing, the Dean will distribute the final report to the graduate student who submitted the appeal and to the faculty member(s) against whom the appeal was submitted, copying the DGS, chair, and appropriate school/college dean or associate dean. From official acceptance of the grievance to the issuance of the report to the graduate student, ideally, the appeal process at the Graduate School level should take no more than 90 calendar days; however, each grievance is unique and the time period should be reasonable to the nature, scope, and timing of submission of the appeal.
- e. During semester breaks (including summer), it may not be possible to adhere to the business and calendar day deadlines specified above. The Dean and Graduate School Appeal Committee should in any case make every attempt to respond to the appeal and issue a report as expeditiously as possible, but delays occasioned by semester breaks or other conditions will not invalidate the process. However, the reason for any delay should be communicated to the grievant.