

Department of Mathematical Sciences Graduate Student Grievance Procedure

This procedure is a two-stage process to resolve alleged unfair grading procedures or alleged unfair disciplinary action taken by a faculty member against a student, or other matters not already addressed by other existing procedures. If any part or all of the grievance that is not resolved by the informal process involves allegations of academic dishonesty, or unethical or unprofessional conduct, initiation of a formal step would require following other procedures than the grievance procedure. Normally, the formal steps described below are not appropriate for such allegations. See the Appendix for avenues to resolve other categories of disputes.

- Stage one: Several informal steps designed to reach mutual agreement between the parties.
- Stage two: Formal steps are undertaken in which the complaint is considered by a Grievance Committee.

I. Informal:

- A. All parties are expected to make good faith efforts to resolve the dispute informally.
- B. The grievant will attempt to find satisfaction first by discussing the matter with the faculty member involved. This must be done within five working days from the grieved action unless the grieved action is the assigning of a grade in which case the deadline is the end of the fifth week of classes of the semester following. Working days - Monday through Friday, excluding official holidays. If either party is away during that period, then this part (I.B) may be skipped.
- C. If no mutually agreeable resolution is reached during stage I.B within the specified time, the grievant may seek mediation through the Department Chair or a person designated by the Chair. If the Chair or Chair's designee is the respondent, that is, the person against whom the grievance is directed, then the Graduate Director may serve as the mediating agent.
- D. When complaints and concerns are resolved through the informal process to the satisfaction of both the grievant and the respondent, any written materials developed as part of the process will be discarded. The department will keep the original of any written agreement signed by both parties.
- E. The informal process ends when (a) both parties reach a mutually acceptable solution to the dispute, or (b) the parties cannot reach an acceptable resolution, or (c) ten working days pass, in which one of the parties considers no acceptable resolution has been reached.

II. Formal:

A. FILING A GRIEVANCE:

1. If the above informal procedures do not result in a resolution, the grievant may file a formal written complaint, submitted to the Department Chair or designee.
2. The formal complaint must be filed within ten working days of the end of the Informal Process.
3. The Department Chair or designee, unless s/he is a party in the dispute, will:
 - a. Act in a neutral manner to facilitate all aspects of the formal procedure;
 - b. Appoint a Grievance Committee within ten working days;
 - c. Notify all involved parties in writing, within ten working days of receiving the complaint, that a formal grievance has been filed;
 - d. Forward copies of all materials to the members of the Grievance Committee within ten working days of its formation;
 - e. Instruct the Chair of the Grievance Committee to convene a meeting.
4. The Respondent will have five working days after receiving the notice of grievance to file a written response to the charges with the Department Chair.

B. THE GRIEVANCE COMMITTEE:

1. Normally, it operates during the semesters of the academic year and, thus, not during summer and winter breaks. Thus, that defines the convening days for the committee, unless the committee and the parties involved agree otherwise.
2. It is appointed on a case by case basis to avoid conflict of interest. A person has a conflict of interest if the person is related or married to one of the parties in the dispute, or if the person may be involved in the dispute.
3. The committee is composed of three faculty and two graduate students. Faculty members are selected by the Department Chair (or designee) and should be chosen from members of the Graduate Committee whenever possible. Student members are selected by the Galois Club. Normally, the Chair of the Department (or designee) determines the chair of the committee, but may have the committee determine its chair from the faculty membership.
4. The Committee Chair will schedule a hearing within ten working days from receipt of the complaint, at a time which does not preclude the attendance of either party, and will provide all parties at least five working days notice of the hearing date. Both parties are expected to accommodate the committee as much as possible so that the hearing can be scheduled in a timely way. Both parties must indicate, in a timely way, their attendance at the hearing, or that they voluntarily choose not to attend the hearing.

C. PRIOR TO THE HEARING:

1. The grievant and the respondent have the right to challenge the impartiality of any member of the committee. The other members of the committee will decide by secret ballot whether that member will be disqualified for that hearing. If there are at least two votes for disqualification, the member is disqualified and a replacement member is selected according to II.B.3.
2. The grievant and the respondent each have the right to invite one person as an observer (who is present in a non-participating capacity) to the hearing.
3. The committee may call witnesses if it feels that it cannot resolve the issue without that. Otherwise, there will be no witnesses presented or participating.
5. A majority (3 of 5) of the members of the Grievance Committee represents a quorum, provided at least one faculty member and one student are present.
6. If either party is absent, the committee may proceed without that party.
7. Only if there is reasonable doubt as to whether the notification of the hearing was received, will the hearing be postponed and a second notification sent.
8. If either party is absent from a rescheduled hearing or if both are absent, the committee may make a decision based on the merits of the case before them, or dismiss the case. In either instance, the case will then be considered closed.

D. THE HEARING:

1. All materials distributed and matters discussed must be kept confidential by all parties.
2. The hearing consists of an open part, attended by the committee, the grievant and respondent and their invited observers, and any witnesses, and a closed part, with only the committee present.
3. The committee determines the time-limits. Normally, the first part of the hearing is an hour in duration, with a short procedural introduction by the chair, five minutes for each party to make a statement, and twenty minutes for the committee to question each party.
4. At the beginning of the hearing the Chair will introduce all those in attendance, and ask if anyone has questions about procedures.
5. Members of the Committee may question both the documents and the presentations at the hearing, both during and after any presentations.
6. By filing a grievance, the grievant is setting in motion a process in which the respondent may provide materials in his/her defense that ordinarily would not be open for review by a committee with peer/student members. If the grievant initiates a topic, for example, such that a review of the record of grades or academic progress is needed, he/she will have to accept such a review by the

full committee and waive rights to confidentiality (but only with regard to the participants in the hearing) with respect to all relevant documents.

7. The first part of the hearing is designed to hear the evidence from both parties. It will consist of at least two segments:
 - a. A limited time for presentation of the grievance by the grievant followed by discussion focused on the grievance.
 - b. A limited time for presentation of the respondent's response to the grievance followed by discussion focused on the response.

At the conclusion of the first part, the grievant, respondent, witnesses and observers will leave the hearing.

8. The second part of the hearing is closed. The committee assesses the evidence and formulates a recommendation to the concerned parties, which will include the Chair of the department (or designee).
9. No one other than committee members will be present during the part described in part II.D.8, and no new evidence may be introduced at that time.
10. Parts II.D.7.a and II.D.7.b of the hearing will be recorded only for the purpose of assisting with the written summary. The recording will not be provided to the grievant or respondent or subsequently to others representing them. The written minutes will be made with sufficient detail to allow for review by the appeal agent.

E. DECISION OF THE GRIEVANCE COMMITTEE:

1. The decision of the committee will take place in part II.D.8 of the hearing and will be put in the form of a written report to the Department Chair (or designee).
2. The decision will be determined by an open vote by all members of the committee in attendance. The decision will be bound by a vote of the majority of the members present.
3. The report will be in writing, and the cover page signed by all members of the Committee.
4. Those members of the committee who do not concur with the majority decision have the right to append a minority report to the majority decision.
5. If at any time an informal, mutually agreed upon resolution between all parties is reached before the committee completes its decision, the formal process will cease immediately.
6. However, the committee will be informed of the resolution and may, at its discretion, require a hearing on the resolution.

F. FOLLOWING THE DECISION:

1. Within five working days of the hearing, the Committee Chair will send a written report of the committee's view of the dispute and its recommendation for resolution to the Chair of the department (or designee).
2. Within five working days of the hearing, the written minutes (summary of II.D.7.a and II.D.7.b) and materials presented for the hearing will be delivered by the chair of the committee to the Chair of the department for archiving. If there is an appeal, these plus a copy of the report will be delivered to the appeal agent.
3. Within five working days after receipt of the committee's report, the Department Chair (or designee) will send the Committee's report to all parties.
4. In no case will any party to the dispute be informed of the report by any other means.
5. Any actions recommended by the committee will be forwarded by the Chair of the department to the appropriate Department, College, or University body.

G. APPEAL:

1. Within ten working days of notification of the report at the department level, either party may appeal to the Graduate Council's Grievance Committee. The Graduate School's Grievance Procedures are outlined in the *Graduate School Manual*.¹
2. The appeal must be written.
3. An appeal will ordinarily be based upon allegations of procedural problems or upon claimed new and pertinent information not known at the time of the hearing to the party who wishes to have it presented, and therefore not available to the departmental committee at the time of its deliberations.

¹The manual is available from the Graduate School. At the time these procedures were written, it was available at <http://www.gradschool.binghamton.edu/fs/handbook.asp>