

MISSISSIPPI STATE UNIVERSITY™

Policy and Procedure

ACADEMIC OPERATING POLICY AND PROCEDURE

MEMORANDUM TO: All Holders of Mississippi State University Academic Operating Policy and Procedure Manual

DATE: January 10, 2014

SUBJECT: AOP 12.37 Graduate Student Academic Grievance Procedures

PURPOSE

The purpose of this Academic Operating Policy and Procedure (AOP) is to establish standardized procedures concerning graduate student academic grievances. Other grievances (i.e. discrimination and harassment, grade appeals, employment issues) are addressed under the auspices of other university policies.

DEFINITION OF ACADEMIC GRIEVANCE

An Academic Grievance is a deviation from standard or appropriate practices or University policy or procedure pertaining to the conduct of academic activities, including mentoring. The action(s) adversely impacts the ability of a student to progress toward timely fulfillment of degree requirements.

REVIEW

This AOP will be reviewed every four years (or whenever circumstances require an earlier review) by the Associate Provost for Academic Affairs with recommendations, if any, for revision presented to the Provost and Executive Vice President.

POLICY/PROCEDURE

I. Forward

The University operates under a philosophy that emphasizes the importance of ensuring the rights of its students. When a situation arises that results in an individual graduate student having an academic grievance, then efforts will be made to determine the information surrounding that grievance and respond appropriately and justly. The following procedures are designed to address academic grievances of graduate students and to provide a mechanism to resolve them. As a part of these procedures the times noted for response are to be strictly followed except under extenuating circumstances agreed upon in writing by the student and the accused faculty or staff member.

Whenever possible, problems should be resolved within the University at the level where they arise. However, each graduate student shall have the right to petition for a hearing to address an academic grievance. For example, the student may choose to by-pass the informal procedure (section III A) and begin with the formal procedure (section III B). Unless extenuating circumstances exist, a

student must initiate the academic grievance procedure within 30 days of the occurrence of the alleged grievance.

II. Determining Course of Action

The graduate student should seek the counsel of the Dean of Students to determine whether the grievance has sufficient merit to warrant the initiation of the academic grievance procedure, or if the grievance should be referred to some other office or falls under another policy of the University. For example, matters related to harassment and discrimination (OP 03.03), grade appeals (AOP 13.04), and employment issues are managed by other University Policies or Academic Operating Policies and Procedures. If the academic grievance procedure is determined to be the correct course of action, the Dean of Students will inform the graduate student that the grievance procedure detailed in Section III should be followed. If at any point during the informal grievance procedure it becomes apparent that a more formal process is warranted, the student should initiate the formal procedure.

III. Academic Grievance Procedure

Academic Grievance Procedure is the process of resolution whereby the graduate student contacts the faculty or staff member who is linked to the grievance and, if needed, additional personnel up to the level of the graduate student's college dean to resolve the situation. Two principles must be followed during the procedure of addressing the grievance:

- **Preponderance of Evidence:** If a graduate student believes that a faculty or staff member or other person has acted unprofessionally or failed in his/her academic or advising duties, then that graduate student must gather sufficient information supporting his/her grievance. The information may be in the form of emails, letters, or other forms of written documentation.
- **Without Retaliation:** At no time during the process should a faculty or staff member or other person take action that could be considered retaliation against the graduate student who has submitted the grievance.

A. Informal Academic Grievance Procedure

1. The graduate student should contact the faculty or staff member with whom he or she has the grievance to schedule a meeting. This initial contact should be made by email or writing with the correspondence dated. In the meeting, the student should explain his or her position and ask the individual to cease or alter the conduct in question. The student may choose to be accompanied by an MSU faculty or staff member of his/her choice who will serve as a silent observer of this meeting.
2. If the alleged conduct of the faculty or staff member persists, then the graduate student should notify the individual's department head or immediate supervisor. The graduate student will provide the department head or supervisor with a copy of the email or written correspondence noting the date of the request to desist and ask the department head or supervisor to arbitrate the matter promptly. At this point the department head or supervisor will normally have 5 work days to investigate the grievance and attempt to arbitrate or resolve the matter. The department head or supervisor will notify the graduate student, in writing, of the outcome of this action by the end of the 5 day period. If completion of the process is not reasonably possible within this period of time, the department head or supervisor must inform the grievant and the accused about the status of the investigation and provide an estimated notification date.

3. If the alleged conduct of the faculty or staff member continues after the intervention by the department head or supervisor, or if the graduate student is not satisfied with the response from the department head or supervisor, the student should contact the Dean of the College or Supervisor of the Unit of the individual allegedly causing the grievance. The Dean or Supervisor will notify the graduate student, in writing, about the decision and corresponding action that will be implemented, if any, normally within 5 work days after receiving the complaint. If the student is not satisfied with the response of the Academic Dean or Unit Supervisor, then he or she may file a written request for formal investigation through the Office of the Graduate School.

B. Formal investigation protocol

Formal investigation is the process of investigation whereby the Dean of the Graduate School and Associate Vice President for Academic Affairs (hereafter referred to as Dean of the Graduate School) convenes a review committee to investigate the grievance and recommend a resolution to the Dean of the Graduate School, who will pronounce the decision of whether an academic grievance did or did not occur. A formal investigation will be initiated when the graduate student submits a written complaint to the Dean of the Graduate School that the Dean of the Graduate School finds to be both credible and serious enough to warrant a formal investigation. The decision to investigate may be appealed in writing to the Provost and Executive Vice President within 5 working days.

The Dean of the Graduate School will inform the Dean of the academic college in which the student resides about the initiation of the formal investigation except in the case when the academic Dean is the accused. In this case, the Dean of the Graduate School will inform the Provost and Executive Vice President. The Dean of the Graduate School will promptly (normally within 5 work days) establish a committee to investigate the complaint. If this task cannot reasonably be accomplished within this period of time, the Dean must notify the grievant and the accused about the status of the review and provide an estimated date for establishment of the committee.

1. Investigating Committee:

- a. The investigating committee will be named by the Dean of the Graduate School, and will be composed of four members of the graduate faculty and one graduate student. The Dean of the Graduate School will name a committee chair from among the graduate faculty members of the committee.
- b. The chair of the investigating committee will inform the graduate student of the following:
 - The manner and frequency of updates that the graduate student will receive about the status of the investigation
 - The need to exercise a high level of discretion during the investigatory process
 - That no retaliation will occur against the graduate student
 - That the graduate student should not have any contact or communication with reference to the grievance with the faculty or staff member linked to the grievance.
- c. The investigating committee will provide the faculty or staff member who is alleged to have committed actions resulting in the grievance with the following notification, normally within 5 work days of receipt of the assignment. If completion

of this task is not reasonably possible within this period of time, the investigating committee must notify the accused of an estimated date for providing this information.

- The specific allegations that correspond to the grievance and a copy of the written complaint
- The manner and frequency of updates that the faculty member or staff member will receive about the status of the investigation
- The need to exercise discretion during the investigatory process
- The University's policy regarding retaliation against the grievant
- An opportunity to submit a written response to the allegations that correspond to the grievance within 5 work days of notification of the complaint (If submission of the written response is not reasonably possible within this period of time, the accused may request an extension and provide the investigating committee with an estimated submission date).
- Caution the faculty or staff member not to contact or otherwise communicate with the grievant with reference to the grievance

2. Investigation: The investigation will adhere to the following guidelines.

- a. The purpose of the investigation is to gather information.
- b. Depending on the nature of the search for information, an investigation may range from a one-on-one conversation between the investigating committee and the graduate student and faculty or staff member to an inquiry that requires interviews with multiple witnesses. The investigating committee will produce a written report (see below) at the conclusion of the investigation.
- c. The decision of the investigating committee shall be based on the "preponderance of evidence" standard. Any finding against an individual or department on the subject of the academic grievance must be supported by a preponderance of the evidence.
- d. The process should be completed promptly, normally within 5 work days from the date when the subject of the grievance was first assigned to the investigating committee. If completion of the process is not reasonably possible within this period of time, the investigating committee must notify the grievant and the accused about the status of the review and provide an estimated conclusion date.

3. Submission of Report: The chair of the investigating committee must submit a written report to the Dean of the Graduate School, normally within 5 work days of the completion of the investigation. If completion of the process is not reasonably possible within this period of time, the chair must notify the Dean of the Graduate School and provide an estimated submission date.

4. Review of Report and Course of Action: Upon conclusion of the formal investigation protocol, The Dean of the Graduate School shall review the report and make a decision as to whether an academic grievance did or did not occur. The Dean of the Graduate School will then submit the report and his/her recommendation(s) to the Dean of the College or Supervisor of the Unit normally within 5 work days. The grievant and accused will receive a written copy of the Dean of the Graduate School's recommendation. After review of the recommendation(s) of the Dean of the Graduate School, the Dean of the College or Unit Supervisor will determine what actions, if any, will be taken, normally within 5 work days.

If the Unit Supervisor is to make the decision, then the academic Dean must be consulted about the actions prior to enactment.

5. Notification of Decision and Appeal Process: The grievant and the accused will be informed of the decision of the Dean of the College or Unit Supervisor based on the recommendation of the Dean of the Graduate School. The grievant or accused may petition for an appeal of the decision of the Dean of the College or Unit Supervisor to the Provost and Executive Vice President in writing, normally within 5 work days. If either party cannot reasonably file a petition for appeal within this period of time, the individual may request an extension and provide the Provost and Executive Vice President with an estimated date that the petition will be submitted. The appeal will commonly be based on (a) the emergence of new facts that were previously unavailable; or (b) a substantial lack of adherence to procedures that allegedly affected the decision. The Provost and Executive Vice President may decide to utilize an appointed panel to assist in the review of the appeal and provide a recommendation. The appeal panel will be provided the written report of the committee that conducted the investigation as well as any documents reviewed and facts established during the formal investigation. The Provost and Executive Vice President will normally render a final decision concerning the appeal within 5 work days. This decision completes the University process.

RESPONSIBILITIES

<u>Position</u>	<u>Section</u>	<u>Year</u>
Associate Provost for Academic Affairs	Review	2018

APPROVED BY:

<u>/s/ Peter L. Ryan</u>	<u>04/28/2014</u>
Associate Provost for Academic Affairs	Date

<u>/s/ Jerome A. Gilbert</u>	<u>05/02/2014</u>
Provost and Executive Vice President	Date

<u>/s/ Gerald E. Eason</u>	<u>05/06/2014</u>
Chair, Robert Molland Faculty Senate	Date

REVIEWED BY:

<u>/s/ Lesia Ervin</u>	<u>05/30/2014</u>
Director, Internal Audit	Date

/s/ Joan Lucas
General Counsel

08/07/2014
Date

APPROVED:

/s/ Mark Keenum
President

08/22/2014
Date

THIS POLICY HAS BEEN SUPERSEDED