GRIEVANCE PROCEDURES

Preamble

It is an objective of the Graduate School to encourage, whenever possible, the prompt informal resolution of grievances of graduate students as they arise, and to provide recourse to orderly formal procedures for the resolution of complaints which cannot be informally resolved.

This set of procedures is designed to establish a well-defined but flexible structure including within its purview the issues unique to graduate education as well as academic areas common to all faculty-student or administration-student relationships.

The grievance procedures constitute a framework for the orderly and expeditious resolution of disputes. Effectiveness and efficiency, therefore, are key elements of such a framework. The concern of the Graduate School, however, goes well beyond an administrative interest in providing steps to be taken when one of its members has a quarrel with another. While recognizing and affirming the established principle that academic determinations are to be reached solely by academic professionals, it is the School’s intention to secure, to the maximum extent feasible, equitable treatment of every party to a dispute. To that end, those who oversee the grievance process are charged to pay heed not only to issues of procedural integrity but also to considerations of substantive fairness.

Procedures

I. DEFINITION AND JURISDICTION

A. A grievance shall include but not be restricted to a complaint by a graduate student that:
   1. there has been to one’s self a violation, misinterpretation or inequitable application of any of the regulations of the University, the Graduate School, Faculty or Department, or
   2. that there has been unfair or inequitable treatment by reason of any act or condition contrary to established policy or practice governing or affecting graduate students.

B. A grievance must be filed within one year of the alleged offense. This time limit may be extended by the Dean of the Graduate School upon good cause.

II. GRIEVANCE RESOLUTION PROCESS

A. Primary Level: the department or comparable administrative unit.
   1. Informal discussion: Virtually all disputes originate in the department or comparable administrative unit and should, if feasible, be resolved informally by the disputants. These parties should attempt to resolve amicably the dispute involved. It may be useful for the student to first seek the assistance of his or her advisor and then of the department chair or director of graduate studies as a mediator in an attempt to resolve the issue.
   2. Formal review: The student who feels the grievance is severe should request a hearing with the department grievance committee. The chair
shall rule on the case within 30 days of receiving the grievance or stipulate in writing the reason(s) why this timetable is impossible. If the department chair is the party against whom the grievance is brought, either as a teaching faculty member or as chair, an associate chair or director of graduate studies shall convene and chair the grievance committee.

B. College/School Level: If the student wishes to appeal the departmental ruling, the written statement of the grievance shall be filed (within 30 days) with the college/school dean. If the dean finds the statement of grievance provides reasonable grounds to grieve or raises doubt of prior appropriate review, he or she shall convene a grievance committee to review the dispute. The committee shall issue a written statement (within 60 days of its receipt of grievance) indicating its findings, recommendations and the reasons for the recommendations to the pertinent parties to the dispute, the departmental chair, the college/school dean, and the Graduate School.

1. Composition of the Committee: The college/school grievance committee shall include a minimum of three faculty members and one graduate student but shall not include representatives from the department involved in the grievance. The college/school dean shall select the committee members from a college/school panel which consists of at least one faculty and one student representative of each department. At the beginning of each new academic year, the composition of the college/school panel will be reported to the Graduate School. The process for selecting college/school panel members will be determined by each college/school. The members of these committees shall be selected so that no panel member is involved in a disproportionate number of grievances. Each principal to the dispute shall have the option of requesting, without stipulating the reason, the replacement of one member of the committee hearing the grievance. If any principals find other members or replacements inappropriate, the party shall transmit, within ten days of the naming of the committee, a written statement of the grounds for this “challenge for cause” to the college/school dean, who shall rule on its merits and either retain or replace the committee member so challenged. Each panel member selected shall have the option of disqualifying himself or herself from the committee by stipulating reasons why that panel member feels unable to deal neutrally regarding the grievance.

2. Operating Procedures: The college/school dean shall give the college/school grievance committee copies of the written grievance, all documentation and recommendations from the departmental proceedings, as well as a copy of the Grievance Procedures for Graduate Students. The principals shall also receive copies of all information presented to the committee. The committee shall convene review sessions necessary to allow both principals the opportunity to
present their positions and shall allow each principal the right to question the presentation (written or verbal) of those who contribute information to the committee. Each principal shall have the right to be present and to have one or two advisors present at all reviews. In no case shall an advisor be an attorney unless he or she is a member of the faculty not acting in the capacity of a member of the bar. Such review shall be conducted in confidence. A record of each meeting of the committee shall be kept and transmitted to the principals. The committee shall issue a written statement (within 60 days of grievance) indicating its findings, recommendations and the reasons for the recommendations to the pertinent parties to the dispute, the departmental chair, the college/school dean, and the Graduate School. Notice will be by certified mail. The grievant will be allowed 30 days from receipt of notice to appeal.

C. The Graduate School Level: On rare occasions, when all established procedures within a college/school have been exhausted, it may be appropriate for the Dean of the Graduate School to consider a final University appeal.

1. Jurisdictional Guidelines: Appeals to the Dean of the Graduate School will be allowed upon satisfying the following requirements:
   a. The student grievant must submit three (3) copies of a written statement to the Dean of the Graduate School describing the specific reasons(s) for the requested appeal.
   b. The dean of the college/school in question must certify that the student grievant has exhausted all procedures provided within the college/school and that the dean’s decision is a final decision of the college/school.

In general, the Dean of the Graduate School will consider only those appeals in which there is good cause to believe that prior proceedings have resulted in a decision contrary to law, the Policies of the Trustees, or Policies of the University at Buffalo. In general, the Dean of the Graduate School will not consider appeals which merely challenge the appropriateness of a judgment reached after a full and fair review and disposition of a matter by the department and the dean of the college/school.

2. Procedure: The initial appeal petition must be submitted by the grievant within 30 days of receipt of the final decision at the college/school level. The Dean of the Graduate School (or a designee) will review the petition submitted by the grievant and make a preliminary determination regarding the jurisdiction of the Dean of the Graduate School.

If it is determined that the Dean of the Graduate School should not exercise jurisdiction, the grievant will be informed and given leave to file an amended statement of grievance. Notice will be by certified mail, and the grievant will be allowed 30 days from receipt of the notice.
to file an amended statement. If no amended statement is filed, or if an amended statement is still judged deficient on jurisdictional grounds, the appeal will be dismissed, and notice of dismissal of the appeal will be sent to the grievant by certified mail.

If it is determined that the Dean of the Graduate School should exercise jurisdiction, the Dean of the Graduate School or designee, within 30 days of receipt of the appeal petition, shall:

a. Forward a copy of the student’s statement of grievance to the college/school dean.

b. Give the college/school dean an opportunity to respond to the student’s statement of grievance.

c. Take appropriate steps to resolve the dispute informally, in consultation with the parties.

The Dean of the Graduate School (or designee) shall consider the written grievance appeal from the student, all documentation and recommendations arising from the departmental procedures, and all recommendations made by the dean of the college/school concerned.

Each principal and the college/school dean shall receive copies of all written material presented to the Dean of the Graduate School. The Dean of the Graduate School may convene hearings to allow the principals the opportunity to present their positions and allow each principal the right to question the presentation (written or verbal) of those who contribute information. Each principal shall have the right to be present and have an advisor present at the hearings. In no case shall the advisor be an attorney unless he or she is a member of the faculty not acting in the capacity of member of the bar. Such review shall be conducted in confidence. Minutes of each meeting of the committee shall be kept and transmitted to the principals.

The Dean of the Graduate School will make a determination and notify the student of the final decision in writing. Such decision will be sent certified mail, return receipt requested, with a copy to the Provost. At any point in the proceedings, the Dean of the Graduate School may make a determination that jurisdiction was inappropriately taken and may dismiss the petition on that ground. In such case, written notice of the jurisdictional determination, and the reasons thereof, will be provided to the parties. If the Dean of the Graduate School decides that further review is necessary, he/she will consult with whatever parties he/she deems appropriate and will determine what additional review is necessary.

3. Confidentiality of Proceedings: Once the Dean of the Graduate School initiates a grievance review, principals shall have the obligation to maintain the confidentiality of the proceedings and of such materials or testimony presented in review proceedings, until a decision is formally reached. If breach of confidentiality is formally brought to the attention of the Dean of the Graduate School, the Dean of the Graduate School may choose to consider this breach as a case of possible misconduct.
Such consideration shall take precedence over the pending grievance, and the results of the misconduct review shall be transmitted in writing to the principals and shall be placed in the file of the grievance proceedings. Such findings may then be considered in any subsequent review of the grievance.