

## **Grievance Procedure for Graduate Students**

**Approved by the General Committee, April 6, 2020.**

This procedure provides a mechanism through which grievances can be fully investigated and decisions rendered. It covers grievances that involve serious disagreement between individual graduate students and faculty on issues relating to graduate education and support. If several graduate students share a common grievance, they may file a grievance jointly and pursue it according to the procedure below.

The first step of this procedure is for the student filing the grievance to contact the subject of the grievance so the involved parties attempt to solve the problem directly; the second step of the procedure is to engage the faculty Director of Graduate Studies. However, it does not follow that every conversation among two disagreeing parties or with a DGS is an official “grievance” as described under this procedure. Rather, the vast majority of disagreements among students and faculty are resolved through discussion, sometimes with DGS assistance, without invoking this official grievance procedure. Only when serious disagreements arise that cannot be resolved by the parties without additional help will this grievance procedure be invoked. Specifically, a graduate student will not be able to engage Step 3 until Steps 1 and 2 have been completed per this procedure document.

These grievance procedures apply to a broad range of subtle and sensitive matters having to do with issues such as alleged inequitable enforcement of graduate program requirements or unfair treatment of students, alleged violations of terms of written agreements related to a graduate student’s enrollment in a program, disagreements over the handling of unsatisfactory assistantship performance as in University Policy 1.3, disputes over order of authorship in joint publications, and other matters. However, the grievance procedure is not a mechanism for appealing academic decisions (e.g., decisions made by graduate faculty about a graduate student’s academic or research performance or progress; decisions about removing funding as a result of insufficient academic progress by a student when the awarding of funding was conditioned on such progress; or decision by a graduate faculty member to resign as special committee chair). Academic decisions rest with the responsible graduate faculty. The grievance procedure is not a mechanism to address disputes or disagreements between students.

Grievance matters should be handled with sensitivity. Educational records should be handled in accordance with the University’s FERPA policy. The graduate student shall suffer no retaliation for using the grievance procedure. The student’s supervisor(s) shall make reasonable allowance to adjust schedules to allow attendance at meetings associated with the grievance procedure. If the student fails to respond within the time limits described herein, then the issue will be presumed settled and the grievance will be closed.

When another University or Graduate School procedure exists to address a specific complaint or issue (i.e., Academic Misconduct), then that procedure should be used and not the grievance procedure. Additionally, this procedure is not a mechanism for resolving complaints alleging discrimination or harassment based on a protected-class status. Students should contact the Office of Institutional Equity and Title IX to understand the mechanisms available to answer such concerns.

In cases where it is unclear which university procedure applies, students should consult with the Associate Dean for Academic and Student Affairs in the Graduate School for guidance. The Associate Dean for Academic and Student Affairs has the discretion to decide whether the grievance procedure is available in a particular case. That decision is not subject to further review. To discuss the procedure, contact [gradacad\\_assoc\\_dean@cornell.edu](mailto:gradacad_assoc_dean@cornell.edu) .

## **Procedural Steps**

### **Step 1. Contact the Subject of the Grievance**

When possible and appropriate, students should attempt to resolve the problem with the other person or persons who are the alleged cause of the complaint.

### **Step 2. Contact the Director of Graduate Studies (DGS)**

If a student is not able to reach a satisfactory resolution at Step 1, the student should send a letter (via email or hard copy) describing the issue to the Director of Graduate Studies (DGS) of the student's field. If the DGS is the subject of the grievance, then the student should skip Step 2 and send the grievance letter directly to the Dean of the Graduate School as in Step 3.

The student should send the letter to the DGS (with a copy to the Dean of the Graduate School) as soon as possible but not more than 3 calendar months after the event giving rise to the grievance. (In a case in which the complaint is about a recurring pattern of behavior, this time limit shall refer to the most recent instance of the behavior.) The letter should include a clear statement of the complaint, evidence in support of the complaint, a description of previous efforts to address the complaint, and the proposed solution. The date at which the grievance is considered filed shall be the date the grievance is received by the addressee.

If the grievance letter alleges prohibited discrimination or harassment based on a protected-class status, the DGS will report the matter to the Office of Institutional Equity and Title IX. If any issues appropriate for grievance consideration remain after completion of that office's processes, the matter will be revived at the appropriate step of the Graduate School grievance procedure.

After receiving the letter, the DGS shall contact each party and discuss the issue. Within 20 business days of having received the original letter, the DGS shall provide a written response to the individual filing the grievance, recommending a resolution to the problem, copying the Dean of the Graduate School and the individual(s) named in the complaint as the subject of the grievance. The recommended resolution must be consistent with University policy.

If the Dean of the Graduate School judges that the subject of the grievance involves matters of college or university-wide implication or is otherwise beyond the authority of the DGS to resolve, the grievance shall be moved to Step 3 below prior to action by the DGS.

### **Step 3. Bring the Case to the Dean of The Graduate School**

If either party is not satisfied with the resolution at Step 2, the party should notify the Dean of the Graduate School in writing within 10 business days of receiving the Step 2 decision. The date at which Step 3 is considered invoked shall be the date the notification is received by the addressee.

Upon receiving such notification, the Dean or the Dean's representative shall contact each party to discuss the issue in a timely manner, generally within 10 business days of having received notification. The Dean/representative will make reasonable efforts to meet with both parties together in person or virtually, but that is not a requirement. The Dean/representative may request that others be present in those discussions to help arrive at a fair and informed decision (as, for example, in a case where the grievance involves specialized expertise in a field).

Each party may bring one support individual (friend, witness, etc.) to the meeting with the Dean/representative, but the support individual may not have a speaking role unless invited by the Dean/representative to speak. If a support individual who is not a University official attends, the student should satisfy provisions of the University's FERPA policy to allow non-University officials to be present for discussion of the student's record. If the student declines to provide such authorization, then no non-University officials shall attend the meeting. Both parties shall have access to all documents or evidence cited in the complaint and the ensuing meetings.

The Dean considers the case *de novo*. As expeditiously as possible, and in no more than 10 business days after conferring with the parties, the Dean shall issue a decision. If, under exceptional circumstances, this deadline cannot be met, then the Dean shall notify all parties of the delay.

#### **Step 4. Refer the Case to the Graduate Grievance Review Board (GGRB)**

If one of the parties is not satisfied with the Dean's decision in Step 3, the party shall inform the Dean of the Graduate School of their intent to take the issue to the Graduate Grievance Review Board (GGRB). This notification must occur in writing within 20 business days after receiving the Dean's decision. The date at which Step 4 is considered invoked shall be the date the notification is received by the addressee.

The GGRB shall be established within the academic area (Arts and Humanities, Social Sciences, Life Sciences, Physical Sciences and Engineering).

Within 14 business days, four GGRB members will be impaneled by the Dean of the Graduate School (or the Dean's representative) as follows:

- Two graduate student members elected by the representatives to the Graduate and Professional Student Assembly (GPSA) in that academic area. (Neither of these GGRB members should be in the same graduate field as the two parties.)
- Two faculty members in that academic area selected from the members of the General Committee (GC) of the Graduate School. (Neither of these GGRB members should be in the same graduate field as the two parties. It is possible to select a faculty member from another academic area if necessary.)
- No member of the GGRB shall have an actual or perceived conflict of interest with any of the parties in the grievance.

Within 10 business days, the chairperson of the GGRB will be chosen from the Graduate Faculty by the Graduate Dean, with the mutual consent of the parties involved. If the parties cannot agree on the recommendation for a chairperson, then the Graduate Dean will submit a panel of three names to the parties involved. They shall indicate their preference for the persons in numerical order. The one receiving the lowest total points shall be designated as the Chairperson.

As expeditiously as possible and in no more than 20 business days after the GGRB is impaneled and a chair identified, the Board shall meet to discuss the issue. The Board shall conduct a hearing at which both parties are present, either in person or virtually. If one party is unable to participate within that 20-business day window, the GGRB may decide to proceed with a hearing without the party participating.

Each party may bring one support individual (friend, witness, etc.) to the hearing, but the support individual may not have a speaking role unless invited by the Board chair to speak. If a support

individual who is not a University official attends, the student should satisfy provisions of the University's FERPA policy to allow non-University officials to be present for discussion of the student's record. If the student declines to provide such authorization, then no non-University officials shall attend the hearing.

All documents and evidence supporting the claims of each party must be submitted to the Board at least 2 business days prior to the hearing. The Board may request additional documentation from either party and/or from the Dean, to be delivered to the Board in a reasonable time period determined by the Board. Both parties shall have access to all documents or evidence cited in the hearing about the complaint.

The Board does not consider the grievance *de novo* but rather considers the Dean's decision and the party's or parties' reasons for dissatisfaction with the Dean's decision. The Board shall arrive at a decision by a majority vote and shall within 5 business days after the hearing, issue a final written recommendation. If, under exceptional circumstances, this deadline cannot be met, then the Dean shall notify all parties of the delay.

The recommendation shall be forwarded by the Chairperson of the GGRB to the Provost. The Provost will issue a final determination as quickly as circumstances permit and will inform the parties if arriving at the final determination will take longer than 20 business days after receiving the recommendation from the GGRB Chairperson. The decision of the Provost shall not be subject to further appeal within the University.

If invited by both parties, the Ombudsman may be present at the GGRB as a neutral observer.

When members serving on a GGRB have questions about a matter on which this Grievance Procedure is silent, the members of the GGRB for a specific case can make a decision about procedural matters not addressed in this document for use on that specific case.