

Policy and Procedures on Grievances by Undergraduate and Graduate Students in the Department of Psychology

**Adopted September 5, 2003
Revised May 22, 2006**

I. INTRODUCTION

All members of the University community are expected to observe high standards of professional conduct and ethical behavior in education and in the supervision of student research and teaching. In a large and heterogeneous scholarly community, however, problems may arise.

The purpose of this policy is to protect the interests of students in the Department of Psychology by providing informal and formal means of seeking resolution in case of an inappropriate action of a member of the faculty or administrative staff or an inappropriate application of a departmental policy. Any student in the Department of Psychology may informally pursue or formally file a grievance when he or she believes that a decision or behavior adversely affects his or her status as a student.

This Policy and Procedures on Grievances by Undergraduate and Graduate Students in the Department of Psychology specifies the policy and describes the procedures to be employed to resolve grievances by students in this department. These policies represent the implementation by the Department of Psychology of the "department level" process described in the USF Grievance Procedures (<http://catalog.grad.usf.edu/2001-003/section8.asp#grievanceprocedures>).

II. SCOPE AND COVERAGE

A. Definition of a Grievance

A grievance is distinct from a complaint. Grievances arise when a specific action or decision by a faculty member or by a departmental program or committee deviates from the standard procedures and policies that should govern such actions and decisions. A grievance may arise when a student believes that his or her status as a student, or a University appointment based on student status, has been adversely affected by a specific incorrect or inappropriate decision or behavior. The grievance must specify in detail the deviations and violations that are the substance of the grievance. Examples include, but are not limited to, the following:

1. having a department policy applied inappropriately;
2. being required to complete inappropriate tasks as part of an assistantship;
3. being improperly terminated from a student-based University appointment (e.g., teaching or research assistantship);
4. being improperly terminated from a program;
5. being required to meet unreasonable requirements for a degree that extend the normal requirements established by the campus or by the department and that are inconsistent with the scholarly standards in the discipline;
6. being the subject of retaliation for exercising his or her rights under this policy or participating in the exercise of another student's rights under this policy;
7. being the subject of professional misconduct by a student's supervisor or other faculty or staff member;
8. being the subject of inappropriate withholding of opportunities for training and professional development;
9. being forced by a faculty member to participate in acts that constitute professional misconduct (see below)

Complaints asserting that the student has been assessed on any examination, or assigned a course grade, by criteria other than those applying to all other students or other than those

announced in advance are considered "Capricious Grading Complaints" rather than grievances. For policies and procedures that apply to Capricious Grading complaints see section VI.

Practices or actions by a student's supervisor, other faculty member, or other member of the University community that seriously deviate from ethical or responsible professional standards in the supervision of student work may constitute professional misconduct in violation of University policy. Students who believe that the faculty member is guilty of professional misconduct can report this conduct to the chair of the department, but such a complaint is not a grievance and will be handled by the mechanisms established to deal with questions of academic integrity.

III. INFORMAL PROCEDURES

The department strongly encourages all students who believe they have a grievance to pursue informal resolution before initiating a formal grievance. If deemed reasonable by the grievant, a student in Psychology is encouraged to discuss the issue with the faculty or staff member with whom the problem has arisen. If a satisfactory solution is not forthcoming, the student should use all appropriate avenues, including, but not limited to, discussing the issue with his or her advisor, his or her Area Director, the graduate student representatives to the areas or the Executive Committee, the Undergraduate Program Director, or the Chair or Associate Chair of the department, who shall attempt to find a resolution acceptable to all parties. The student may also consult with Graduate Studies, Undergraduate Studies, the International Affairs Center, or other sources.

IV. FORMAL PROCEDURES

A. Identification of the Grievance Committee

When a grievance is filed, the Chair, in consultation with the Executive Committee, shall choose three faculty members and students shall select one student to serve on a department Grievance Committee. The student will be a graduate student or undergraduate depending on the student status of the grievant. The graduate student representative to the Executive Committee shall supervise the process of selecting a graduate student member, and Psi Chi officers shall supervise the process of selecting an undergraduate member. The grievant may request that there be no student on his or her grievance committee, unless the respondent is also a student. The Department Chair, with the advice of the Executive Committee, will appoint the chair of the Grievance Committee. The chair of the Grievance Committee is responsible for assuring that a record of the committee's investigations, deliberations, and recommendations is forwarded to the department Chair.

B. Procedures

- I. A student in the Department of Psychology may file a formal grievance with the department Chair. This formal grievance must be filed in writing within 45 calendar days of the decision or behavior that has prompted the grievance. If the grievance is the result of a pattern of behavior which began prior to the 45th day but extended beyond it, the pattern may be included in its entirety in the grievance. The written grievance should indicate the parties involved; the action or decision being contested; any applicable university, campus or unit policy; an explanation of why the action or decision is inappropriate; and the remedy sought.
2. The department Chair shall define the subject matter and scope of the issues related to the grievance in a written charge to the Grievance Committee. The primary involved parties (e.g., the grievant, the individual(s) grieved against) shall receive a copy of the charge and notification of the composition of the committee.

3. Any participant to the grievance may challenge any member of the Grievance Committee if there is a perceived conflict of interest. The challenge should be made in writing to the Chair of the department within 10 working days of receiving a copy of the committee's charge. If the objection is prompt and reasonable, the Chair or the students shall replace the person with one who meets the stated criteria. The decision of the Chair as to whether the challenge is reasonable and as to the acceptability of the replacement selected may be a basis for appeal of the Grievance Committee's recommendation. A conflict of interest discovered subsequently constitutes grounds for appeal to the College of Arts and Sciences at any time.
4. The Grievance Committee's investigation shall include a review of written materials presented and may involve information solicited from the primary involved parties in writing or in person. During a hearing, each of the primary involved parties may make a brief opening statement and then respond to questions from the committee. The primary involved parties may not question each other directly, but may pose questions through the committee chair. At the end of the hearing, each primary involved party may make a closing statement. Both the grievant and the party grieved against are entitled to bring one advisor to the meeting. The advisor, whether an attorney or not, can advise the party but not participate in the discussion in any way.
5. Within 30 academic calendar days (i.e., working days, not including vacations and holidays) from the time the committee is finalized, the chair of the Grievance Committee shall report its recommendations in writing to the department Chair. At the same time, a copy of the committee's report shall be given to the primary involved parties. The Grievance Committee's report shall contain:
 - a. a summary of the grievant's contentions and relief sought;
 - b. the response of the individual or departmental entity against whom/which the grievance was filed;
 - c. a general description of the investigative process;
 - d. a citation of relevant policies;
 - e. an explicit finding of fact based on the preponderance of the evidence with respect to each grievance included in the investigative committee's charge;
 - f. a listing of the evidence relevant to each finding;
 - g. an indication of whether there was a reasonable basis in fact and honest belief in the allegations in the investigated grievance;
 - h. a recommendation of appropriate redress for the grievant(s), if applicable;
 - i. and recommended changes in policies and procedures to minimize the probability of recurrence, if applicable.
6. Within 30 calendar days of receipt of the committee's report, the department Chair in consultation with the Executive Committee shall determine the disposition of the case and communicate the decision to the primary involved individuals. All individuals involved in the investigation have the right to be informed by the Chair of the decision.

If the Chair determines that the grievance has not been proved or has no merit, the Chair will notify all involved parties and all persons who have been interviewed or otherwise informed that the grievance has been dismissed.

If the Chair determines that the grievance has been sustained and has merit, the Chair will proceed in accordance with University policies, rules, and regulations. The Chair may, after consultation with appropriate campus officers, prescribe redress for the grievant. In addition, the Chair may initiate modifications of department policies or

procedures. The Chair shall notify the primary involved individuals (grievant, respondent, grievance committee members) of actions taken.

7. Within 30 calendar days of receipt of written notification of the Chair's determination, an appeal may be made to the College of Arts and Sciences.
8. After completion of a grievance review and all ensuing related actions, the Chair shall return all original documents and materials to the persons who furnished them. The Department shall maintain the grievance file for 5 years after final resolution at the department level. At that time, all identifying information shall be removed from the file. However, this does not imply that a record of relevant information cannot be kept in personnel files.
9. If the Chair is a party to the grievance, then the grievance will go to the College of Arts and Sciences unless the parties agree that the Associate Chair may act on the Chair's behalf. In the absence of an Associate Chair, an Area Director may serve this role if all parties agree.

V. GENERAL PROVISIONS

A. Coverage

This policy and these procedures apply to all students in the Department of Psychology. This policy also applies to former students, provided they meet the timelines requirements specified in the procedures above.

B. Oversight Authority and Responsibility

1. The Chair has responsibility, under the policies and procedures of the university, for the management of Department of Psychology programs and related policies and procedures.
2. The Chair shall have the primary responsibility for administering departmental and university procedures detailed herein. All information and items furnished will be made available to the Grievance Committee. During the course of an investigation, the Chair will provide information about the status of the proceedings to the primary involved individuals. Subsequent to the Grievance Committee's reporting, the Chair will maintain a file of all documents and evidence and will be responsible for the confidentiality and security of the file. The Chair shall make the complete file available to the Dean of Arts and Sciences on the appeal of a grievance to the College.

C. Confidentiality

All persons involved in administering these procedures will make diligent efforts to protect the reputations, privacy, and positions of all involved persons. These persons include those who file grievances, persons who are alleged in a grievance to have taken inappropriate actions or activities, persons who aided in the committee investigation, and department administrators. All of the activities and deliberations and the identity of those involved should be kept confidential to the extent permitted by law. However, confidentiality regarding information other than the identity of the grievant need not be maintained if the grievance is found to be false and in particular if dissemination is necessary to protect the reputation of individuals or entities falsely accused. Making public the fact that a grievance has been deemed false or unproved is not considered retaliation against the grievant. Protection of confidentiality does not preclude disclosures necessary to redress actions leading to a grievance.

D. Standard of Evidence

The Grievance Committee's decision shall be made on the "preponderance of evidence" standard. Any finding against an individual, program, or entity on the subject of a grievance must be supported by a preponderance of the evidence.

E. Academic Freedoms and Rights of the Parties

1. It shall be a prime concern of all persons who implement this policy and these procedures to protect the academic freedoms fundamental to the academic enterprise. Among other things, this includes the professional judgments of student performance that are an essential part of the education process. Academic freedom, however, affords no license for the mistreatment of students.
2. The rights of the primary involved individuals shall be specified in the form of a written notice or letter from the department Chair. The primary involved individuals have the following rights:
 - a. To receive notice of the identity of the members of the Grievance Committee;
 - b. To receive a written statement of the charge including the subject matter being considered by the Grievance Committee. If additional information emerges during the committee's evaluation that substantially changes the subject matter, the parties shall be informed promptly in writing;
 - c. To submit statements in writing and to meet with the committee to present information;
 - d. To consult private legal counsel or another person who may provide advice during meetings with the committee. Prior notice of the presence of an advisor must be given, and any other primary involved party may request a delay of up to 5 calendar days to arrange for the presence of an advisor;
 - e. To review and respond to the Grievance Committee's final report.
3. Any of the parties responsible for the implementation of this policy may consult USF's General Counsel at any time during the informal or formal processing of a grievance.

F. Conflict of Interest

A conflict of interest is a significant professional or personal involvement with the facts or the parties to a dispute. Any participant who has a serious conflict of interest in a dispute under this procedure, or a concern about a conflict on the part of another, shall report it to the Chair who shall take appropriate action, bearing in mind that it is unlikely that completely disinterested committee members can be found. If the Chair has such a conflict, the Chair will inform the Dean of Arts and Sciences who will decide how to address the situation. If another participant has concerns about a conflict on the part of the Chair, this will also be reported to the Dean of Arts and Sciences, who will decide how to address the situation.

G. Timelines and Procedural Changes

All procedures prescribed in this document should be conducted expeditiously. The department Chair for good cause may extend any of the time periods and make other reasonable alterations of these procedures, provided that the alteration does not impair the ability of a grievant to pursue a grievance or the respondent(s) named in the grievance to defend him/herself. Any alterations of these procedures must be communicated to all pertinent parties.

H. Withdrawal of a Grievance

The grievant may submit a written request to withdraw the grievance at any time. The Chair shall decide whether to approve the request. If the withdrawal request is approved, the Chair shall notify the primary involved parties and the files shall be destroyed. If the withdrawal request is denied, the grievance shall continue to be processed to a conclusion according to the above procedures.

I. Termination of University Affiliation

Even if any of the primary involved individuals in a grievance end their University enrollment after initiation of procedures under this policy, these proceedings will not necessarily be terminated.

J. Malicious Charges

Bringing unfounded charges in bad faith is a violation of this grievance policy. If the Grievance Committee determines that the allegation(s) in the grievance or the testimony of any person was unfounded and motivated by bad faith, that finding shall be communicated by the Chair to the Dean of Arts and Sciences. Such finding may be the basis for disciplinary action or other personnel decisions in accordance with University rules and regulations.

VI. Procedures for considering complaints about capricious grading

As noted in section II, claims that a student has been assessed on any examination, or assigned a course grade, by criteria other than those applying to all other students or other than those announced in advance are considered **capricious grading complaints** rather than grievances. Such complaints will be examined according to the procedures outlined in this section.

A. The following procedures are available only for review of alleged capricious grading. They are not to be used: 1) to review the judgment of an instructor in assessing the quality of a student's work or 2) in all cases defined as grievances in the grievance policy.

Capricious grading includes any of the following:

(1) the assignment of a grade to a particular student on some basis other than performance in the course;

(2) the assignment of a grade to a particular student by resort to more exacting or demanding standards than were applied to other students registered for the same credit in that course;

(3) the assignment of a grade representing a substantial departure from the instructor's previously announced standards.

B. The Undergraduate Program Committee will serve as the Capricious Grading Committee. If the instructor of the course is a member of the committee, that instructor shall be disqualified from the consideration of any appeal involving the instructor.

C. A student who believes that an assigned grade is improper and the result of capricious grading should first confer promptly with the instructor in the course or, if the instructor is unavailable, with the department's Undergraduate Program Coordinator. If the student and the instructor (or, in the instructor's absence, the Undergraduate Program Coordinator) are unable to arrive at a mutually agreeable solution, the student may file a Capricious Grading complaint with the Chair (of the department) within six working weeks after the start of the next semester.

D. The student shall file the complaint by submitting to the Chair a written statement explaining

the basis for the allegation of capricious grading and presenting any available supporting evidence. The Chair shall submit a copy of the student's written statement to the instructor of the course with a request that the instructor promptly submit a written response thereto. The Chair shall then submit the appeal and response to the department's Capricious Grading Committee.

E. The committee will conduct an initial evaluation of the case. During that evaluation the committee will assume that every particular and every fact asserted by the student is true and accurate. The committee will determine whether, given the assumed truth of the facts in the complaint, the case will constitute an instance of Capricious Grading as defined in this policy. If the Committee decides that even if every claim by the student is true, the case is not an instance of Capricious Grading, it will report its conclusion to the Chair, who will transmit this conclusion to the student and the instructor.

E. If the committee decides that, if true, the alleged facts of the case do constitute a Capricious Grading case, it will hold a fact-finding session concerning the allegations set forth in the appeal. Both the student and the instructor are entitled to be present throughout this session and to present any evidence relevant to the manner in which the grade was assigned, including testimony by other persons. Both the student and the instructor shall have an opportunity to question or refute any evidence presented. The confidentiality of all evidence shall be preserved. The student and instructor may each be accompanied by a person to advise them in presenting evidence. However, such advisors cannot participate directly in the hearing. The session shall not be open to the public.

F. At the close of the session, the committee shall deliberate privately. If a majority of the committee finds the allegation of capricious grading not supported by substantial evidence, it shall dismiss the appeal. While the department's decision is final, the student may appeal to the College. If the committee finds the allegation of capricious grading to be supported by substantial evidence, the committee shall proceed to determine the most appropriate remedy. The committee may direct the instructor to grade the student's work anew or to give the student a new examination in the course, or may take such other action as will bring about substantial justice in the individual case. The decision of the committee shall be reported in writing to the student, the instructor, and the department Chair. The committee's decision is final.

G. The committee is not authorized to reprimand or otherwise take disciplinary action against the instructor. Evidence put before the committee shall be admissible in any disciplinary proceedings that may thereafter be undertaken against the instructor.