



University Senate TRANSMITTAL FORM

Senate Document #:	14-15-22
Title:	Revision of the University of Maryland Undergraduate Student Grievance Procedure
Presenter:	Madlen Simon, Chair, Senate Educational Affairs Committee
Date of SEC Review:	November 23, 2015
Date of Senate Review:	December 9, 2015
Voting (highlight one):	<ol style="list-style-type: none"> 1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	In January 2015, a proposal was submitted to the Senate Executive Committee to revise the University of Maryland Undergraduate Student Grievance Procedure (V-1.00[A]). The proposal noted that the procedures had not been revised since 1991 and do not reflect current expectations of faculty as indicated in the Undergraduate Catalog and the Faculty Handbook. The SEC voted to charge the Senate Educational Affairs Committee with reviewing the proposal and considering revisions to align the procedures with current practices.
Relevant Policy # & URL:	http://www.president.umd.edu/policies/2014-V-100a.html
Recommendation:	<ul style="list-style-type: none"> • The Educational Affairs Committee recommends the University of Maryland Undergraduate Student Grievance Procedure (V-1.00[A]) be amended as indicated in the policy document immediately following this report. • The Educational Affairs Committee recommends that appropriate revisions be made in the Undergraduate Catalog and the Faculty Handbook to align University guidance with the revisions to this policy. • The Educational Affairs Committee recommends that a listing of policies be created by the Office of Undergraduate Studies for distribution as an addendum to syllabi for all undergraduate courses. The addendum should include reference to policies relevant to undergraduates at the University. In particular, the committee recommends that the addendum include policies related to academic integrity, disability support services, the Undergraduate Student Grievance Procedure, the Sexual Misconduct Policy, and University policies related to excused

	absences.
Committee Work:	<p>The Educational Affairs Committee began reviewing its charge in Spring 2015. The committee reviewed current practices, considered information in the Undergraduate Catalog and the Faculty Handbook, reviewed peer institutions, and consulted with: the proposer, the University Registrar, the Senate Student Affairs Committee, the Office of the Senior Vice President and Provost, the Office of Undergraduate Studies, and the Office of General Counsel.</p> <p>The committee learned that this is the only University policy that sets expectations for faculty in relation to teaching and students, and agreed that providing additional information from the Faculty Handbook and the Undergraduate Catalog in the policy could be very helpful to students and faculty. The committee focused spring 2015 on incorporating current practices into the policy.</p> <p>In Fall 2015, the committee revised the second half of the document describing the procedures for handling grievances, which included outdated language that referred to administrative structures that no longer exist. The committee also worked to streamline processes, eliminating mechanisms to create a pool of members for potential screening and hearing boards each year that did not seem appropriate, given that cases requiring the use of such boards arise relatively infrequently. The Educational Affairs Committee worked with representatives from the Office of Undergraduate Studies and the Provost's Office to develop new procedural language to propose in its final revision.</p> <p>The committee also considered a recommendation in fall 2015 to create a policy addendum to replace discussions of University policies on individual syllabi. The committee agrees with the purpose of an addendum to present critical policies in a uniform manner, in order to increase students' awareness of certain policies and how these policies impact their undergraduate careers. On November 5, 2015, the committee voted to approve its proposed revisions to the policy along with a recommendation to create a policy addendum.</p>
Alternatives:	The Senate could reject the recommendations. However, the Senate would lose an opportunity to update the expectations of faculty in the Undergraduate Student Grievance Procedure.
Risks:	There are no associated risks.
Financial Implications:	There are no financial implications.
Further Approvals Required:	Senate approval, Presidential approval.

Senate Educational Affairs Committee

Report on Senate Document # 14-15-22

Revision of the University of Maryland Undergraduate Student Grievance Procedure

November 2015

2015-2016 Educational Affairs Committee Members

Madlen Simon, Chair
Shabnam Ahmed, Ex-Officio SGA Rep
Ben Bederson, Ex-Officio Provost's Rep
Jeffrey Franke, Ex-Officio Graduate School Rep
Marcio Oliveira, Ex-Officio Division of IT Rep
Doug Roberts, Ex-Officio Associate Dean for General Education
Ann Smith, Ex-Officio Undergraduate Studies Rep
Ashlee Wilkins, Ex-Officio GSG Rep
John Buchner, Faculty
Nina Harris, Faculty
Xin He, Faculty
Jeffrey Henrikson, Faculty
Adam Hsieh, Faculty
Celina McDonald, Faculty
Gerald Miller, Faculty
Kellie Robertson, Faculty
Dylan Selterman, Faculty
Ji Seung Yang, Faculty
Leslie Brice, Exempt Staff
Cathy Fisanich, Non-Exempt Staff
Justin Halteman, Graduate Student
Chaga Abeysinghe, Undergraduate Student
Nicolette Lee, Undergraduate Student

BACKGROUND

In January 2015, a proposal was submitted to the Senate Executive Committee (SEC) to revise the University of Maryland Undergraduate Student Grievance Procedure (V-1.00[A]). The proposal noted that the procedures had not been revised since 1991 and do not reflect current expectations of faculty as indicated in the Undergraduate Catalog and the Faculty Handbook. The SEC voted to charge the Senate Educational Affairs Committee with reviewing the proposal and considering revisions to the procedures in order to align with current practices (Appendix 1).

COMMITTEE WORK

The Educational Affairs Committee received its charge on February 23, 2015. The committee reviewed current practices and information in the Undergraduate Catalog and the Faculty Handbook and considered peer institution information in its review. The Educational Affairs Committee consulted with the proposer, the University Registrar, the Senate Student Affairs Committee, the Office of the Senior Vice President and Provost, and representatives from the Office of Undergraduate Studies during its review.

The committee worked very closely with a representative from the Office of Undergraduate Studies who serves as the Undergraduate Student Ombudsperson. She explained that this policy has not been revised since 1991, despite great changes since then in pedagogy and teaching approaches at UMD. She also noted that this policy is the only University policy that sets expectations for faculty in relation to teaching and students. The Office of Faculty Affairs provides guidelines for syllabi in the Faculty Handbook, but those guidelines are not incorporated into policy language, and as such, are not binding. Likewise, information included in the Undergraduate Catalog related to syllabi and expectations does not have the same weight as University policy, since it is provided as guidance. The representative also explained that today, University policies are easier to find for students than the Undergraduate Catalog or the Faculty Handbook, and often students and faculty will search for University policy when issues arise. The Educational Affairs Committee agreed that adding information to University policy to clarify the expectations of faculty could be very helpful both to students and to faculty.

In spring 2015, the committee began revisions to the policy language to incorporate information from the Handbook and the Catalog into the policy. At the recommendation of the University Registrar, the committee also added text to provide reference to the new University policy on mid-term grades for undergraduate students.

As it incorporated language from the University's guidance on syllabi, the committee discussed the appropriate language related to examinations. The committee noted that many provisions of current guidance discuss expectations for "examinations," but members raised concerns that this language may not be flexible enough to cover all courses. In many courses, papers or projects are more appropriate and are used in place of traditional mid-term or final exams. In addition, while current guidance states that final examinations must take place at the scheduled time, many courses require a final paper or project to be turned in instead.

The committee discussed alternative language, and considered advice from the University Registrar and peer institutions on how to approach this issue. The University Registrar suggested that use of the term "examination" instead of "exam" could be more inclusive of different types of assessments such as projects or papers. Peer institutions provided a few examples of alternative language, including language that discusses both traditional exams and alternatives. For instance, policy language at the University of California Berkeley has language referring to "written final exams or alternative forms of final exams," while Penn State University has language indicating that "valid means other than the final examination exist for accomplishing these [evaluative] objectives (e.g., term paper, final project report, take-home examinations, etc.)." After discussion, in order to be more inclusive and capture all types of assessments,

the Educational Affairs Committee voted to use “examinations and assessments” in all language entered into the policy.

Upon returning to the grievance procedures in Fall 2015, the committee turned its attention to the procedural language in the document. The second half of the document describing the procedures for handling grievances included outdated language that referred to administrative structures that no longer exist. The procedures also created processes that required a great deal of work each year to create a pool of members for potential screening and hearing boards that did not seem appropriate, given that cases requiring the use of such boards arise relatively infrequently. The Educational Affairs Committee worked with representatives from the Office of Undergraduate Studies and the Provost’s Office to develop new procedural language to propose in its final revisions, and consulted with the Office of General Counsel on the final proposed language.

In addition to updating language, the procedures were revised to remove one layer of review by the Dean for Undergraduate Studies. The revised procedures include two levels of review, one at the College or School level for grievances against a faculty member or program, and one at the Provost’s Office level for grievances against Colleges or Schools. In all cases where a grievance is presented, steps for informal resolution are recommended before formal action is taken. If the grievance is not resolved through informal means, the formal resolution process for grievances against a faculty member or program begins with the dean convening a screening board to review the case and determine whether a hearing is necessary. If so, a hearing board will be convened. The hearing board reports to the dean, who makes the final decision. Cases involving grievances against Colleges or Schools will be heard through the same process taking place at the level of the Provost’s Office, and the Provost will make the final decision. In most cases where the dean is not a disinterested party, the case will be reviewed at the level of the Office of the Provost, and the Provost may choose to delegate responsibility to the Dean for Undergraduate Studies when appropriate.

The Educational Affairs Committee proposed an addition to the policy to define Reading Day and set forth what activities can and cannot be conducted on that day. Reading Day is set aside by the University System of Maryland in the academic calendar, but is not defined there or in any University policies, so the committee considered it important to define it in this policy in order to clearly set forth expectations for faculty use of that day. The committee’s peer institution research revealed that Reading Day is used at institutions across the country as a day of reflection after courses end and as a chance for students to prepare for final exams.

The difficulty with defining Reading Day arises from the multiplicity of interpretations and lack of standardized definition of the purpose of the day. Many faculty presently use Reading Day for required course activities, such as all makeup assignments and examinations, course presentations, or class activities to share the outcomes of final projects for a course. While these are examples of faculty-initiated efforts to use the day for coursework, the committee also found situations where individual students might also benefit from the ability to use Reading Day to complete makeup coursework.

The Educational Affairs Committee discussed Reading Day at length, considering three options: 1) Reading Day could be held sacred, with no work or activities to be allowed on that day; 2) Reading Day could be open to any and all coursework or activities; or 3) Reading Day could be defined in such a way that prevents faculty from requiring that coursework or other activities be completed but also allows students to initiate requests to use the day to complete defined activities or work, such as makeup assignments or individual meetings with faculty. After a great deal of discussion, the committee agreed that language reflecting this third option would be best, in order to protect Reading Day from use for the convenience of faculty while still allowing flexibility to respect the needs and wishes of students.

The committee also spent a great deal of time discussing a proposed recommendation to institute a policy addendum to be included with all syllabi that would provide reference to important University policies. In the original proposal, it was explained that the Syllabus Guidelines in the Faculty Handbook state that syllabi should include reference to University policies relevant to undergraduates. Because of this guidance, over time, syllabi have become very long in order to include lengthy discussions of University policy. Moreover, the language in syllabi about University policies tends to drift from intention of the actual policy, which causes policies to be presented in a non-standard manner depending on the interpretation of the faculty member. In addition, in many syllabi, discussion of University policy is mixed with discussion of course policies, and it becomes difficult to distinguish University policy from course policy. The proposal suggested that a way to address these concerns would be for a standard document on relevant University policies to be created and distributed as an addendum to all syllabi.

In discussing the policy addendum, members noted that a uniform document would likely be helpful to students, since the information currently presented is not consistent and it can be difficult for students to understand when information is specific to the course and when it reflects University policy. Other members stated that since University policies and procedures are subject to change, an addendum should incorporate only standard language and focus on University policies that are not likely to be significantly revised. Members discussed the type of policies that could be included in a policy addendum, noting that statements on disability issues and academic integrity are usually referenced in syllabi, while some syllabi also mention the Sexual Misconduct Policy and the Code of Student Conduct as well. Regardless of which policies are included, the purpose of an addendum would be to present critical policies in a uniform manner, in order to increase awareness among students of what certain policies say and how they impact their undergraduate careers. In discussing potential options for implementation, the committee suggested that a link to an online compilation of policies could achieve the objective of shortening syllabi while at the same time providing a mechanism for ensuring access to the most up-to-date versions of all policies. After discussion, the committee agreed to recommend the creation of the policy addendum, and suggested a few key policies that should be included.

After due consideration of its charge, the Educational Affairs Committee voted to approve its proposed revisions to the policy and its proposed recommendations on November 5, 2015.

RECOMMENDATIONS

The Educational Affairs Committee recommends the University of Maryland Undergraduate Student Grievance Procedure (V-1.00[A]) be amended as indicated in the policy document immediately following this report.

The Educational Affairs Committee recommends that appropriate revisions be made in the Undergraduate Catalog and the Faculty Handbook to align University guidance with the revisions to this policy.

The Educational Affairs Committee recommends that a listing of policies be created by the Office of Undergraduate Studies for distribution as an addendum to syllabi for all undergraduate courses. The addendum should include reference to policies relevant to undergraduates at the University. In particular, the committee recommends that the addendum include policies related to academic integrity, disability support services, the Undergraduate Student Grievance Procedure, the Sexual Misconduct Policy, and University policies related to excused absences.

APPENDICES

Appendix 1 – Senate Executive Committee Charge on Revision of the University of Maryland Undergraduate Student Grievance Procedure

PROPOSED REVISED UNIVERSITY OF MARYLAND UNDERGRADUATE STUDENT GRIEVANCE PROCEDURE (V-1.00[A])

Proposed additions shown in **blue and bold**

Proposed deletions shown in ~~red and strikeout~~

Text that has been moved shown in ~~green and strikeout~~ and **green and bold**

V-1.00(A) UNIVERSITY OF MARYLAND UNDERGRADUATE STUDENT GRIEVANCE PROCEDURE

APPROVED BY THE PRESIDENT 1 AUGUST 1991

A. Purpose

This procedure provides a means for an undergraduate student to seek redress for acts or omissions of individual faculty members as well as academic departments, programs, colleges, or divisions without fear of reprisal or discrimination.

B. Scope of Grievances: Expectations of Faculty and Academic Units

The scope of the matters ~~which~~ **that** may constitute a grievance under this procedure is limited to believed violations of the expectations of faculty and academic units as set forth below.

1. Faculty

The following are considered to be reasonable expectations of faculty:

- a. There shall be a ~~written description~~ **complete course syllabus for the current term distributed** at the beginning of each undergraduate course. **The course syllabus will specify** ~~ing~~ in general terms:
 - the content and nature of assignments;
 - **notice of major papers and examinations, including an indication of Major Scheduled Grading Events;**
 - **the examination and/or assessment procedures;** ~~and~~
 - **the mode of communication for excused absences, in accordance with University of Maryland Policy for a Student Medically Necessitated Absence From Class and the Policy and Procedures Concerning Academic Assignments on Dates of Religious Observances;**
 - the basis for determining final grades, **including if the plus/minus grading system will be used and the relationship between in-class participation and the final course grade;** ~~and~~;
 - **reference to the list of course-related policies maintained by the Office of Undergraduate Studies.**

In cases where all or some of this information cannot be provided at the beginning of the course, ~~an clear~~ explanation of the delay and the basis of course development shall be provided.

- ~~b. There shall be reasonable notice of major papers and examinations in the course.~~

- ~~eb.~~ There shall be a reasonable number of **graded recitations, performances, quizzes, tests, graded assignments assessments or progress reports and/or student/instructor conferences** to permit evaluation of student **progress performance** throughout the course. **These assessments shall be returned to the students in a timely manner. Faculty shall issue mid-term grades for undergraduate students when required, in accordance with III-6.00(B), University of Maryland Policy and Procedures Concerning Mid-Term Grades for Undergraduate Students.**
- c. **There shall be a final examination and/or assessment in every undergraduate course, unless written permission is granted by the unit head. Changes to exam scheduling and location must be approved by the chair of the department or the dean of the College, or the appropriate designee. Final examinations or assessments may not be rescheduled to the final week of classes or to the Reading Day. Each faculty member shall retain, for one full semester (either fall or spring) after a course is ended, the students' final assessments in the appropriate medium. If a faculty member goes on leave for a semester or longer, or leaves the university, the faculty member shall leave the final assessments and grade records for the course with the department chair, the program director, or the dean of the College or School, as appropriate.**
- d. **Faculty should provide makeup work or substitute assignments in accordance with the University of Maryland Policy for a Student Medically Necessitated Absence From Class and the Policy and Procedures Concerning Academic Assignments on Dates of Religious Observances.**
- ~~de.~~ ~~Unless prohibited by statute or contract,~~ There shall be a reasonable opportunity for **students** to review papers and examinations, **including the final examination or assessment**, after evaluation by the instructor, while materials are reasonably current.
- ~~e.~~ ~~There shall be a reasonable approach to the subject that attempts to make the student aware of the existence of different points of view.~~
- f. **Students shall have** ~~There shall be~~ reasonable access to the instructor during announced regular office hours or by appointment.
- g. There shall be regular attendance by assigned faculty unless such attendance is prevented by circumstances beyond the control of the faculty member.
- h. There shall be reasonable adherence to **the course syllabus**, published campus schedules, and **published** location of classes and examinations. Classes not specified in the schedules are to be arranged at a mutually agreeable time on campus, unless an off-campus location is clearly justified.
- i. **Reading Day is the day set aside after classes have ended and before exams have begun for students to study or reflect on coursework. No class meetings, activities, final exams, or review sessions may be held on Reading Day. Individual makeup exams and meetings only may be scheduled on Reading Day at the explicit request of the student.**
- ~~ij.~~ **Faculty will endeavor to maintain student privacy with respect to information shared in the course of the student-faculty relationship, subject to legal obligations to report certain information to state authorities and University officials, including**

child abuse and neglect and sexual misconduct. ~~Reasonable confidentiality of information gained through student-faculty contact shall be maintained.~~

- jk.** There shall be public acknowledgement of significant student assistance in the preparation of materials, articles, books, devices and the like. **Students retain intellectual property rights as set forth in the University of Maryland Policy on Intellectual Property (IV-3.20[A]).**
- kl.** **Assigned course materials should be readily available. Faculty must ensure that eligible students receive reasonable accommodations relative to their coursework in accordance with federal and state disability laws, subject to the University's disability and accessibility policies and procedures.** ~~There shall be assignment of materials to which all students can reasonably expect to have access.~~

2. Academic Units

The academic units (programs, departments, ~~eColleges, sSchools, divisions~~) in cooperation with the Office of the Dean for Undergraduate Studies and the Office of Admissions and the Registrar's Office shall, whenever possible, provide the following:

- a. Accurate information on academic requirements through designated advisors and referral to other parties for additional guidance.
- b. Specific policies and procedures for the award of academic honors and awards, and impartial application thereof.
- c. ~~There shall be e~~ **E**quitable course registration in accordance with University policy and guidelines.

C. Alternative Grievance Procedures

No other University grievance procedure may be used simultaneously or consecutively with the Undergraduate Student Grievance Procedure with respect to the same or substantially same issue or complaint, or with issues or complaints arising out of or pertaining to the same set of facts.

The **University of Maryland Non-Discrimination Policy and p**~~Procedures (VI-1.00[B])of the Code on Equity, Diversity, and Inclusion~~ and/or any University grievance procedure may not be utilized to challenge the procedures, actions, determinations or recommendations of any person(s) or board(s) acting pursuant to the Undergraduate Student Grievance Procedure.

D. Limitations

Notwithstanding any provision of this Undergraduate Student Grievance Procedure to the contrary, the following matters do not constitute the basis for a grievance under this policy:

- 1. Policies, regulations, decisions, resolutions, directives and other acts of the Board of Regents of the University of Maryland System, The Office of the Chancellor of the University of Maryland System, and the Office of the President of the University of Maryland ~~College Park~~;
- 2. Any statute, regulation, directive, or order of any department or agency of the United States or the State of Maryland;

3. Any matter outside the control of the University of Maryland System;
4. Course offerings;
5. The staffing and structure of any academic department or unit;
6. The fiscal management and allocation of resources by the University of Maryland System and the University of Maryland ~~at College Park~~;
7. Any issue(s) or act(s) which does (do) not affect the complaining party directly;
8. Matters of academic judgment relating to an evaluation of a student's academic performance and/or academic qualifications; except that the following matters of a procedural nature may be reviewed under these procedures if filed as a formal grievance within thirty days of the first meeting of the course to which they pertain:
 - a. Whether reasonable notice has been given as to the relative value of all work considered in determining the final grade and/or assessment of performance in the course. The remedy for a successful grievance based upon this subsection shall be the giving of notice by the instructor.
 - b. Whether a reasonably sufficient number of examinations, papers, laboratories and/or other academic exercises have been scheduled to present the student with a reasonable opportunity to demonstrate academic merit. The remedy for a successful grievance under this subsection shall be the scheduling of such additional academic exercises as the instructor, in consultation with the department chair or dean, and upon consideration of the written opinion of the **College or School divisional** hearing board, shall deem appropriate.
9. "Class-action" grievances are not ~~recognizable~~ **permitted** under these procedures. **Grievances must be presented by individual students. If multiple individuals file grievances on the same matter, a** screening or hearing board may, in its discretion, consolidate grievances presenting similar facts and issues, and recommend generally applicable relief as it deems warranted;
10. **Under these procedures,** ~~T~~there may be no challenge to the award of a specific grade ~~under these procedures.~~

E. Finality

Any student who elects to use the Undergraduate Student Grievance Procedure agrees to abide by the final disposition arrived thereunder, and shall not subject this disposition to review under any other procedure within the University of Maryland System. For the purpose of this limitation, a student shall be deemed to have elected to utilize the Undergraduate Student Grievance Procedures at the time a written grievance is filed.

F. Procedure for Grievance Involving Faculty Member or Academic ~~Unit~~ **Program or Department**

1. Informal Resolution

The initial effort in all cases shall be toward achieving a resolution of the grievance through ~~the following~~ informal means.:

a. Grievance Against an Individual Faculty Member

The student should first contact the faculty member, present the grievance in its entirety, and attempt a complete resolution.

If all or part of the grievance remains unresolved, **and if the student chooses to continue the grievance process**, the student may present the grievance to the immediate administrative supervisor of the faculty member, **or the faculty member's department chair or program director**.

If the instructor is not reasonably available to discuss the matter, a student may present a grievance directly to the instructor's supervisor, **department chair, or program director** ~~if the instructor is not reasonably available to discuss the matter~~.

The supervisor, **department chair, or program director** shall attempt to mediate the dispute, and if a mutually acceptable resolution is reached, the case shall be closed.

If all or part of the grievance remains unresolved, and if the student chooses to continue the grievance process, the student may initiate a formal grievance resolution procedure.

b. Grievance Against an Academic **Program or** Department

The student should contact the department ~~headchair, or~~ **program director, or dean** and present the grievance in its entirety.

The department ~~headchair, or~~ **program director, or dean** shall attempt a complete resolution of the dispute.

If all or part of the grievance remains unresolved, and if the student chooses to continue the grievance process, the student may initiate a formal grievance resolution procedure.

2. Formal Resolution

~~Divisional Screening Board~~

A student who has attempted informal resolution, and remains dissatisfied may obtain a formal resolution of a grievance pursuant to the following procedure:

a. The student shall file a written grievance with the **dean of the College or School Screening Board for Academic Grievances of the Division** ~~(hereinafter referred to as the divisional screening board)~~.

b. The writing shall contain:

- the act, omission, or matter which is the subject of the complaint;
- all facts the student believes are relevant to the grievance;
- the resolution sought; **and**

- all arguments in support of the desired solution.
- c. A grievance must be filed in a timely manner or it will not be considered. In order to be timely, a grievance must be received by the ~~dean appropriate divisional screening board~~ within thirty days of the act, omission, or matter which constitutes the basis of the grievance, or within thirty days of the date the student is first placed upon reasonable notice thereof, whichever occurs ~~later~~ **first**.

It is the responsibility of the student to insure timely filing.

- d. **The dean shall convene a screening board as set forth in section H.2 of this policy.**
- ~~de.~~ The ~~dean divisional screening board~~ shall ~~immediately~~ notify an instructor or academic unit head of ~~the~~ a timely grievance. A copy of the grievance and all relevant material shall be provided.
- ~~ef.~~ The instructor or **program director or department chair** ~~academic unit head~~ shall make a complete written response to the ~~divisional~~ screening board within ten days of receipt of a grievance. In cases where a grievance is received within ten days of the final day of classes, a response is due within ten days of the beginning of the next semester in which the faculty member is working on campus. This extension is not available to persons whose appointments terminate on or before the last day of the semester in which the grievance is filed.
- ~~fg.~~ A copy of the faculty member's **or program director's or department chair's** response shall be sent by the ~~divisional~~ screening board to the student filing the grievance.
- ~~gh.~~ The ~~divisional~~ screening board may request further written information from either party.
- ~~hi.~~ The ~~divisional~~ screening board shall review the case to determine if a formal hearing is warranted.

All or part of a grievance shall be dismissed if the ~~divisional~~ screening board concludes the grievance is:

- untimely,
- based upon a non-grievable matter,
- being concurrently reviewed in another forum,
- previously decided pursuant to this or any other review procedure, **or**
- frivolous or filed in bad faith.

All or part of a grievance may be dismissed if the ~~divisional~~ screening board concludes in its discretion that the grievance is:

- insufficiently supported,
- premature, **or**
- otherwise inappropriate or unnecessary to present to the ~~divisional~~ hearing board.

The ~~divisional~~ screening board shall meet to review grievances in private. A decision to dismiss a grievance requires a majority vote of at least three members **of the screening board**.

If a grievance is dismissed in whole or in part, the student filing the grievance shall be so informed, and shall be given a concise written statement of the basis for the dismissal.

A decision to dismiss a grievance is final and is not subject to appeal.

- i. If the ~~divisional~~ screening board determines a grievance to be appropriate for a hearing, the dean shall be informed. The dean shall convene a ~~divisional~~ hearing board within fifteen days thereafter. The time may be extended for good cause at the discretion of the dean.

~~Divisional Hearing Board~~

The following rules apply to the conduct of a hearing by the ~~divisional~~ **College or School** hearing board:

- a. Reasonable notice of the time and place of the hearing shall be provided to both parties. Notice shall include a brief statement of the allegations and the remedy sought by the student. Hearings shall be held on campus.
- b. A record of the hearing, including all exhibits shall be kept by the chairperson of the screening board. All documents and materials filed with the ~~divisional~~ screening board shall be forwarded to the ~~divisional~~ hearing board, and shall become a part of the record.
- c. Hearings are closed to the public unless a public hearing is specifically requested by both parties.
- d. Presentation of Evidence

Each party shall have the opportunity to make an opening statement, present written evidence, present witnesses, cross-examine witnesses, offer personal testimony, and such other material as is relevant.

Incompetent, irrelevant, immaterial and unduly repetitious evidence may be excluded by the chairperson of the hearing board.

It is the responsibility of each party to have their witnesses available and to be completely prepared at the time of the hearing. The student shall present the case first, and the faculty member shall respond.

Upon completion of the presentation of all evidence, both parties shall be given the opportunity to present oral arguments and make closing statements within the time limits set by the chairperson of the hearing board.

Upon the request of either party, all persons to be called as witnesses shall be sequestered **during the hearing so that they may not communicate with each other.**

Each party may be assisted in the presentation of the case by a student or **a** faculty member of ~~his/her~~ **their** choice.

It is the responsibility of the chairperson of the hearing board to manage the hearing, and to decide all questions relating to the presentation of evidence and appropriate procedure,

and the chairperson is the final authority in such matters except as established herein. The chairperson may seek the advice of UMD ~~CP~~ counsel.

The hearing board shall have the right to examine any person or party testifying before it, and on its own motion, may request the presence of any person for the purpose of testifying and the production of evidence.

- e. The above enumerated procedures and powers of the ~~divisional~~ hearing board are non-exclusive. The chairperson may take any such action as is reasonably necessary to facilitate the orderly and fair conduct of the hearing which is not inconsistent with the procedures set forth herein.
- f. Upon completion of the hearing, the hearing board shall meet privately to consider the validity of the grievance. The burden of proof rests with the student to show by a preponderance of the evidence that a substantial departure from the expectations set forth in section "B" above has occurred, and that **this departure from expectations** has operated to the actual prejudice and injury of the student.

A decision upholding a grievance shall require the majority vote of at least three members of the ~~divisional~~ hearing board.

A decision of the hearing board shall address only the validity of the grievance. The decision shall be forwarded to the dean in written opinion. In the event the decision is in whole or in part favorable to the student, the hearing board may submit an informal recommendation concerning relief believed to be warranted based upon the facts presented at the hearing.

- g. The dean shall **immediately**, upon receipt of the written opinion, forward copies to the student and the faculty member or **program director or department chair against whom the grievance was filed** ~~head of academic unit~~. Each party has ten days from the date of receipt to file a written appeal with the dean.
- h. Appeals

The appeal shall be in writing and set forth in complete detail the grounds for the appeal.

A copy of the appeal shall be sent **by the dean** to the opposing party, who shall have ten days following receipt to respond in writing to the dean.

The sole grounds for appeal shall be:

- a substantial prejudicial procedural error committed in the conduct of the hearing in violation of the procedures established herein. Discretionary decisions of the chairperson shall not constitute the basis of an appeal.
 - the existence of new and relevant evidence of a significant nature which was not reasonably available at the time of hearing.
- i. In the absence of a timely appeal, or following receipt and consideration of all timely appeals, the dean may:
 - dismiss the grievance,
 - grant such redress as **the dean is** believes ~~d~~ appropriate,

- reconvene the ~~divisional~~ hearing board to rehear the grievance in part or whole and/or to hear new evidence **and submit a final written opinion to the dean, or**
 - convene a new ~~divisional~~ hearing board to rehear the case in its entirety **and submit a final written opinion to the dean.**
- j. The dean shall inform all parties of the **final** decision in writing and the grievance shall thereafter be concluded. The decision of the dean shall be final and binding, and not subject to review or appeal.

~~In non-departmental colleges, the Dean for Undergraduate Studies shall assume the duties of the dean for purposes of this procedure.~~

G. **Procedure for** ~~Grievance Procedures Against the Dean for Undergraduate Studies~~ **Involving Dean or College or School**

1. Informal Resolution

The initial effort in all cases shall be to achieve resolution of the grievance through informal means.

- a. The student should first contact the ~~administrative~~ dean, present the grievance in its entirety, and attempt a complete resolution.
- b. If **all or part** ~~any portion~~ of the grievance remains unresolved, **and if the student chooses to continue the grievance process,** the student may present **the grievance such part** to the **Senior Vice President and Provost** ~~Vice President for Academic Affairs~~. A grievance may be initially presented to the ~~Vice President for Academic Affairs~~ **Provost** if the dean is not reasonably available to discuss the matter.
- c. The ~~Vice President~~ **Provost** shall attempt to mediate the dispute. Should a mutually acceptable resolution be reached, the case shall be closed.
- d. **If all or part of the grievance remains unresolved, and if the student chooses to continue the grievance process, the student may initiate a formal grievance resolution procedure.**

2. Formal Resolution

~~Should a~~ **A student who has attempted informal resolution and** remains dissatisfied ~~with the disposition of the grievance following attempts at informal resolution,~~ **may obtain** a formal resolution **of a grievance** ~~may be obtained~~ pursuant to the following procedure:

- a. The student shall file with the **Provost** ~~President~~ a timely written grievance.
- b. The writing shall contain:
 - the act, omission or matter which is the subject of the complaint,
 - all facts the student believes to be relevant to the grievance,
 - the resolution sought, **and**
 - all arguments upon which the student relies in seeking such resolution.
- c. No grievance will be considered unless it is timely.

In order to be timely, a grievance must be received by the **Provost President** within thirty days of the act, omission, or matter which is the basis for the grievance, or within thirty days of the date the student is first placed upon reasonable notice thereof, whichever is later.

It is the responsibility of the student to ensure timely filing of the grievance.

- d. Upon receipt of a timely grievance, the **Provost President** shall ~~forward the grievance to a divisional screening board of a division other than the one from which the grievance has arisen~~ **convene a screening board as set forth in section H.2 of this policy.**

The ~~divisional screening board~~ **Provost** shall **immediately** notify the **administrative** dean against whom the grievance has been filed and provide a copy of the grievance and all relevant materials.

- e. The **administrative** dean against whom the grievance has been filed shall respond in writing to the **divisional** screening board within ten days. In the event the grievance is received by the **administrative** dean after the last day of classes of a semester, the time for written response shall be ten days after the first day of classes of the semester immediately following.

A copy of the response from the **administrative** dean shall be sent to the student.

- f. In its discretion, the **divisional** screening board may request further written submissions from the student and/or the **administrative** dean.
- g. The **divisional** screening board shall review and act upon a grievance against an **administrative** dean in the same manner and according to the same requirements as for the review of grievances against faculty members, academic **programs, and** departments, ~~programs and colleges~~ set forth in this procedure.
- h. If the **divisional** hearing board determines that a grievance is appropriate for a hearing, the **Provost President** shall be so informed.

The **Provost President** shall convene a campus hearing board within fifteen days to hear the grievance. This time may be extended for good cause at the discretion of the **Provost President**.

- i. The campus hearing board shall conduct a hearing in accordance with the rules established in this procedure for the conduct of hearings by **College and School** **divisional** hearing boards.

Upon completion of a hearing, the campus hearing board shall meet privately to consider the grievance in the same manner and according to the same rules as set forth for the consideration of grievances by **divisional College and School** hearing boards, except that the decision shall be forwarded to the **Provost President**.

In the event the campus hearing board decides in whole or ~~o~~in part in favor of the student, it may submit an informal recommendation to the **Provost President** with respect to such relief as it may believe is warranted by the facts as proven in the hearing.

- j. The **Provost President** shall ~~immediately~~, upon receipt of the written opinion, forward copies to the student and the ~~administrative~~ dean. Each party shall have ten days from the date of receipt to file an appeal with the **Provost President**.

k. Appeal

Each party has ten days from receipt of the written decision to file an appeal with the **Provost President**.

The grounds for an appeal shall be the same as those set forth in this procedure for appealing a decision of a ~~divisional~~ **College and School** hearing board.

The appeal shall be in writing, and set forth in complete detail the grounds relied upon. A copy of the appeal shall be sent to the opposite party, who shall have ten days following receipt to file a written response with the **Provost President**.

- l. In the absence of a timely appeal, or following receipt and consideration of all timely appeals and responses, the **Provost President** may:

- dismiss the grievance,
- grant such redress as **the Provost is** believes ~~d~~ appropriate,
- reconvene the campus hearing board to rehear the grievance in whole or in part and/or review new evidence **and submit a final written opinion to the Provost, or**
- convene a new campus hearing board to rehear the case in its entirety **and submit a final written opinion to the Provost.**

- m. The **Provost President** shall inform all parties of the **final** decision in writing, and the grievance shall be thereafter concluded. The decision of the **Provost President** is final and binding, and is not subject to appeal or review.

H. Composition of Screening and Hearing Boards

The following procedures are directives only, and for the benefit and guidance of deans and the **Provost President** in the selection and establishment of ~~divisional~~ **College and School screening and hearing boards** and campus **screening and** hearing boards. **Deans and/or the Provost should endeavor to create balanced and diverse boards where possible, representing a variety of demographic backgrounds.** The selection and establishment of a board is not subject to challenge by a party, except that at the start of a hearing, a party may challenge for good cause a member or members of the hearing board before whom the party is appearing. The chairperson of the hearing board shall consider the challenge and may replace any member where it is believed necessary to achieve an impartial hearing and decision.

1. **Member Selection for** ~~Divisional~~ **Screening and Hearing** Boards for Academic Grievances

Faculty and students are eligible to serve on screening and hearing boards for academic grievances.

- ~~a. Prior to the beginning of each academic year, the divisional council of each division shall choose at least fifteen faculty members and fifteen students to be eligible to serve on boards considering academic grievances from that division. Concurrently, it shall choose three other faculty members to be eligible to serve on boards considering academic~~

~~grievances for the Administrative Dean for Undergraduate Studies. The names shall be forwarded to the Administrative Dean.~~

- ~~b. Prior to the beginning of each academic year, the Administrative Council of the Administrative Dean for Undergraduate Studies shall choose at least fifteen students to be eligible to serve on a screening board to review grievances arising within academic units under the administration of the Administrative Dean for undergraduate studies. These names shall be forwarded to the Administrative Dean.~~

2. Establishment of **College and School** Screening Boards

- a. Upon receipt of **a grievance**, ~~the names of the designated faculty and students~~, the dean **should shall** appoint a five member ~~divisional~~ screening board. The screening board **should shall** consist of three faculty members and two students, ~~and each shall serve for the academic year or until a new board is appointed by the dean, whichever occurs later. The College or School hearing board should be composed of three faculty members and two students selected by the dean. The dean shall also designate two alternate faculty members and two alternate students from the names presented by the divisional council.~~

The dean ~~shall~~ **should** designate one of the faculty members to **serve as be** the chairperson of the ~~divisional~~ screening board.

Members of the ~~divisional~~ screening board ~~shall~~ **should** not serve on a ~~divisional~~ hearing **board** during the same year, ~~except that the alternate members may serve on a hearing board other than one considering a case in which the member has previously been involved in the screening process.~~

A member of the ~~divisional~~ screening board ~~shall~~ **should** not review a grievance arising out of **their his/her** own department or program, ~~in such instance, an alternate member shall serve.~~

- ~~b. Upon receipt of the names of the faculty members designated by each divisional council and students designated by the administrative council, the Administrative Dean for Undergraduate Studies shall appoint a five member screening board to review grievances arising within the academic units under his/her administration.~~

3. **Establishment of College and School** ~~Divisional~~ Hearing Boards for Academic Grievances

For each grievance referred by the ~~divisional~~ screening board, the dean shall appoint a five-member ~~divisional~~ hearing board.

The ~~divisional~~ hearing board shall be composed of three faculty members and two students selected by the dean ~~from among those names previously designated by the divisional screening board.~~

The dean ~~shall~~ **should** designate one faculty member **to serve** as chairperson **of the hearing board**.

No faculty member or student ~~shall~~ **should** be appointed to hear a grievance arising out of **their his/her** own department or program.

~~The Administrative Dean for Undergraduate Studies shall appoint in the same manner, a hearing board to hear each grievance referred by the screening board reviewing grievances arising from the academic units under his/her administration. The members of the hearing board shall be selected from among those names previously forwarded to the Administrative Dean for Undergraduate Studies by the divisional councils and from those who have not been appointed to the screening board.~~

4. **Establishment of Campus Screening Boards for Academic Grievances**

Upon receipt of a grievance, the Provost should appoint a five-member screening board. The screening board should be composed of three faculty members and two students selected by the Provost.

The Provost should designate one of the faculty members to serve as the chairperson of the screening board.

Members of the screening board should not serve on a hearing board during the same year.

A member of the screening board should not review a grievance arising out of their own department or program or College or School.

5. **Establishment of Campus Hearing Boards for Academic Grievances**

For each case referred by a ~~divisional hearing campus screening~~ board to the **Provost President** for a hearing, the **Provost President shall should** appoint a five-member campus hearing board. The campus hearing board ~~shall should~~ be composed of three faculty members and two students selected by the **Provost President from among those names designated by the divisional councils and remaining after the establishment of screening boards.**

The **Provost President shall should** designate one faculty member **to serve** as chairperson.

No faculty member or student ~~shall should~~ be appointed to hear a grievance arising out of **their his/her own division or administrative unit program, department, College, or School.**

I. Definitions

1. Day refers to days of the academic calendar, not including Saturdays, Sundays, or holidays observed by **UMDCP**.
2. Party refers to the student and the individual faculty member, **program director, department chair, or dean** ~~or head of the academic unit~~ against whom the grievance is ~~made filed~~.