



REG - 10.16.2 - Grievance Procedure for Graduate and Professional Students Regulation

Authority: Chancellor

Responsible Office: Academic Affairs

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Related Policies/Sources: [NCCU Equal Opportunity and Non-Discrimination Policy Statement](#), [NCCU Residency Appeal Procedures](#), [NCCU REG 10.04.1 Family Educational Rights and Privacy Act \(FERPA\) Regulation](#),

Contact Info: Dean of the Graduate School, 919-530-7396

1. INTRODUCTION

This regulation provides a procedure for graduate and professional students to make claims that their rights under law or university policy have been violated. This procedure is to be used to resolve grievances against decisions or actions that were made by employees or agents of North Carolina Central University (NCCU).

2. WHAT MAY BE GRIEVED

2.1 Student grievances are limited to matters that both:

2.1.1 Adversely affect the student; and

2.1.2 Involve a misapplication or misinterpretation of university policy, regulation, or rule, or a violation of state or federal law.

Grievances may not be used to challenge policies or procedures of general applicability.

2.1.3 Claims of Discrimination. If a student claims a violation of the NCCU Equal Opportunity and Non-Discrimination Policy Statement as a basis for a

grievance, the matter shall be referred to the NCCU Director for EEO in the Department of Human Resources for review.

3. WHAT MAY NOT BE GRIEVED

The following items may not be the basis for a grievance:

3.1 Test grades or partial grades;

3.2 Claims based on purchases or contracts;

3.3 Claims not directly related to a faculty member or administrator's status as an employee at NCCU;

3.4 Student Disciplinary decisions, since there is a separate procedure (administered by the Office of Student Rights and Responsibility) for them; or

3.5 Complaints, grievances or appeals that are subject to another university procedure (e.g.residency appeals, FERPA grievances, research misconduct).

4. COVERAGE

The procedures set forth below may be used by persons who are enrolled as NCCU graduate and professional students. The person filing the grievance must be the alleged victim of unfair treatment that is related to his or her status as a graduate/professional student. A grievance cannot be filed on behalf of another person.

5. OTHER REMEDIES

The existence of this procedure does not bar a student from also filing claims in other forums to the extent permitted by state or federal law.

6. TIME LIMITS

Any grievance should be filed within sixty (60) calendar days from the decision, action, or event forming the basis of the grievance. Filing occurs when the written grievance is provided to the department head, dean, or vice chancellor. This time limit may be extended by the applicable department head, dean, or vice chancellor for good cause shown, if the grievant makes a request for extension within the sixty (60) day period.

7. INFORMAL RESOLUTION, GENERALLY

7.1 Grade Grievances. Before submitting a written grievance, the student must first pursue informal resolution of grade grievances by discussing the matter with the instructor who issued the grade to the student. If informal resolution is not satisfactory, the student may proceed in accordance with Section 8.

7.2 Academic Performance or Guidance Grievances. If the grievance is related to the student's overall academic performance or to the quality of the guidance

received from the student's advisor or advisory committee, the student should consult first with the chair of the advisory committee. If satisfactory resolution is not attained, the student should consult next with the department chair of graduate/professional programs in their school or college for his or her program. The Dean of Graduate Studies (DGS) should investigate the matter and may, as appropriate, consult with the department head, the Graduate School (Law School, etc.), and the advisor and advisory committee. If the program is interdepartmental, consultation with more than one department head may be appropriate. If the DGS is the advisor, the informal process may proceed to the department head with supervisory authority over the DGS. If informal resolution is not satisfactory, the student may proceed in accordance with Section 9.

7.3 Other Grievances. Before submitting a written grievance, the student should first attempt resolution of the issue with the person(s) responsible for the action or decision being grieved. If the parties are interested in mediation, they may contact the Department of Human Resources (Employee Relations) about the use of mediation as part of an informal resolution process. If informal resolution is not satisfactory, the student may proceed in accordance with Section 10.

8. GRADE GRIEVANCES- FORMAL RESOLUTION

8.1 These procedures apply to grievances relating to the misapplication or misinterpretation of university policy, regulation, or rules that affect a student's final course grade. Test grades or partial grades cannot be the basis of a grievance.

8.2 If informal resolution has failed (see Section 7.1) a student may file a written grievance with department head of the instructor of the course. The grievance must state that informal resolution was attempted and resulted in an unsatisfactory outcome. The department head (or designee) shall review the matter and issue a written decision to the student and instructor. If the student remains unsatisfied, he or she may grieve in writing to the dean of the college with supervisory authority over the department head. The dean shall inform the instructor of the student's appeal, and allow the instructor to file a written response to the appeal within five (5) business days of the instructor's receipt of notice. The dean (or designee) shall review the appeal and the department head's decision. The dean (or designee) may at his or her discretion convene an advisory panel to review the appeal and provide recommendations for a decision on the matter. Composition and tasking of the panel will be at the dean's (or designee's) discretion. The dean (or designee) shall prepare a written decision and send it to the student, instructor, and department head. All documents and recordings that are part of the dean's review will become part of the official record. If the matter is appealed beyond the dean's office, the appeal will be governed by Sections 11 and 12 below.

8.3 In no event shall persons who review a grade grievance substitute their subjective judgment for the judgment of the instructor. However, grievances may be substantiated if it is determined on the basis of the evidence that the grade was based on a factor other than academic merit, or if there has been a

clear error in grading based on objective criteria.

9. ACADEMIC PERFORMANCE OR GUIDANCE RELATED GRIEVANCES— FORMAL RESOLUTION

9.1 These procedures apply to grievances involving overall academic performance or to the quality of the guidance received from the student's advisor or advisory committee.

9.2 If informal resolution results in an unsatisfactory outcome (see Section 7.2), students may file a written grievance to the department chair with supervisory authority over the program(if the student's program is within a single department). The grievance must state that informal resolution was attempted and resulted in an unsatisfactory outcome. The department chair shall investigate the matter and issue a written decision to the student with a copy to the dean of the college with supervisory authority over the department chair. If the grievant remains unsatisfied, he or she may submit written notice, along with copies of the written documents exchanged with the department chair and dean, to the Dean of Graduate Studies (Dean of the Law School). The Dean shall work with the department head and the appropriate college dean with supervisory responsibility for the program, in an attempt to resolve the matter. The Dean of Graduate Studies (Dean of the Law School) will respond in writing to the student within a reasonable period of time.

9.3 If the student is in an interdepartmental or multidisciplinary program where no single department head has authority over the program, the initial written complaint should be submitted to the Dean of Graduate Studies (Law School), who will work with the department chair and the dean of the college with supervisory responsibility for the program to produce a written response to the student.

9.4 If the matter is appealed beyond the Dean Graduate Studies (Law School), the appeal will be governed by Sections 11 and 12 below.

10. OTHER GRIEVANCES- FORMAL RESOLUTION

10.1 These procedures apply to grievances that do not fall under Sections 8 and 9 but are permissible under Section 2 of this regulation.

10.2 If informal resolution is not successful in resolving the matter (see Section 7.3) a student may file a written grievance with the person having supervisory responsibility (or higher administrative authority) over the individual against whom the grievance is filed. The grievance must state that informal resolution was attempted and that an unsatisfactory outcome was the result. The supervisor (or higher administrative authority) shall investigate and review the matter, and issue a written decision to the student. If the supervisor (or higher administrative authority) is a dean, he or she may convene an advisory panel to review the grievance and provide a recommendation for resolution of the matter. Composition and tasking of the panel will be at the dean's discretion, but shall be comprised of at least one graduate student. All documents and recordings that are part of the review will

become part of the official record. If the decision is appealed, the appeal will be governed by Sections 11 and 12 below.

10.3 If the student claims violation of NCCU Equal Opportunity and Non-Discrimination Policy Statement as a basis for all or part of the grievance, the grievance will be held in abeyance while the Equal Opportunity Officer (EEO) reviews the matter. The supervisor (or higher administrative authority) who receives a written grievance from a student is responsible for promptly sending the grievance to the EEO if the grievance includes a discrimination claim. The EEO shall respond promptly and shall notify the supervisor when the EEO role is concluded. Within ten (10) business days from receipt of the EEO response, the supervisor shall then ask the grievant if he/she wishes to continue with the grievance in light of the EEO review and any administrative action on that review. If the grievance proceeds as outlined in Section 10.2 above, either party may offer any the Equal Opportunity Officer report as evidence.

11. APPEAL ROUTES

11.1 Grade grievance decisions may be appealed to the Provost and Vice Chancellor whose decision on appeal is final, and no further appeal is permitted.

11.2 All other grievance decisions may be appealed to the Dean of Graduate Studies (Law School), whose decision on appeal is final, and no further appeal is permitted.

12. APPEAL PROCEDURES

12.1 Depending on the type of grievance, as outlined in Section 11, the aggrieved party may appeal the decision by delivering written notice of appeal to either the Provost or the Dean of the Graduate Studies (Law School) , with a copy to the university administrator whose decision is being appealed, within ten (10) business days after receipt of the decision. Appeals received more than ten (10) days after the decision was received (or delivery of the decision was attempted) may be dismissed.

12.2 The written notice of appeal must:

12.2.1 Identify the person whose decision is being appealed;

12.2.2 Provide a brief statement of the grounds for appeal, which at minimum should contain a list of alleged errors in the decision or decision-making process;

12.2.3 Indicate what remedy is requested;

12.2.4 Be signed and dated by the person filing the appeal; and

12.2.5 Include a copy of the decision being appealed.

12.3 Grounds for an appeal are limited to showing that the decision was clearly erroneous, and that the alleged errors violated applicable university policies,

regulations or rules, or federal or state law. The appeal should state which law(s), university policies, regulations or rules were violated by each of the alleged errors.

12.4 Once notice of appeal has been delivered, the responsible university administrator whose decision is being appealed shall forward the official record to person designated to review the appeal. The record shall consist of all information considered in the decision-making process, and the decision(s) of the applicable assistant/associate dean, dean, or supervisor. The record shall be compiled in chronological order to the extent feasible, and shall include a table of contents.

12.5 The Provost or Dean of the Graduate Studies (Law School) may, at his or her discretion, convene an advisory panel to review the appeal and provide recommendations for a decision on the matter. Composition and tasking of the panel will be at the Dean or Provost's discretion, but shall be comprised of at least one graduate student.

12.6 The Provost or Dean of the Graduate Studies (Law School) may ask the parties to submit written statements of their respective positions on appeal. There is no right to a hearing or oral presentation. The person reviewing the appeal will render a written decision, to be sent to the parties, based solely on review of the record of the case, the recommendation of the panel (if any), and any written statements submitted by the parties. The Dean of the Graduate Studies (Law School) or Provost's decision shall be final and no further appeal is permitted.

13. CONFIDENTIALITY

All persons involved in the grievance proceeding are expected to maintain strict confidentiality regarding the grievance. State and federal laws govern the privacy rights of students. Any questions about the disclosure of information should be directed to the Dean of the Graduate Studies (Law School) or designee in writing, who shall consult with the Office of General Counsel.

14. MODIFICATION

The Chancellor may approve modification of the foregoing procedures in a particular case if the modification (a) is for good cause, and (b) does not violate due process rights, policies of the North Carolina Central University Board of Trustees, or policies and rules of the University of North Carolina.