

From: S-CAR Faculty Board and Students

Date: December 6, 2011

Subject: Grievance Processes

The grievance processes currently in place vary based on the type of grievance and the desire by the person pursuing the grievance to handle it informally or formally. Below is an outline of current practice.

**Informal Processes:**

**Internal Resources**

The vast majority of concerns, issues, or grievances of S-CAR students are handled through informal channels. Specific channels for grievance include the Dean, Associate Dean for Administration, Director of Undergraduate Students Services, Director of Graduate Students Services and Program Directors. In addition to the individual's in these specific roles, many grievances are initially addressed by faculty advisors or other members of the staff. Our informal processes are usually problem solving processes where tools or options are suggested to address any issues.

Additionally, problems concerning courses and course formats can be addressed through the mid-term evaluation and the final course evaluations. The mid-term evaluation provides a tool for students to give feedback to faculty on what may not be working that allows for adjustment in the semester. The final evaluation provides feedback to both the faculty and the administration of the school to identify potential problems.

**Mason Resources**

Within the Office of the Dean of Students, resides the University Ombudsman. The ombudsman's mandate is listed on the website as follows:

## Role of the Ombudsman

The ombudsman is an advocate for fairness and the equitable treatment of students, operates independently of all formal grievance processes at the university, and considers all sides of an issue in an impartial and objective manner. The ombudsman has no authority to make exceptions or to grant requests, but can perform informal investigations and, as a result, may recommend actions that lead to changes in processes and policies at the university. Meetings with the ombudsman are confidential. The ombudsman can be a resource for undergraduate and graduate students at the university.

### What the Ombudsman *does*:

- *Provides a neutral and safe environment to talk*
- *Listens to concerns and complaints*
- *Presents options and helps to evaluate those options*
- *Helps students understand university policies and procedures*
- *Performs informal investigations*
- *Assists students in the pursuit of a resolution*
- *Refers students to appropriate campus resources*
- *Mediates conflicts*
- *Advocates for a fair process*

### What the Ombudsman *does not do*:

- *Advocate for the student or the university*
- *Make judgments*
- *Make decisions on the individuals behalf*
- *Overturn academic actions*
- *Take part in formal grievance procedures*
- *Provide legal advice*

## Confidentiality

The Office of the Ombudsman observes confidentiality, and respects your right to privacy. The Ombudsman does not take part in any formal grievance procedures at George Mason University, and will not disclose your information or information about who uses the office's services. Confidentiality is the privilege of the Office, is not observed *only* in cases when there is the potential for harm or injury.

Human Resources Employee Relations

## Employee Relations

Our mission is to provide confidential assistance to university employees and their supervisors to help identify and resolve work related problems or proactively avoid potential problems! Here is just a sample of the confidential services available to you. . . .

- Coaching
- Consultations

- Policy Questions
- Problem Solving
- Dispute Resolution
- Mediation
- Facilitation
- Disciplinary Procedures
- Classified Employee Grievance Procedures
- Performance Evaluations
- Performance Improvement Measures
- Performance Expectations and Goal Setting
- Exit Interviews

## **Formal Processes**

### **Grade Appeals:**

Grade Appeal policy is set by the university and can be found at [catalog.gmu.edu](http://catalog.gmu.edu)

The policy listed in the 2011-12 catalog is as follows:

#### **“Grade Appeals**

Although faculty members are generally the best judges of student performance, there may be times when a student believes a grade is unfair. In such cases, the student should ask the faculty member to reconsider the grade. If the student is not satisfied, an appeal may be made to the head of the unit offering the course (the department chair, institute director, or designee). The recipient of the appeal should ask the student to return to the faculty member who assigned the grade for further consultation.

If the instructor is no longer associated with the university, the local administrator of the unit offering the course will appoint a faculty surrogate, who will assume magisterial authority of the instructor of record at this level of appeal.

If a mutually satisfactory agreement is not reached, the student may request that the chair form a committee of three faculty peers of the faculty member who assigned the grade. If the chair believes the student’s complaint is not legitimate, this reservation is reported to the chair’s supervisor, usually the dean. No review is conducted unless the dean believes the complaint has merit.

The faculty member or the student may challenge and have replaced one of the three members of the committee without giving a reason for the challenge. The committee meets separately with the faculty member and the student to explore the full particulars of the case. A nonparticipating observer of the student’s choice may attend the meeting. Every effort is made to avoid an adversarial relationship.

After the committee has reviewed the case thoroughly, it issues to the chair (with a copy to the faculty member) a written recommendation that includes the reasons for its findings. At this time, the faculty member has an opportunity to take the recommended action, if any. If the matter is not resolved at this point, the chair considers the committee recommendation and makes a recommendation to the dean. The decision of the dean is not subject to further appeal. If the dean decides that a change of grade is appropriate and the faculty member refuses to make the change, then the dean may direct the Office of the University Registrar to do so.

Grade appeals are not accepted after the last day of classes of the following semester (spring for fall grades, fall for spring and summer grades).

The Provost's Office does not consider grade appeals, nor does the University Academic Appeals Committee.

### **Pending Grade Appeal for Students in Academic Difficulty**

A student may request a delay from the dean in imposing academic suspension because of a pending grade appeal that could change the student's status. An approved delay allows the student to register.

If the grade appeal is successful, the official transcript is corrected and the student continues in classes as a student in good academic standing, on probation or on warning. If the grade appeal is not successful, the student is required to stop attending all classes immediately. No record of registration for the academic period appears on a transcript and the student receives the appropriate refund as of the decision date."

### **S-CAR Appeals of Academic Decisions**

The policies of the School of Conflict Analysis and Resolution are designed to be consistent, equitable, and transparent. Our office strives to be thorough, timely, and open to answer any questions students may have regarding our decisions and/or the process through which they were reached. Students seeking clarification and explanation of the decision should request an appointment with the S-CAR Program Director for the students degree program to discuss their concerns.

Students have the right to appeal decisions regarding requests for academic actions. This step can only be taken after a request to meet with the Program Director. Students who wish to pursue an appeal after this meeting should do so only if they can provide sufficient and compelling reasons for their initial claim to be reconsidered. Such reasons include newly available documentation, proof of an irregularity in procedures, proof of inequity or inconsistency, or consequences so serious that further review is warranted. A student's dissatisfaction or disagreement with the decision does not constitute sufficient reason for a decision to be changed. Appeals are first reviewed by the Program Director. If denied, the appeal is forwarded to the S-CAR Dean. The decision of the S-CAR Dean is the final decision of the School.

If the appeal is a case involving an School-level policy, the Dean serves as the final point of appeal. If the appeal involves university level policies, students must first complete the School-level appeal process before appealing to the Provost's Office.

*Revised 12/6/2011*

### **Non-Academic Grievances**

In cases that are not related to discrimination or harassment, formal grievances are presented to the S-CAR Dean. Each year a randomized list of faculty is developed who will serve on grievance committees as the need arises. Faculty involved in the grievance will be skipped on the list and the next faculty member chosen. Faculty can voluntarily recuse themselves from a particular grievance and the next member of the list is selected. This committee evaluates the grievance and determines the appropriate University of S-CAR process to handle it.

If a grievance is related to the S-CAR Dean it would be formally submitted to the Provost.

## **Discrimination or Harrasment**

Information from the Office of Equity and Diversity Services

Complaints must be filed with OEDS. Complainants will be asked to complete a form describing the alleged discrimination and/or harassment. Assistance will be arranged, if needed.

A complaint should be filed within 180 calendar days of the most recent incident. The University will consider requests to extend this period where the complainant can show he or she needed additional time due to circumstances beyond his or her control.

The complainant will meet with a representative from the Office of Equity and Diversity Services to discuss options (informal, formal) for proceeding. The Title IX and Age Discrimination in Employment Act (ADEA) Coordinator is the Associate Director of Equal Opportunity in the Office of Equity and Diversity Services, located in Mason Hall D105, 703-993-8730, [equity@gmu.edu](mailto:equity@gmu.edu). The complainant is not required to follow the informal procedure before filing a formal complaint. The respondent (the individual accused of discrimination) will be notified of the complaint within 10 working days after it is filed.

Options:

Informal. Discuss allegations and concerns with respondent (the accused) and attempt to resolve the situation. The respondent is reminded that George Mason University expects all to adhere to our equal opportunity policies. Respondent is put on notice that behavior has been questioned, and informal resolution sought, if possible. If attempts to resolve the situation are not successful, the complainant may pursue a formal complaint. The Office reserves the right to investigate any allegation brought forward if it finds sufficient information to indicate a serious or continuing violation of the equal opportunity policy.

Formal. A full investigation is conducted by the Office complete with written findings. If a violation is found, the Office will recommend corrective actions. These may include a directive to stop any ongoing discrimination, harassment, or retaliation; disciplinary or other corrective action against the respondent or others; relief for the complainant to remedy the effects of the discrimination, harassment or retaliation; and any other action considered necessary to ensure that this or similar conduct will not happen again.

Appeal. A finding may be appealed in writing to the Director of the Office of Equity and Diversity Services by either party within 10 working days of receipt of OEDS' determination. A party may appeal a decision based on discovery of new evidence previously unavailable or a significant irregularity in the procedural process which could affect the outcome of finding. The appellant should be as specific as possible in setting out basis for appeal; general dissatisfaction with the decision will not be sufficient. The determination of the Office of Equity and Diversity Services is final.

At any time, prior to filing a charge, or while a complaint proceeding is in progress, a complainant may file their complaint with the appropriate external agencies. A complete list of agencies, along with contact information, is available from the Office of Equity and Diversity Services, Mason Hall D105, MS 2C2, Fairfax, VA 22030. Phone (703) 993-8730. TTY: (703) 993-8787. Fax (703) 993-8899.