Department of Geography Grievance Procedures

This document seeks to explicate departmental procedures for various grievances which may arise among members of the department community. This community includes undergraduate and graduate students (both majors and non-majors taking geography courses), faculty rostered in geography, and departmental staff. In that "grievance" is a broad and vague term, and that there may be a great variation in the types of grievances within the department, procedures need to be both broadly enough construed to address this variation and distinguished for different types of grievances. Thus, the department recognizes a specific procedure for grade appeals among students, and also recognizes a broader set of procedures for other types of grievances which may arise between individual students, between individual faculty, between individual staff members, as well as between students and faculty, and between faculty and staff. It should also be noted that grievance procedures are distinguished from disciplinary and ethics (academic honesty) procedures.

For student grade appeals, the department recognizes the following procedure for all units in the College of Arts & Sciences (see Appendix A):

> When a student believes that a grade has been improperly assigned, and discussions between the instructor and the student have not led to any resolution of the problem,
>
> 1. The student shall have the option of making a formal written appeal to the Department Chair. The appeal must specify the remedy desired by the student, and it must be submitted within 45 days of the end of the academic term in which the course was taken.
>
> 2. The Chair or designee will meet (together or separately) with the student and with the faculty member who taught the course. If the Chair/designee is unable to broker a solution mutually acceptable to both student and instructor, then
>
> 3. The Chair shall appoint an ad hoc Grade Appeals Committee, which will review the dispute. This Committee shall consist of at least three impartial faculty members competent in the subject matter of the course in question. The Chair will provide the Committee with the student¹s appeal and a written response from the faculty member.
>
> 4. Within 45 days, the Committee will submit a report and recommendation to the Chair, and the Chair will recommend to the instructor either (1) that the originally assigned grade stand; or (2) that a new grade be assigned. 5. In cases where a change of grade is recommended and the instructor does not wish to accept the recommendation of his/her colleagues, the Chair shall forward the written materials associated with the appeal to the Dean of the College.

Distinct university procedures exist for Title VI (sex discrimination) , Title VII (discrimination in employment) Title IX (student sex discrimination), ADA or sexual orientation discrimination (see Appendix B). Grievances in these areas may follow broader university procedure and/or general departmental procedures.

For all other grievances, the following general procedures are adopted:

1. Informal resolution – Depending on the nature of the grievance, the grievant is expected to first attempt to resolve the grievance with the other party involved. It is recognized that for certain grievances—e.g. sexual harassment or discrimination—informal resolution may not be appropriate. If informal resolution proves unsatisfactory, the grievance must be directed to the chair or director of the department for formal departmental deliberation and decision.

2. Written grievance – The grievant is expected to submit a written complaint to the Chair within 28 days of the event precipitating the grievance. The complaint should detail the nature of the grievance, and the requested action to remediate the grievance. The complaint is expected to include any documentation or other evidence related to the event precipitating the grievance.

3. Chair's ruling and/or grievance committee appointment – The chair at this point may rule on the grievance in writing to the grievant within 28 days of the receipt of the complaint. Alternatively, within 28 days of receiving the complaint, the chair may appoint a departmental ad hoc grievance committee to review the complaint. If the chair has ruled directly on the grievance and the grievant is not satisfied with the chair's

ruling, s/he may request the formation of a departmental ad hoc grievance committee to review the complaint.

4. Multiple routes of grievance submission – In the event that the grievance is with the Chair, or if the Chair is the grievant, the written complaint should be submitted to the Associate Chair. In the event that the both Chair and Associate Chair are deemed inappropriate by the grievant, the written complaint may be submitted to either the Chair of the Diversity Committee, or another faculty member who must then direct it to the chair of the Diversity Committee. At the discretion of the Chair, or the Associate Chair, an ad hoc grievance committee may be appointed to review and act on the grievance.

5. Grievance committee – members of the ad hoc grievance committee will be determined by the individual (department chair, associate chair, diversity committee chair) appointing the committee. It may consist of faculty, staff and/or students, depending on the nature of the grievance. There must be at least three members appointed to the committee. The committee will review the complaint and any relevant documentation or evidence, and make a ruling on the grievance, submitted in writing to the grievant within 28 days of the receipt of the complaint.

6. Appeal beyond the department – if the grievant is not satisfied with the ad hoc committee's ruling, s/he may then take the complaint to a higher level within the university. It is the responsibility of the chair and/or the ad hoc committee to inform the grievant of the appropriate path of appeal, depending on the nature of the grievance (i.e. Arts & Sciences Council, Faculty Assembly, Graduate School, Dean, Provost, Chancellor, President).

Appendix A

http://www.colorado.edu/ArtsSciences/facultystaff/policies/gradeappeal.html

College Policy on Grade Appeals

10 February 2004

To: College of Arts and Sciences Faculty

From: Todd Gleeson, Dean

Re: College Policy on Grade Appeals

One of the fundamental responsibilities of every faculty member in the College is to evaluate the academic performance of our students fairly and conscientiously. The grades our students earn form part of their permanent academic records, and can have far-reaching impacts on their future success in a variety of endeavors. As individual faculty members, and collectively as a College, it is our duty to ensure that these grades are an accurate assessment of performance.

I take the prerogative of faculty members to assign grades very seriously, and I am extremely reluctant to interfere in this basic aspect of our academic lives. At the same time, both the courts and the AAUP have recognized the need for a well-designed appeals process to provide remedies on those rare occasions when grades are assigned in an arbitrary or capricious manner, or when grading is improperly influenced by prejudice or emotion.

College of Arts and Sciences Department/Program Grade Appeal Process

The following shall be the official policy of the academic units of the College, unless an academic unit submits an alternative procedure to the Dean for approval.

When a student believes that a grade has been improperly assigned, and discussions between the instructor and the student have not led to any resolution of the problem,

1. The student shall have the option of making a formal written appeal to the Department Chair. The appeal must specify the remedy desired by the student, and it must be submitted within 45 days of the end of the academic term in which the course was taken.

2. The Chair or designee will meet (together or separately) with the student and with the faculty member who taught the course. If the Chair/designee is unable to broker a solution mutually acceptable to both student and instructor, then

3. The Chair shall appoint an ad hoc Grade Appeals Committee, which will review the dispute. This Committee shall consist of at least three impartial faculty members competent in the subject matter of the course in question. The Chair will provide the Committee with the student¹s appeal and a written response from the faculty member.

4. Within 45 days, the Committee will submit a report and recommendation to the Chair, and the Chair will recommend to the instructor either (1) that the originally assigned grade stand; or (2) that a new grade be assigned. 5. In cases where a change of grade is recommended and the instructor does not wish to accept the recommendation of his/her colleagues, the Chair shall forward the written materials associated with the appeal to the Dean of the College.

Appendix B

http://www.colorado.edu/policies/discrimination.html

Discrimination Complaints – Grievance Procedures

Introduction

Discrimination is not allowed at the Boulder Campus:
"The University of Colorado at Boulder ("CU-Boulder") does not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status in admission and access to, and treatment and employment in, its educational programs and activities. The university takes action to increase ethnic, cultural, and gender diversity; to employ qualified disabled individuals; and to provide equal opportunity to all students and employees." Article 10, Nondiscrimination Laws of the Regents.

Discrimination and related retaliation are specifically prohibited by the following legislation:
Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination in Employment Act of 1976; the Equal Pay Act of 1963; sections 503 and 504 of the Rehabilitation Act of 1973; the Vietnam Era Veterans Adjustment Act; the Americans with Disabilities Act of 1990, and Executive Order 11246 as well as other applicable State and Federal laws.

Framework for Complaints of Discrimination:
These procedures provide a framework for the review of complaints of discrimination initiated by students, faculty, staff, applicants for enrollment or employment, visitors, retirees, or others. This complaint procedure does not substitute for, eliminate, delay or otherwise impact any legal rights or time frames an individual may have to file a complaint with the State or Federal enforcement agencies or courts of law. Complaints against students shall be made with the Office of Judicial Affairs. Classified staff filing a complaint of discrimination shall use the Colorado State Personnel Board Rules and Process. For more information regarding the University of Colorado at Boulder ("CU-Boulder") policy and procedures, contact the Director of the Department of Equal Opportunity and ADA Coordinator, Willard Hall, Room 209, Campus Box 144, Boulder, Colorado 80309, telephone number (303) 492-6706.

No Reprisal or Retaliation:
No reprisal or retaliation of any kind shall be taken against any individual who has in good faith reported instances of or filed a complaint regarding discrimination or has participated in procedures to redress complaints of discrimination. CU-Boulder is committed to taking appropriate action against those who violate its policy against discrimination.

Making false complaints or providing false information regarding a complaint is prohibited:
It is a violation of this Policy for anyone to make an intentionally false accusation of discrimination or related retaliation or to provide intentionally false information regarding a complaint. Individuals who violate these provisions concerning false complaints or false information will be disciplined, up to and including termination and expulsion.

I. Americans with Disabilities Act of 1990

A. Procedures and Definitions
The Americans with Disabilities Act of 1990 (ADA) is a federal anti-discrimination statute. The purpose of the ADA is to ensure that qualified individuals with disabilities are protected from discrimination on the basis of disability. Under the ADA, "disability" means that the individual has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

B. Informal Resolution
An informal process of resolution is the first step in seeking a satisfactory resolution to complaints alleging discrimination:

1. An employee is encouraged to contact the supervisor responsible for the particular service or program to explain the perceived problem and propose solutions. Students who have any complaints, including those who believe the accommodations provided are not reasonable concerning classroom situations, should contact the responsible faculty member or the Office of

Disability Services (303) 492-8671.
2. Visitors to CU-Boulder, retirees and applicants for employment should contact the Director of the Department of Equal Opportunity and ADA Coordinator to discuss a perceived problem.
3. The Director of the Department of Equal Opportunity and ADA Coordinator should be contacted when a complaint involves campus facilities, including student residence halls.

If this informal discussion with the supervisor, faculty member or Director of the Department of Equal Opportunity and ADA Coordinator does not resolve the matter or if the individual feels this informal method of resolution is unsatisfactory, a written complaint for formal resolution can be filed with the University's Department of Equal Opportunity and ADA Coordinator.

Consistent with State Personnel Board Rule 8-31, any time an appointing authority is aware of an allegation of discrimination based on disability of a classified staff member, the matter must be referred to the ADA Coordinator for investigation, no later than 7 days from the date of allegation, including grievances and meetings to consider adverse action against the employee. Any time limits are suspended pending the investigation.

C. Formal Resolution

1. Written Complaint: A complaint alleging CU-Boulder's noncompliance with the ADA, or alleging any action that would be prohibited by the ADA, shall be filed with the Director of the Department of Equal Opportunity and ADA Coordinator (see above address) no later than 180 days from the date of the alleged discrimination. This written complaint must contain at least the following information:
    a. A clear explanation of why a complaint is being filed, including location, persons involved, description of the problem, and relevant dates;
    b. any available documentation, including names and telephone numbers of individuals with specific knowledge of the problem;
    c. the remedy requested; and
    d. the name, address, phone number and signature of individual filing the complaint ("Complainant").

2. Initial Review by ADA Coordinator: The Director of Equal Opportunity and ADA Coordinator shall review the complaint and determine if it falls within the provisions of the ADA. If it does, an investigation shall be conducted and a written report provided to the decision maker or appointing authority, as well as to the Complainant and the individual complained against. If the complaint does not fall within the provisions of the ADA, in the judgment of the Director, he/she will return it to the Complainant and explain why it does not meet the provisions.

3. Complaint Investigation. The ADA Coordinator shall insure that a complaint receives a complete and timely investigation:

    a. The ADA Coordinator shall promptly notify the appropriate University officials, including the responsible Vice Chancellor ("Respondent") of the complaint.
    b. The ADA Coordinator or designated investigating committee or investigator investigating an ADA complaint shall promptly meet with the Complainant to clarify statements and requests made in the complaint, and to obtain necessary supporting information. The Complainant shall be given a copy of this complaint procedure.
    c. The investigator(s) shall meet with any individuals who may have information relevant to the complaint.
    d. As necessary, the investigator(s) shall meet again with the Complainant and/or appropriate University official(s) to obtain additional information and/or provide an opportunity for the submission of additional information. A joint meeting with the investigator, Complainant and the appropriate University official may occur.

4. Rights of the Parties During the Investigation of a Complaint. The Complainant and Respondent shall have the right to have a representative present during meetings with the investigator. In the

event that the Complainant's representative is an attorney, the Respondent may also be represented by University Counsel.

5. Results of Investigation. Unless extended for good cause by the Director of the Department of Equal Opportunity and ADA Coordinator, the results of the investigation shall be presented within fifteen (15) work days after receipt of the complaint and, except as noted in Sections D and E below, forwarded to the Vice Chancellor with responsibility for the service or program involved. Unless extended for good cause, the Vice Chancellor, or his or her designee shall, no later than twenty (20) work days after receiving the results of the investigation, review the results of the investigation and take action deemed appropriate under applicable statutes and regulations, University policies, and the Americans with Disabilities Act including discipline, if appropriate, against employees found guilty of discrimination. The Vice Chancellor and Complainant, at the request of either, may meet during the Vice Chancellor's review of the complaint investigation.

6. Notice. The Director of Equal Opportunity and the ADA Coordinator shall advise CU-Boulder constituents on all notice and other requirements and shall disseminate the Policy.

D. Special Application of Complaint Procedure to Faculty
Any matter involving a claim of discrimination on the basis of disability which is the subject of a faculty grievance case under Article 5.C.5 of the Laws of the Regents may be processed as provided in those University grievance policies, except that if the matter is a disability issue, it shall be referred to the Director of the Department of Equal Opportunity and ADA Coordinator for investigation. Any applicable time limits of the faculty grievance process shall be waived to allow for this investigation. The results of this investigation along with any recommendations shall be forwarded to the Committee on Privilege and Tenure for faculty. No action shall be taken until after the results of the investigation are received.

E. Special Application of Complaint Procedure to Classified Staff and Applicants for Classified Staff Positions:
When a classified staff employee or an applicant for a classified staff position believes that she/he may raise a claim of discrimination on the basis of disability, consistent with State Personnel Board Rule 8-31, she/he shall contact the Director of the Department of Equal Opportunity and ADA Coordinator to initiate a grievance. Further:

1. Under State Personnel Board Rule 8-31, any matter involving a claim of discrimination on the basis of disability that may be the subject of a grievance under the policies, rules and/or procedures of the State Personnel System, should be processed as provided for in those policies, rules and/or procedures, except that the matter must first be referred to the ADA Coordinator for investigation.

2. If at any time during a meeting being held under State Personnel Board Rule 6-10 to determine if disciplinary action or any other adverse action should be taken against an employee and a claim of discrimination on the basis of disability is raised, the appointing authority shall refer the claim of discrimination on the basis of disability to the ADA Coordinator for investigation. The ADA Coordinator shall forward the results of this investigation to the appointing authority. The appointing authority shall take no action on the matter until after receiving the results of the ADA Coordinator's investigation.

In any event, consistent with State Personnel Board Rule 8-31, when an appointing authority becomes aware of a claim of discrimination against CU-Boulder on the basis of disability, the claim shall be immediately referred to the ADA Coordinator for investigation no later that seven (7) work days after a referral. Chapter 8 of the State Personnel Board Rules and Procedures, Dispute Resolution, should be consulted for further rules involving the ADA and the classified system, including the effect of this investigation on time limits and other provisions of grievances and appeals.

Additional Requirements

1. Record Keeping Requirements. Records of complaints filed with or referred to the Department of Equal Opportunity or ADA Coordinator shall be maintained for at least three years. These records shall be considered confidential and maintained separately from official personnel files. These records shall be confidential and shall not be disseminated except as required by the University in the exercise of its employment function or as required by a lawfully issued subpoena. The records

shall include the complaint, statements regarding the complaint provided to the investigator, the results of the investigation, and any other documents gathered in the course of the investigation.

2. Summary Report. The Department of Equal Opportunity shall maintain a summary report of the number and type of complaints received and their resolution.

3. Review of Procedures. This Complaint procedure shall be reviewed twelve months after the effective date of this document. Thereafter, this procedure shall be reviewed regularly but no less than once every twenty-four (24) months. Revisions to this procedure shall be made as deemed necessary after such review. The Director of Equal Opportunity and ADA Coordinator shall be primarily responsible for this review with the assistance and/or consultation of selected interested groups and individuals.

II. Other Discrimination Complaints

A. Informal Resolution

To resolve a complaint alleging discrimination on the basis of race, color, creed, religion, national origin, veteran status, age, or sex3, as quickly and efficiently as possible, employees and students are encouraged to initially contact the supervisor responsible for the functions or person where the alleged discrimination happened to discuss the perceived problem and proposed solution. Visitors to the Boulder Campus, retirees and applicants for employment should contact the Director of the Department of Equal Opportunity, Willard Hall, Room 209, Campus Box 144, Boulder, Colorado 80309, telephone number (303) 492-6706

If the informal process does not resolve the matter or if the individual does not wish to use the informal method of resolution he or she should contact the Director of the Department of Equal Opportunity to file a written complaint for formal resolution. Consistent with State Personnel Board Rule 8-29 any allegation of discrimination raised by a classified staff employee may use the State Personnel Board Grievance Process. If the classified staff employee files a grievance that is not resolved, the employee may file a petition for hearing within 10 days of receipt of the grievance, appeal or performance management review process decision.

B. Formal Resolution

1. A complaint, alleging discrimination on the basis of race, color, creed, religion, national origin, veteran status, age, or sex shall be filed with the Director of the Department of Equal Opportunity (see above address) no later than 180 days from the date of the alleged discrimination. This written complaint needs to contain at least the following information:
    a. a clear explanation of why a complaint is being filed, including location, description of the problem, parties, and relevant dates;
    b. any available documentation, including names and telephone numbers of individuals with specific knowledge of the problem;
    c. the remedy requested; and
    d. the name, address, phone number and signature of individual filing complaint ("Complainant").

2. The Department of Equal Opportunity will review the complaint. When the Department determines that the complaint meets the definition of discrimination under the applicable federal and state statutes Laws of the Regents, and Administrative Policy Statements, an investigation will be done and a written report provided to the decision maker or appointing authority, as well as to the Complainant and the individual complained against.

3. Complaint Investigation. The Director of the Department of Equal Opportunity shall insure that a complaint receives a complete and timely investigation.
    a. The Director of the Department of Equal Opportunity shall promptly notify the appropriate University officials, including the appropriate Vice Chancellor, ("Respondent") of the complaint.

    b. The person investigating the discrimination complaint shall promptly meet with the

Complainant to clarify statements and requests made in the complaint, and to obtain necessary supporting information. The Complainant shall be given a copy of this complaint procedure and responses shall be provided to any questions the Complainant may have.

c. The investigator(s) shall meet with any individuals who may have information relevant to the complaint.

d. As necessary, the investigator(s) shall meet again with the Complainant and/or appropriate University official to obtain additional information and/or provide an opportunity for the submission of additional information. A joint meeting may also occur.

4. Rights of the Parties During the Investigation of a Complaint. The Complainant and Respondent shall have the right to have a representative present during meetings with the investigator. In the event that the complainant's representative is an attorney, the Respondent may also be represented by University Counsel.

5. Results of the Investigation. Unless extended for good cause by the Director of the Department of Equal Opportunity the results of the investigation shall be given within thirty (30) work days after receipt of the complaint and, except as noted in Sections D and E below, forwarded to the Vice Chancellor with responsibility for the service or program involved. Unless extended for good cause, the Vice Chancellor shall, no later than twenty (20) work days after receiving the results of the investigation, review the results of the investigation, and take action deemed appropriate under applicable statues and regulations and University policies, including discipline, if appropriate, against employees found guilty of discrimination. The Vice Chancellor and Complainant, at the request of either, may meet during the Vice Chancellor's review of the complaint investigation.

6. Notice. The Director of Equal Opportunity shall advise CU-Boulder constituents on all notice and other requirements and shall disseminate the Policy.

C. Special Applications of Complaint Procedure to Faculty.
Any matter involving a claim of discrimination which is the subject of a faculty grievance case under Article 5.C.5 of the Laws of the Regents shall be processed as provided. The Senate Committee on Privilege and Tenure shall be constituted and function as approved by the Board and shall conduct its hearings and inquiries consistent with its rules and procedures.

D. Special Applications of Complaint Procedures to Classified Staff and Applicants for Classified Staff Positions.
Colorado State Personnel Board Rule 9-3 states that "discrimination against any person is prohibited because of race, creed, color, gender (including sexual harassment), sexual orientation, national origin, age, religion, political affiliation, organizational membership, veteran's status, disability, or other non-job related factor. This applies to all employment decisions, including but not limited to, those covered by C.R.S. 24-34-402." When a classified staff employee or an applicant for a classified staff position believes that she/he may raise a claim of discrimination, she/he shall contact the Director of the Department of Equal Opportunity to initiate a grievance.

Allegations of discrimination, including those involving grievances, appeals or the performance management review process, must also be filed with the Colorado State Personnel Board.

E. Additional Requirements

1. Record Keeping Requirements. Records of complaints filed with or referred to the Department of Equal Opportunity shall be maintained for at least three years. These records shall be considered confidential and maintained separately from official personnel files. These records shall be confidential and shall not be disseminated except as required by the University in the exercise of its employment function or as required by a lawfully issued subpoena. The records shall include the complaint, statements regarding the complaint provided to the investigator, the results of the investigation, and any other documents gathered in the course of the investigation.

2. Summary Report. The Department of Equal Opportunity shall maintain a summary report of the number and type of complaints received and their resolutions.

3. Review of Procedures. This Complaint procedure shall be reviewed twelve months after the effective date of this document. Thereafter, this procedure shall be reviewed regularly but no less than once every twenty-four (24) months. Revisions to this procedure shall be made as deemed necessary after such review. The Director of Equal Opportunity shall be primarily responsible for this review with selected interested groups and individuals.

Date: August 1, 2001
Approved by: Richard L. Byyny, M.D., Chancellor
Author: Garnett K. Tatum