

Graduate Student Grievance Policy and Procedure

Discrimination and Harassment

The Office of Diversity and Equity Programs is located at 106 McArthur Hall. Graduate students who believe that they have been discriminated against or harassed (uninvited or unwelcome verbal or physical contact) based on race, color, national origin, sex, religion, age, disability, genetic information, and veteran status, or sexual orientation and group affiliation should contact that office. The website is <http://www.msstate.edu/president/odep/home.html> and the telephone number is 662-325-2493.

Other Complaints

Graduate students who are unsure of the course of action for their complaints should contact the Office of the Dean of Students at 662-325-3611 or <http://www.students.msstate.edu>. This office can assist the graduate student in determining the course of action for the complaint and whether the grievance should be referred to the Graduate School or some other office within the University. The graduate student and the Office of the Dean of Students may at that point refer to the following as a method of resolution of a grievance that is not otherwise provided a remedy by University Policy or Academic Operating Policy and Procedure (AOP) within the University.

Grievance Procedures

Two principles must be followed during the grievance procedure.

- **Preponderance of Evidence:** If a graduate student believes that a faculty member or other person has acted inappropriately, then that graduate student must gather evidence, which may be in the form of emails, letters, or other forms of written documentation.
- **Without Retaliation:** At no time during the process should a faculty member or other person take action that could be considered retaliation against the graduate student who has submitted the grievance.

Procedure is defined as the process of resolution in which the graduate students contacts the faculty member or administrator who has committed the grievance and, if needed, additional personnel up to the level of the graduate student's college dean to resolve the situation.

Step 1. Contact the faculty member or administrator with whom the graduate student has the grievance. It is strongly recommended that the student send an email or make contact in writing. In an informal meeting, the student should explain his or her position and ask the faculty member or administrator to cease engaging in the behavior(s) in question.

Step 2. If the behavior of the faculty member or administrator persists, then the graduate student should notify the department head of the faculty member or the immediate supervisor of the administrator. The graduate student will provide the administrator with a copy of the email or written correspondence noting the date of the request to desist and ask the department head or supervisor to arbitrate the matter. This person will notify the graduate student after he/she speaks with the faculty member or administrator within five working days.

Step 3. If the behavior of the faculty member or administrator continues after the intervention by the department head or supervisor of the administrator, or the graduate student is not satisfied with the response from the department head or supervisor, the student will contact the dean of the college. If the student is not satisfied at this point, he/she may ask for intervention by the Graduate School.

Formal investigation is defined as the process of investigation wherein the dean of the Graduate School convenes a review committee to investigate and recommend a resolution to the Office of the Provost, who will pronounce the final decision. A formal investigation is convened when the graduate student submits a written complaint. The Graduate School will promptly (within ten working days) designate a committee to investigate the complaint.

Responsibilities of the Investigating Committee

The person designated to chair the investigating committee will inform the graduate student:

1. The manner and frequency with which the graduate student will be updated about the status of the investigation.
2. The need for a high level of discretion during the investigatory process.
3. Insure that there is no retaliation against the graduate student.

Normally within five working days of receipt of the assignment, the investigating committee will advise of and provide the faculty member or administrator who is alleged to have committed the violation with:

1. The specific allegations and a copy of the written complaint.
2. The manner and frequency in which the faculty member or administration will be updated about the status of the investigation.
3. The need for all parties to exercise a high level of discretion during the investigatory process and the University's policy with respect to retaliation.
4. An opportunity to submit a written response to the complaint within five working days of notification of the complaint.

Investigation

1. The purpose of the investigation is to gather facts.
2. Depending upon the facts of the case, an investigation may range from a one-on-one conversation between the investigating committee and the two parties to an inquiry with multiple witness interviews. The investigating committee will produce a written finding of facts at the conclusion of the investigation.
3. The investigation committee decision shall be made on the “preponderance of evidence” standard. Any finding against an individual or department on the subject of grievance must be supported by a preponderance of the evidence.
4. Investigations should normally be completed with five working days from the date the complaint was first asserted. If this is not reasonably possible, the investigation committee should make the grievant and the faculty member or administrator who is alleged to have committed the violation aware of the status of the review and provide an estimated conclusion date.

Submission of Investigative Report

Upon completion of the investigation, the investigation official shall submit the report to the dean of the Graduate School. Upon receipt of the investigative report, the dean of the Graduate School shall review the report and submit an initial determination to the Office of the Provost that states that a violation did or did not occur. If an initial determination is that a violation did occur, then the dean shall also submit an initial proposal to the Office of the Provost stating what “prompt remedial action” the dean considers appropriate, including potential disciplinary action. The Office of the Provost will make the final determination as to what actions, if any, be taken.

Notification of Decision and Appeal Process

Upon conclusion of the determination process, the complainant and respondent will receive a written copy of the Provost's decision. The faculty member/administrator who is alleged to have committed the violation may appeal the decision in writing within five working days to the Provost. The appeal must be based on

1. new facts not previously available,
2. the sanction is arbitrarily harsh or capricious, and/or
3. procedures were not followed that substantially affected the result.

The Provost will render a final decision within five working days. This decision completes the University process.

Please Note: General Advice to Graduate Students in Pursuing Grievance Procedure—Students are advised to use their discretion in following these suggestions.

1. The University provides counseling services which are a resource for all MSU students when they have experienced stressful or difficult situations. Graduate students may wish to seek counseling services provided by Student Counseling Services (<http://www.health.msstate.edu/scs>) . Counseling services are provided without charge to registered MSU students, and communication with counselors is strictly confidential.
2. In the case of international graduate students, the student is strongly advised to keep the Primary Designated School Official (PDSO) and/or Responsible Office (RO) updated about the grievance.
3. Maintain a diary of events to ensure a chronological record is readily available and so that the student does not forget the sequence of events surrounding the grievance.
4. If possible, change the major advisor if the current major advisor is the person against whom the grievance was lodged.
5. Keep copies of written communications that are involved in the grievance and any further communication from the faculty member or administrator against whom the grievance was lodged.