

# GRADUATE STUDENT CONFLICT RESOLUTION PROCEDURE

## Guidelines for Conflict Resolution, Complaint Reporting, and Addressing Inappropriate Conduct (Including Grievance Procedure)

The procedures detailed in this document are applicable to all graduate students at the University of Nebraska Medical Center (UNMC). UNMC may modify this document from time to time within its discretion, without prior notice, and shall be the sole determiner as to how it is interpreted.

### Definitions

**Conflict** = A serious argument or disagreement, often, but not always, over an extended period of time.

**Confidential Complaint** = The initial, official, confidential communication of concern and/or dissatisfaction due to perceived inappropriate or unprofessional conduct, hostile work and learning environment, unlawful harassment, issues concerning health and safety, or unfair decisions or application of policies/guidelines excluding matters listed below in section 1. The initial assessment of the confidential complaint will be conducted in a confidential manner to preserve anonymity of the complainant and, if different, the purported target(s) of the harassment or unprofessional behavior, to the greatest extent possible. The identity of the complainant and purported target(s) of the harassment or unprofessional behavior shall be kept confidential except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) or as required by law, including Title IX. If a complaint is determined to have the potential to legitimately involve one of the forms of harassment or inappropriate conduct covered under these guidelines, then the complaint may be moved forward as a Confidential Incident Report or a Grievance, based on the student's preference, the nature of the concern, and/or prior complaints.

**Confidential Incident Report** = An official notice of a complaint regarding treatment believed to be inappropriate, wrong, or unfair for which no formal action, beyond documenting the complaint, is requested. Inquiries into confidential complaints will be conducted in a confidential manner to preserve anonymity of the purported target(s) of the harassment or unprofessional behavior to the greatest extent possible. The identity of the purported target(s) of the harassment or unprofessional behavior shall be kept confidential except as may be permitted by FERPA or as required by law, including Title IX.

**Egregious behavior** = Conduct that is determined by the Assistant Dean for Graduate Student Success, in conjunction with Dean of Graduate Studies and Vice-Chancellor for Research, to be a significant deviation from acceptable behavior, including but not limited to threats of violence, acts of harassment, discrimination, fraud, or other illegal or unethical actions that cause harm to others.

**Faculty member** = An individual with a faculty level appointment (i.e. instructor, assistant professor, associate professor, and professor). Post-docs are not considered faculty members for the purposes of these

guidelines. See section 1.3 regarding conflicts with post-docs or other staff.

**Graduate Program Committee** = the committee responsible for general supervision of a graduate degree program. For the IGPBS, this is the doctoral program graduate committee; for MSIA, this is the sub-plan advisory committee; for Nursing this is the CON Ph.D. Affairs Council.

**Graduate Program Director** = chair of the Graduate Program Committee. For non-degree-seeking students, the Assistant Dean for Graduate Student Success serves the role of Graduate Program Director for processes described in this document.

**Graduate student** = a student at any stage of a graduate certificate program, master's program, or doctoral program administered by UNMC Graduate Studies (including all M.S. and Ph.D. students). Non-degree-seeking (Unclassified) students enrolled in graduate courses at UNMC are also considered to be graduate students subject to certain aspects of this document – primarily, situations covered by the NU Student Code of Conduct.

**Grievance** = An official notice of a complaint regarding behavior or treatment believed to be inappropriate, wrong, or unfair that rises to a certain level and for which a formal action or redress is being sought. During the grievance process, the respondent will have the opportunity to respond directly to the specific allegations, so anonymity during this process cannot always be preserved. Complaint levels are described in section 5.

## 1. Purpose and Scope

The purpose of this document is to outline clear guidelines and procedures for graduate students and UNMC to address concerns about mentoring and inappropriate behavior through a variety of processes. The goal is to help resolve conflicts at an early stage, to identify concerns about mentoring and potentially inappropriate conduct, and, whenever possible, to address inappropriate behavior and mentoring via communication and training. Procedures are also outlined to address more serious concerns or pervasive problems through a grievance process. The specific guidelines and procedures outlined here provide mechanisms for:

- addressing concerns about mentoring and/or inappropriate behaviors toward students by UNMC faculty members (e.g. a student's advisor) via a preliminary conflict resolution procedure.
- filing confidential complaints regarding UNMC faculty (e.g. a student's advisor) if conflict resolution efforts fail or are not possible.
- conducting an initial inquiry into confidential complaints filed by graduate students.
- identifying misunderstandings and addressing them through additional communication regarding policies/guidelines and training to avoid future conflicts and complaints.
- officially and confidentially documenting complaints about inappropriate mentoring and/or behaviors if the student does not wish to proceed further to a full investigation.
- investigating complaints about inappropriate mentoring and/or behaviors at the request of the student.
- officially documenting and tracking complaints of and verified instances of inappropriate mentoring and/or behaviors to identify and address inappropriate conduct that results in recurrent complaints, to reduce the probability of further such incidents,

and to minimize the likelihood that additional and/or significant corrective action is required.

- providing education, training, and, when necessary, corrective or disciplinary action as needed to address inappropriate mentoring and/or behaviors by UNMC faculty.
- protecting faculty members from false accusations and spurious complaints.

Complaints and grievances brought forward under the procedures described here are those based on a claimed violation of any university rule or established practice such as the UNMC Code of Conduct ([https://wiki.unmc.edu/index.php/Code\\_of\\_Conduct/](https://wiki.unmc.edu/index.php/Code_of_Conduct/)), conditions perceived to adversely impact the student's ability to successfully complete the graduate program, and/or allegations of harassment, discrimination, or other forms of inappropriate conduct such as comments or actions that could reasonably be perceived as belittling, hostile, disrespectful, offensive, or inappropriate in the workplace. Examples of the types of complaints and/or grievances covered by these guidelines include but are not limited to inappropriate conduct in the workplace (e.g. verbal abuse, bullying, threatening behavior, inappropriate yelling, failing to respect boundaries, and favoritism), unreasonable interpretation of guidelines related to time-off and what constitutes reasonable work hours, unreasonable delay of student progression toward degree attainment, and unfair reductions in funding or awards. **These procedures exclusively outline processes related to graduate student complaints against UNMC faculty.**

**If you are unsure if a concern or potential complaint falls within the scope of these guidelines you can receive additional information and guidance from any of the persons listed below:**

- Director of Graduate Administrative Services (Terri Vadovski; [terri.vadovski@unmc.edu](mailto:terri.vadovski@unmc.edu), ([terri.vadovski@unmc.edu](tel:402-559-6532)) 402-559-6532)
- Student Ombuds (Dr. David Carver; [dcarver@unmc.edu](mailto:dcarver@unmc.edu), 402-559-2491)
- Assistant Dean for Graduate Student Success (Dr. Karen Gould; [kagould@unmc.edu](mailto:kagould@unmc.edu), 402-559-2456)
- Associate Vice Chancellor for Student Success (Dr. Phil Covington; [philip.covington@unmc.edu](mailto:philip.covington@unmc.edu), ([philip.covington@unmc.edu](tel:402-559-2792)) 402-559-2792)

**Concerns and complaints that fall outside the scope of these guidelines should be handled through other avenues, some of which are listed below:**

### 1.1. Academic Decisions

Academic decisions such as awarding of grades, comprehensive exam results, dissertation defense results, suspension, or dismissal are to be managed through the processes found elsewhere in the Graduate Studies section of the Catalog (<https://catalog.unmc.edu/graduate-studies/>). Students may contact their Graduate Program Directors and/or the Director of Graduate Administrative Services (Terri Vadovski; [terri.vadovski@unmc.edu](mailto:terri.vadovski@unmc.edu), ([terri.vadovski@unmc.edu](tel:402-559-6532)) 402-559-6532) for more information and assistance.

### 1.2. Sexual Misconduct

All allegations of sexual misconduct, including sexual violence or discrimination on the basis of sex, gender identity, sexual orientation, pregnancy, parental status or lactation status for which the student wishes the University to officially acknowledge and/or investigate should be reported to the Title IX Coordinator (Carmen Sirizzotti; [csirizzotti@unmc.edu](mailto:csirizzotti@unmc.edu), ([csirizzotti@unmc.edu](tel:402-559-2710)) 402-559-2710) or the Chief

Student Affairs Officer (Dr. Phil Covington; [philip.covington@unmc.edu](mailto:philip.covington@unmc.edu), ([philip.covington@unmc.edu](tel:402-559-2792)) 402-559-2792).

### 1.3. Grievances Against Staff

Grievances against UNMC or Nebraska Medicine staff, including postdocs, are managed through the relevant policies and procedures by the UNMC Division Director, Employee Relations and Organizational Development (Linda Cunningham; [lcunning@unmc.edu](mailto:lcunning@unmc.edu), ([lcunning@unmc.edu](tel:402-559-7394)) 402-559-7394).

### 1.4. Research Integrity

Issues regarding research integrity and research misconduct are managed through the relevant policies and procedures by the Research Integrity Officers (Dr. Jane Meza; [jmeza@unmc.edu](mailto:jmeza@unmc.edu), 402-559-6825 | Dr. Karen Gould; [kagould@unmc.edu](mailto:kagould@unmc.edu), 402-559-2456)

### 1.5. Violations of Law

Violations of federal, state, or local laws may be managed through the relevant policies and procedures by the Office of Compliance and/or departments having oversight over the applicable law/regulation. Contact the UNMC Chief Compliance Officer (Sarah Golden Carlson; [sarah.goldencarlson@unmc.edu](mailto:sarah.goldencarlson@unmc.edu), ([sarah.goldencarlson@unmc.edu](tel:402-559-9576)) 402-559-9576). See the UNMC compliance website (<https://www.unmc.edu/academicaffairs/compliance/>) to report such concerns.

### 1.6. Campus Security and Safety

Campus security and safety issues are managed by the UNMC Campus Security (Chief of Police and Director of Public Safety and Security: Charlotte Evans (402-559-4439, [charlotte.evans@unmc.edu](mailto:charlotte.evans@unmc.edu)) or the Omaha Police Department.

## 2. Rights and Responsibilities Related to These Guidelines

### 2.1 Students:

- Students have the right to file a confidential complaint or grievance against faculty for violations of the UNMC Code of Conduct ([https://wiki.unmc.edu/index.php/Code\\_of\\_Conduct/](https://wiki.unmc.edu/index.php/Code_of_Conduct/)) or other relevant policies, concerns related to conditions that adversely impact the student's ability to successfully complete the graduate program, and/or allegations of harassment, discrimination, other forms of inappropriate conduct. Likewise, students have the right to seek and be granted redress by the Dean of Graduate Studies as appropriate when harassment, discrimination, or inappropriate conduct has occurred. See section 1 for further information about what constitutes inappropriate conduct.
- Students are responsible for communicating with the faculty member involved and seeking resolution to a conflict in its initial stages *where appropriate*. Although students have the right to file a complaint without first seeking to resolve the conflict with the involved faculty member, students are strongly encouraged, where possible, to pursue conflict resolution before filing a confidential complaint. Where possible, resolving a conflict without a formal complaint is often optimal for both the student and the faculty member. Students are encouraged to seek guidance and support for resolving conflicts as needed. See section 3 for more information.
- Students have the right to file a written complaint to the UNMC Faculty Professional Conduct Committee chair if they are not satisfied with the grievance panel resolution.

- Students have the right to confidentiality, to the extent possible, throughout the processes and procedures in these guidelines. Information provided as part of a confidential complaint, including the name(s) of the student(s) involved, or any potentially identifying information about the student(s) involved or any specific incidents, will not be shared with the faculty member involved, except in a situation in which the confidential complaint leads to a formal grievance. However, in this situation, all attempts will be made to maintain the complainant's confidentiality (if requested by the student). Note that identifying the student involved and some aspects of the complaint may be inherent to certain grievance processes. See sections 5 and 6 for more information. In addition, there may be other circumstances, in which the identity of students involved in these processes cannot be kept confidential, and the Assistant Dean For Graduate Student Success may be required to share this and other information with other individuals in accordance with FERPA, Title IX, or other applicable law.
- Students have a right to file a confidential complaint or grievance without fear of retaliation. Retaliation against student complainants or others involved in the complaint or grievance process is strictly prohibited. In situations where the potential for retaliation exists, the situation will be explicitly monitored to ensure retaliation does not occur, and all parties will be informed of this process. See section 7 for more information about how incidents of potential retaliation will be managed.
- Students are responsible for behaving professionally and for providing accurate information. Students will be held responsible for making intentionally false accusations and/or misleading complaints against University faculty. Students making intentionally false accusations or intentionally providing false information will be subject to appropriate disciplinary action via processes outlined in the NU Student Code of Conduct. Likewise, students are responsible for maintaining confidentiality regarding an ongoing investigation into a complaint or an ongoing grievance proceeding.

## 2.2 Faculty Members:

- Faculty members have the right to confidentiality, to the extent possible, throughout the processes and procedures in these guidelines. In other words, information about complaints and grievances, including the name of the faculty member involved, will remain confidential to the extent that is feasible while still adhering to the guidelines and except as required by law, including Title IX. Note that identifying the faculty member involved and discussing some aspects of the complaint may be inherent to certain processes (e.g. investigating a complaint or addressing a complaint in conjunction with the faculty member's chair/Dean/ Division Head). Individuals with whom such information must be shared will be instructed to maintain confidentiality.
- Faculty members have the right to provide relevant information/evidence during investigations of complaints brought to their attention and grievance panel proceedings. During investigations and grievance panel proceedings, faculty members do not bear the burden of proof, and as such are not required to produce evidence to dispute the complaint. Faculty members also have the right to obtain independent legal counsel at their own expense. A faculty member's legal counsel can attend official meetings at the faculty member's request and can confer privately with the faculty member but will not be allowed to speak to other attendees of the meetings.
- Faculty members have the right to contest intentionally false accusations and/or misleading complaints. Such accusations/

complaints are strictly prohibited, and the guidelines are designed to help ensure that such accusations or complaints cannot proceed beyond a level zero complaint. Anonymous complaints that cannot be substantiated and complaints that simply represent a misunderstanding will remain level zero complaints. See section 5 for more information about complaint levels, including level zero complaints. Students making intentionally false accusations and/or misleading complaints against University faculty will be subject to appropriate disciplinary action via processes outlined in the NU Student Code of Conduct.

- Faculty members are responsible for communicating with students and seeking resolution to a conflict when they have been made aware of the concern. The guidelines strongly encourage effective conflict resolution and communication in the initial stages of a conflict where appropriate. Where possible, resolving a conflict without a formal complaint is often optimal for both the student and the faculty member. Faculty are encouraged to seek guidance and support for resolving conflicts as needed. See section 3 for more information.
- Faculty members have the right to appeal Grievance Panel decisions and resulting recommendations for corrective actions. See section 6 for more information.
- Faculty members are responsible for maintaining professionalism and will be held responsible for retaliatory behavior. Incidents of potential retaliation by faculty members will be investigated by the Assistant Dean for Graduate Student Success and confirmed incidents will be referred to the Dean of Graduate Studies and the Vice Chancellor for Research for review and consideration of disciplinary action. Examples of disciplinary action that could be taken include a letter of concern that is sent to the faculty member's supervisor and College Dean and/or revoking graduate faculty status (an action that requires reporting to the NIH). See section 7 for more information about how incidents of potential retaliation will be managed.

## 3. Preliminary Conflict Resolution Procedure

When possible, prior to filing a confidential complaint or grievance, students are encouraged to make an initial attempt to resolve conflicts with faculty/their advisors using a preliminary resolution process, such as the ones outlined here. It is recommended that, when possible, the first course of action involve a discussion between the graduate student, the faculty member involved, and/or the student's Supervisory Committee to resolve the issue. The student are encouraged guidance as needed about this conversation from various individuals including, but not limited to other faculty or supervisory committee members, their Graduate Program Director, a Student Ombuds (<https://www.unmc.edu/academicaffairs/institutional/ombuds.html>) (Dr. David Carver; [dcarver@unmc.edu](mailto:dcarver@unmc.edu), 402-559-2491) and/or the graduate student wellness advocate (<https://www.unmc.edu/gradstudies/education/contact-us/>). Some of these individuals also may be helpful in resolving the issue by serving as a mediator. Students may call any of the individuals listed here or may email them requesting a confidential meeting or phone call (no need to specify the reason for the confidential meeting or call). Supervisory committee members and Graduate Program Directors, when made aware of a conflict, are encouraged to consult with the faculty member's department chair and/or dean to resolve the problem amicably.

## Role of the Ombuds

The UNMC Ombuds are confidential consultants who help faculty, staff and students to solve work and school-related problems and conflicts through off-the-record conversations. They also have training as mediators. At any stage in the preliminary process, the Ombuds can be consulted as an independent, neutral, informal, and completely confidential consultant. The Ombuds can provide additional information and clarification on University policies, guidelines, and proceedings, assistance in facilitating difficult conversations, and guidance in prioritizing options for dealing with the problem. The Ombuds can also provide shuttle diplomacy services, by acting as a mediator who travels back and forth between the two parties in situations in which one or more of the individuals is reluctant to discuss the matter directly. Students and the faculty members can independently consult with the Ombuds.

Note that the Ombuds reports general trends in student concerns, including graduate student concerns (without mentioning student or faculty names, specific departments/units, or particular situations to maintain confidentiality) to campus administrators including the Dean of Graduate Studies and the UNMC Chancellor.

## Other support services during conflict resolution

Students may at any time contact the Counseling and Psychological Services (402-559-7276) for free, confidential counseling by licensed mental health care providers to address personal mental health and wellbeing concerns related to the conflict. Faculty members may contact the Employee Assistance Program (provided by Arbor Family Counseling (402-330-0960 or 1-800-922-7379).

## If Preliminary Conflict Resolution is Successful

If the conflict is resolved to the student's satisfaction and, in the case of student-advisor conflicts that the resolution *does not* involve the student changing advisors, then no further action is required.

## If Preliminary Conflict Resolution is Not Effective or Possible

If discussion with the involved faculty member is not possible or is not effective in satisfactorily resolving the problem, then the student should discuss the issue with any one or more of the following individuals to explore further options, which include continuing resolution efforts, changing advisors (see process for changing advisors (<https://catalog.unmc.edu/graduate-studies/process-for-changing-research-advisors/>) at UNMC), and/or filing a confidential complaint.

- The student's Graduate Program Director
  - The IGPBS or MSIA director (for IGPBS and MSIA students respectively)
  - The Director of Graduate Studies (Terri Vadovski; [terri.vadovski@unmc.edu](mailto:terri.vadovski@unmc.edu), ([terri.vadovski@unmc.edu](tel:402-559-6532)) 402-559-6532)
  - The Assistant Dean for Graduate Student Success (Karen Gould; [kagould@unmc.edu](mailto:kagould@unmc.edu), 402-559-2456).

## 4. Filing a Confidential Complaint

There are a variety of reasons why a graduate student might choose to file a confidential complaint against a UNMC faculty under these guidelines. These include but are not limited to:

1. To submit a confidential incident report to document problems/ conflicts in order to allow Graduate Studies to identify patterns of inappropriate behavior while maintaining confidentiality. Even students

who have changed advisors may choose to document the problem/ conflict for this purpose.

2. To submit a confidential incident report to document problems/ conflicts so that necessary education or training can be provided to the advisor and advisor's department/unit regarding policies, guidelines, and/ or mentoring expectations.

3. There is a conflict between a student and a faculty member that cannot be resolved satisfactorily using the preliminary resolution process, and the student seeks a resolution through the grievance process to bring about redress for the student themselves (e.g. student reinstatement)

4. There is a conflict between a student and a faculty member that cannot be resolved satisfactorily using the preliminary resolution process, and the student seeks a resolution through the grievance process to bring about corrective action for the faculty member (e.g. improved mentoring and/ or cessation of inappropriate conduct).

## Process for Filing a Confidential Complaint

An initial inquiry will be conducted to assess all confidential complaints filed as described below. If the complaint involves behaviors or conduct that could potentially be considered inappropriate mentoring behaviors, then at a minimum, a confidential incident report may be filed to document the concerns/allegations. If the student requests further action beyond the confidential incident report or if incident reports of a similar nature have been filed previously, then corrective action may be taken appropriate to the nature of the incident/inappropriate behavior as outlined below.

## Filing a Confidential Complaint

The complaint may be submitted electronically here (<https://www.unmc.edu/gradstudies/professional-development/grievance-form.html>) and will be automatically submitted to the Assistant Dean for Graduate Student Success. Alternatively, the complaint may be placed in one of the Graduate Studies suggestion boxes located in the Graduate Student Wellness Hub (Durham Research Center 1, Room 1007 ) and outside of the Graduate Studies Office (Williams Science Hall Suite 3.0.037 ). Complaints placed in the suggestion box should be placed in a campus mail envelope and labeled as "Confidential Complaint" so that they can be delivered to the Assistant Dean for Graduate Student Success. Graduate students are encouraged to file the complaint promptly after an incident occurred or after the preliminary resolution procedures have failed. Students are welcome to file complaints after changing advisors or after leaving the institution.

If the Assistant Dean for Graduate Student Success has a conflict of interest, then the confidential complaint can be submitted to the Graduate Studies suggestion box as described above with the additional phrase "For Executive Associate Dean for Graduate Studies" and it will be delivered to that individual instead. In such cases, the Executive Associate Dean for Graduate Studies will replace the Assistant Dean for Graduate Student Success for all roles described below.

## Content of the Complaint

The student can provide the content of the complaint electronically, via anonymous drop box, or via an in-person meeting. In general, the content of the complaint should attempt to identify the following information:

- The name of student complainant (recommended but not required) and the student affected (if different than the complainant)



- If the student chooses to provide his/her/their name and the students affected, then only the Assistant Dean for Graduate Student Success will be privy to their name and the content of the complaint.
- If the student chooses to provide his/her/their name, this will be used for internal, follow up purposes only (name will not be shared with the involved faculty member)
- An anonymous complaint is one in which the complainant does not reveal their identity to anyone. Anonymous complaints serve to provide data to identify trends that can be addressed at the department level without identification of students or faculty but cannot proceed past the initial inquiry unless independently verified. Anonymous complaints may be helpful in identifying trends that can be addressed at the program, department, college, and /or institutional level.
- The name of the faculty member involved.
- Any other person involved (including those who may have observed any relevant incidents)
- A summary of the incident(s) or inappropriate behavior(s), including approximate date(s) and time(s) if appropriate, and whether the problems are ongoing.
- A summary of the previous steps taken to address the issue.
- A brief statement of the remedy sought, if any.
- Any additional information or documentation deemed relevant by the complainant may also be submitted.

## Response to a Confidential Complaint

Every non-anonymous confidential complaint will be acknowledged by via email correspondence from the Assistant Dean for Graduate Student Success within 5 business days. Complaints submitted electronically and designated by the submitting party as “Urgent” will be reviewed and acknowledged within 72 hours. The response to complaints submitted via a drop box and designated by the submitting party as “Urgent” cannot be guaranteed a response within 72 hours. If the confidential complaint is regarding an issue that does not fall under these guidelines, the complaint will be forwarded to the relevant office as described above in Section 1 above.

## 5. Initial Assessment of a Confidential Complaint

### Initial Assessment

The Assistant Dean for Graduate Student Success will conduct an initial assessment of the complaint by meeting individually with the affected student(s) and, with the student's permission, possibly also, the faculty member involved. Affected students could include someone mentioned in an anonymous complaint, filing a complaint, or mentioned in the initial assessment of the complaint. The purpose of this initial assessment is to determine if the concern involves alleged behaviors that constitute inappropriate conduct or if, instead, it actually represents a misunderstanding or misperception on the part of either the graduate student or the faculty.

### Assignment of Complaint Level Category Based on Initial Assessment

Based on the outcome of this initial assessment, the nature of the alleged inappropriate mentoring/conduct, and a review of available information regarding past complaints, if any, the Assistant Dean for Graduate

Student Success will assign the complaint to one of five complaint level categories, as described below.

- **Level 0 Complaint Definition:** A complaint that represents a misunderstanding or a complaint that is submitted anonymously that may have involved inappropriate mentoring behaviors but for which no further evidence or information can be obtained (due to lack of availability or willingness of the affected student(s) or witnesses to provide further information)
- **Level 1 Complaint Definition:** A complaint that may have involved inappropriate mentoring behaviors, but for which the student involved requests no further action at the time of reporting.
- **Level 2 Complaint Definition:** A complaint alleging inappropriate behavior that represents a first-time, non-egregious offense and the student wishes to proceed with the complaint or situations in which there are similar confidential incident reports (level 1) from two or more graduate students (or other lab personnel if such information is available).
- **Level 3 Complaint Definition:** Complaints alleging an egregious, first-time offense, repeated complaints regarding non-egregious offenses (level 2), and/or a new confidential complaint from a student (level 1) following previous corrective action due to similar confidential complaints (level 1) from multiple students. Level three complaints are considered a grievance in these guidelines. In the event that a level 3 complaint arises as a result of a new confidential complaint, all attempts will be made to maintain the complainant's confidentiality. If the faculty member is the PI on a grant sponsored by the NIH or the NSF and a mandatory performance improvement plan (PIP) is implemented, then UNMC, as per its obligations outlined in NIH NOT-OD-22-129 (<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-22-129.html>), will report the situation to the NIH and/or NSF (see below in Addressing Complaints).
- **Level 4 Complaint Definition:** Complaints alleging continuing, non-egregious behaviors following corrective action for previous Level 3 complaints and/or an inexcusable or egregious offense. Level 4 complaints are considered a grievance in these guidelines. In the event that a level 4 complaint arises as a result of a new confidential complaint, all attempts will be made to maintain the complainant's confidentiality. If the faculty member is the PI on a grant sponsored by the NIH or the NSF and a PIP is implemented, then UNMC, as per its obligations outlined in NIH NOT-OD-22-129 (<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-22-129.html>), will report the situation to the NIH and/or NSF (see below in Addressing Complaints).

The Assistant Dean for Graduate Student Success, in conjunction with the Dean of Graduate Studies and Vice Chancellor for Research, will make the determination of whether a behavior is egregious or non-egregious. The subsequent processes governing the investigation of the complaint, the potential responses, and the potential actions, including corrective actions, will be dictated by the assigned complaint level. The complaint level and the level of response and corrective action will be determined based upon factors such as the nature of the inappropriate conduct, the number of complainants, and, if applicable, previous confidential incident reports or grievances. In situations in which the faculty member involved is informed about the complaint, resources, information, and/or the opportunity to enhance their mentoring skills will be provided to reduce the probability of a recurrence of such behaviors or misunderstanding, and to minimize the likelihood that further and/or significant corrective action is required. Faculty members will also be provided with information about the Employee Assistance Program and other support services. Likewise, the research trainee(s) will be offered

institutional support services (e.g., mental health services, counseling, etc.), and given the opportunity to transfer to a different advisor if that has not already occurred.

## Addressing Complaints: Responses and Actions

- **Level 0 Complaints: Responses and Actions.** If the complaint is determined to be a misunderstanding then the research trainee and/or faculty member involved will be coached regarding what constitutes inappropriate as well as appropriate mentoring behaviors, communication, and expectations, and/or informed about the relevant policies, guidelines, and/or procedures. If the complaint is anonymous and its contents cannot be legitimized by further evidence or information (due to lack of availability or willingness of the student(s) purported to be affected to provide further information), then the complaint will be filed as such, but no further action will be taken.
- **Level 1 Complaints: Responses and Actions.** If the complaint is determined to potentially involve an inappropriate behavior, but the student wishes only to file a confidential complaint regarding the alleged behavior and take no additional action at the time of reporting, then a confidential incident report documenting the alleged behavior will be completed and placed on file.
- **Level 2 Complaints: Responses and Actions.** If the complaint is determined to potentially involve an inappropriate behavior which represents first-time, non-egregious, offenses and the student wishes to proceed with the complaint or there is a previous confidential incident reports on file (level 1 complaint) from another student alleging similar behavior, then a more detailed investigation of the situation would be conducted by the Assistant Dean for Graduate Student Success. This investigation would involve interviews with multiple individuals, including the faculty member involved. If, based on the preponderance of evidence, inappropriate conduct is likely to have occurred, then the faculty member will have the opportunity to improve mentoring and address the behavior by working with the Assistant Dean for Graduate Student Success. The Assistant Dean for Graduate Student Success will monitor improvement via regularly scheduled meetings with the research trainee(s) and faculty member. The Department Chair/ Division Head will be informed that inappropriate conduct is likely to have occurred and the faculty involved will be named. However, the Assistant Dean for Graduate Student Success will not convey details of the complaint with the Department Chair/Division Head. If there is another complaint involving a second faculty member within a department/unit within a year of the initial complaint, then the unit lead should facilitate broad discussions about appropriate mentoring practices for all faculty members during a faculty meeting within 2 months of being informed of the incident.
- **Level 3 Complaints: Responses and Actions.** The Assistant Dean for Graduate Student Success will refer Level 3 complaints, which constitute grievances, to the Executive Associate Dean for Graduate Studies. The Executive Associate Dean for Graduate Studies will, as described below, select an appropriate subset of the grievance committee and ad hoc members, to form the Grievance Panel. The Grievance Panel or its designee, will interview all parties (including potential witnesses), as appropriate and conduct a thorough investigation of the allegations. If, based on the preponderance of evidence, inappropriate conduct is determined to have occurred, then the committee will recommend actions, potentially including a mandatory PIP with measurable outcomes for the faculty member. If the faculty member is the PI on a grant sponsored by the NIH or the NSF and a PIP is implemented, then UNMC, as per its obligations

outlined in NIH NOT-OD-22-129 (<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-22-129.html>), will report the situation to the NIH and/or NSF. In the case of Level 3 complaints, the unit lead (Department Chair/ Division Head or Dean if the faculty member in question is a chair) will oversee the PIP in conjunction with the Executive Associate Dean for Graduate Studies. Designated grievance committee members and the Assistant Dean for Graduate Student Success will monitor for potential retaliation. If there is another complaint involving a second faculty member within a department/unit within a year of the initial complaint, then the unit lead should facilitate broad discussions about appropriate mentoring practices for all faculty members during a faculty meeting within 2 months of being informed of the incident.

- **Level 4 Complaints: Responses and Actions.** The Assistant Dean for Graduate Student Success will refer Level 4 complaints, which constitute grievances, to the Executive Associate Dean for Graduate Studies. The Executive Associate Dean for Graduate Studies will, as described below, select an appropriate subset of the grievance committee and ad hoc members to form the Grievance Panel. The Grievance Panel or its designee will interview all parties (including potential witnesses), as appropriate and conduct a thorough investigation of the allegations. If, based on the preponderance of evidence, inappropriate conduct is determined to have occurred, then the committee will recommend actions, which will include a mandatory written performance improvement plan (PIP) with measurable outcomes for the faculty mentor. If the faculty member is the PI on a grant sponsored by the NIH or the NSF, then UNMC, as per its obligations outlined in NIH NOT-OD-22-129 (<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-22-129.html>), will report the situation to the NIH and/or NSF. In the case of Level 4 complaints, the unit lead (Department Chair/ Division Head or their designee), College Dean (or their designee), and the Executive Associate Dean for Graduate Studies will jointly oversee the PIP. The grievance committee, Assistant Dean for Graduate Student Success, and appropriate institutional unit will monitor for potential retaliation. Given the severity of the behaviors included in this category, the grievance committee may consider recommending suspension of the faculty member's right to mentor students and elevate the behavior to involve additional institutional offices/units, based on the nature of the offense. If there is another complaint involving a second faculty member within a department/unit within a year of the initial complaint, then the unit lead should facilitate broad discussions about appropriate mentoring practices for all faculty members during a faculty meeting within 2 months of being informed of the incident.

## 6. Grievance Processes

### Graduate Student Grievance Committee

The Graduate Student Grievance Committee consists of eight members, four Graduate faculty each elected for a term of two years and four students, each elected for a term of one year in a rotating fashion. Half of the faculty committee members (two faculty) are elected in years ending in an even number, the other half (two faculty) are elected in years ending in an odd number.

### Graduate Faculty Serving on the Grievance Committee

The graduate faculty members will include no more than one member from any one department or institute. The Graduate Council will elect two graduate faculty members each year. Alternates will be appointed to the Grievance Committee to achieve diversity with respect to sex, gender, race and/or ethnicity, etc. Members of the Grievance Committee need not be serving on the Graduate Council. Graduate faculty members who

are the subject of ongoing complaint of at least level 3 or have been the subject of an affirmative finding by a previous Grievance Panel are not eligible to serve on the Grievance Committee.

## Students Serving on the Grievance Committee

The student members will include no more than one member from any one graduate program subplan, all in good academic standing as per college regulations. The Graduate Student Association will elect two student members each year. Alternates will be appointed to the Grievance Committee to achieve diversity with respect to sex, gender, race and/or ethnicity, etc. Members of the Grievance Committee need not be serving on the Graduate Student Association Executive Board.

## Constitution and composition of the Grievance Panel

When a complaint is determined to be a Level 3 or 4 complaint, the Executive Associate Dean for Graduate Studies will constitute an *ad hoc* Grievance Panel consisting of two faculty members, two graduate students, and one non-faculty staff member. Prior to constituting the Grievance Panel, both the student(s) and the faculty member involved in the grievance will be given the opportunity to provide input regarding any particular conflicts of interest, special subject matter knowledge, or dimensions of diversity that they believe needs to be present on the grievance panel. To the extent possible, the Executive Associate Dean for Graduate Studies will select faculty and students from the Grievance Committee to form an *ad hoc* Grievance Panel, but other faculty and/or students may be selected instead in order to form a panel that possesses the necessary subject Student Grievance Committee to matter knowledge, diversity, perspective, and balance as appropriate based on the nature of the grievance and individuals involved. The Executive Associate Dean for Graduate Studies will also make every effort to avoid perceived or actual conflicts of interests in selecting the Grievance Panel members by avoiding members who are affiliated with the same graduate program, work/study in the same department or laboratory, and/or have a close relationship with either the student or faculty member involved in the grievance complaint. A non-faculty staff member will serve as the fifth member of the *ad hoc* Grievance Panel. The staff person could be from Counseling and Psychological Services, Human Resources, the McGoogan Library, or another entity. The Executive Associate Dean for Graduate Studies will, with the advisement of the heads of these Divisions, appoint the staff person and will make every effort to avoid perceived or actual conflicts of interest by avoiding staff who have an existing relationship with either the student or faculty member involved in the grievance. The Executive Associate Dean for Graduate Studies will appoint one faculty member to serve as the chair for the Grievance Panel from among the selected committee members. The Chair of the Faculty Professional Conduct Committee (or designee) will sit on the Grievance Panel as an observer without a vote, to prevent unnecessary duplication of investigation if the grievance results in the matter being referred to the Faculty Professional Conduct Committee. If an appeal is ultimately filed, an Appeal Panel will be formed in the same manner as the Grievance Panel as outlined in this section.

## Responsibilities of the Grievance Panel

The Grievance Panel members will review the statements of all parties from the Assistant Dean's assessment(s). They will separately interview the involved parties and any named witnesses. They will review other provided evidence. The panel may seek additional, relevant information or documents from all appropriate sources. The involved parties may each select a trusted individual (e.g., another student, a faculty member, or an attorney) to accompany them when meeting with the Grievance Panel. The involved party is responsible for any fees that this individual may

charge. This individual may provide guidance and support but may not otherwise directly participate or speak in the meeting. The process shall not be unduly delayed based on the availability of this individual.

The panel will provide a written report summarizing the obtained evidence, detailed proceedings, conclusions, including voting records of student, faculty, and staff members, and recommended actions to the Dean of Graduate Studies within 15 business days of when the panel last assembled to meet with involved parties. The Executive Associate Dean for Graduate Studies will advise the Grievance Panel about recommended corrective action, as needed.

The graduate student and faculty/administrator's names, identifying information, statements, and comments as well as any deliberations, advice, or evidence given in the course of Grievance Panel deliberations are confidential. The members of the Grievance Panel are expected to abide by this duty to maintain confidentiality. Any unauthorized release or carelessness in the handling of this confidential information is considered a breach of this duty to maintain confidentiality and is strictly prohibited.

## Deliberation and Evidentiary Standard

The Grievance Panel shall deliberate privately after the final meeting with an involved party. The "preponderance of the evidence" is the evidentiary standard to be used in these deliberations. Thus, the burden of proof is met when the majority of the Grievance Panel finds that there is a greater than 50% chance that the claim is true or that the claim is more likely to be true than not. Note that faculty members do not bear the burden of proof, and as such are not required to produce evidence to dispute the complaint. However, all information provided by the faculty member (and others involved) will be considered when determining if it more likely than not that inappropriate conduct took place.

## Reporting by the Grievance Panel

The Grievance Panel will submit a formal report to the Dean of Graduate Studies summarizing the proceedings, including the interviews conducted and the evidence/material reviewed, the deliberation, and the findings of the Panel. The Panel may also submit specific recommendations for remediation and/or redress.

## Reporting by the Dean of Graduate Studies

Within 6 business days of receipt of the full report from the Grievance Panel, the Dean of Graduate Studies or designee, will distribute the conclusion, any required corrective action(s), and appeal procedures to the faculty member and the department/Division Chair or Dean of the faculty member's primary unit. The Dean of Graduate Studies or designee will distribute the conclusion and non-confidential recommendation(s) by the panel as well as the non-confidential corrective action(s) as determined by the Dean of Graduate Studies to the student. The Dean of Graduate Studies or designee is responsible for reporting to UNMC General Counsel regarding situations in which corrective action could potentially require reporting to the NIH. Required reporting would occur after the appeal process, if an appeal is filed, is completed. Students deemed by the Grievance Panel to have made intentionally false accusations and/or misleading complaints against a faculty member will be subject to appropriate disciplinary action via the processes outlined in the NU Student Code of Conduct,

## Appeal Process

A faculty member may appeal the decision of the Grievance Panel, but this appeal must be based on evidence that the decision was prejudiced or capricious, or was made without following the prescribed process in a



manner that may have affected the outcome or without giving sufficient attention to relevant information.

1. To initiate an appeal, the faculty member must submit a written request for appeal within thirty (30) calendar days after receiving the Grievance Panel decision.
  - a. The request for appeal must be submitted to the Dean for Graduate Studies, who will designate an alternate institutional official (someone other than the Executive Associate Dean for Graduate Studies) to oversee the appeal process.
  - b. The Dean's designee will then select from the Graduate Student Grievance Committee to form an ad hoc Appeal Panel as described previously in section 6. Individuals serving on the original Grievance Panel may not serve on the Appeal Panel
  - c. The faculty member is responsible for submitting all information he/she/they would like the new Grievance Panel to consider as part of the appeal. The written request for appeal must include the following:
    - i. A full description of the basis on which the faculty member is bringing the appeal, to include a description and evidence of the prejudicial or capricious action or deviation from the prescribed process;
    - ii. A full description of the remedy being sought by the faculty member; and
    - iii. Copies of all documentation supporting the faculty member's appeal.
2. The appeal will be considered within 30 business days of having received the appeal. After taking into consideration all information and documentation submitted by the faculty member in conjunction with the appeal, as well as the report and other documentation from the original Grievance Panel proceeding, the Appeal Panel will render a decision which may involve any of the following actions:
  - a. Determine that there is no basis for the appeal.
  - b. Determine that sufficient information is available and render a decision on the appeal.
  - c. Determine that more information from the involved parties is needed, and will, within 2 weeks of their initial meeting, meet separately with faculty member, the student(s), and/or other involved parties. At this meeting, the faculty, student(s), and other involved parties may be accompanied and advised by a trusted individual. However the trusted individual may not participate in the proceedings. If the trusted individual is legal counsel, then the faculty member/student is responsible for any fees charged by legal counsel. UNMC General Counsel may also be present at the request of the Grievance Panel or institutional official.
  - d. Based on the information obtained through these processes, the Grievance Panel will make its decision by majority vote and communicate that decision to the Dean for Graduate Studies, who will then report this decision to faculty member and the student(s) who filed the grievance as described above. This decision will serve as the final decision.

## Implementation of Corrective Action.

If the Grievance Panel determines that the preponderance of evidence indicates that inappropriate conduct took place, then the Executive Associate Dean for Graduate Studies is responsible for prompt implementation of the plan for corrective action, such as the performance improvement plan, on the behalf of the Dean of Graduate Studies. The Executive Associate Dean for Graduate Studies will work in coordination with the department/Division Chair or Dean of the faculty member's

primary unit to implement this plan. Students making intentionally false accusations and/or misleading complaints against a faculty member will be subject to appropriate disciplinary action via processes outlined in the NU Student Code of Conduct.

If a student changes advisors due to a level 3 or 4 complaint found to be actionable by the Grievance Panel and the student needs more than the three months outlined in the Guidelines for Changing Advisors to identify a new research advisor, then up to an additional three-month rotation period is available. For graduate students receiving a stipend, stipend support during this additional rotation period will be provided as outlined in section III.3 of the Process for Changing Research Advisors (<https://catalog.unmc.edu/graduate-studies/process-for-changing-research-advisors/>).

## 7. Additional Information

**Timeline Adjustments.** The timelines may be adjusted by the Assistant Dean for Graduate Student Success and/or Executive Associate Dean for Graduate Studies, following consultation with the Dean of Graduate Studies and UNMC General Counsel, if there are compelling reasons for delay.

**Documentation and Recording Keeping.** Complaints, and relevant follow-up materials, including inquiry documents, confidential incident reports, grievance panel investigation materials, the grievance panel report, performance improvement plans, and required reporting will be kept on file in a secure fashion. Paper documents will be stored in a locked file cabinet in a locked room. Paper documents will also be digitized and stored with the other electronic documents on a cloud-based server. Complaints and confidential incident reports will be reviewed by the Assistant Dean for Graduate Student Success to identify patterns and/or recurrent instances of inappropriate behavior.

**Retaliation and False Accusations.** Retaliation is strictly prohibited, and this includes retaliation against anyone participating in any aspect of the conflict resolution, complaint reporting, investigation, and grievance process. Retaliation includes, but is not limited to, adverse actions affecting publication or authorship that cannot be justified by science or accepted practices such as those articulated by the Committee on Publication Ethics, interfering with educational or career opportunities/progression, withholding data, and destroying reagents and samples. When complaints reaching a level 2, 3, or 4 or grievances are filed, evidence of retaliation will be explicitly monitored by the Assistant Dean for Graduate Student Success. Accommodations such as additional mentoring and flexibility regarding location for research work will be provided to students if needed in situations involving a grievance and/or potential retaliation. The Assistant Dean for Graduate Student Success will investigate reports of retaliation and make a recommendation regarding further corrective action (e.g. additions to the performance improvement plan, suspension of graduate faculty status) if merited.

In situations in which the retaliation involves authorship, education regarding best practices regarding authorship will be provided and these best practices enforced. Incidents of retaliation by a faculty member will also be reported to the funding agency. Incidents of retaliation by a faculty member will be reviewed by the Dean For Graduate Studies and Vice Chancellor for Research to make decisions regarding further disciplinary action. Examples of disciplinary action that could be taken include a letter of concern that is sent to the faculty member's supervisor and College Dean, implementation of a performance improvement plan, and suspending/revoking graduate faculty status. Incidents of retaliation and the resulting corrective action may also require reporting to the NIH. Concerns regarding retaliation by staff will be referred to HR. Students



making intentionally false accusations and/or misleading complaints against University faculty will be subject to appropriate disciplinary action via processes outlined in the NU Code of Conduct.

For additional information and guidance regarding these guidelines:

- Director of Graduate Administrative Services (Terri Vadovski; [terri.vadovski@unmc.edu](mailto:terri.vadovski@unmc.edu), 402-559-6532)
- Assistant Dean for Graduate Student Success (Karen Gould; [kagould@unmc.edu](mailto:kagould@unmc.edu), 402-559-2456)
- Associate Vice Chancellor for Student Success (Dr. Phil Covington; [philip.covington@unmc.edu](mailto:philip.covington@unmc.edu), ([philip.covington@unmc.edu](mailto:philip.covington@unmc.edu)) 402-559-2792)
- Student Ombuds (Dr. David Carver; [dcarver@unmc.edu](mailto:dcarver@unmc.edu), 402-559-2491)

*Approved by UNMC Graduate Council 08/02/23*