

**School of Education
University of Kansas, Lawrence
Grievance Procedure**

Pursuant to Article XIV of the University Senate Code and Articles V and VI of the University Senate Rules and Regulations (USRR) of the University of Kansas, the School of Education establishes the following procedure to hear grievances arising within the School. Subordinate units that report to the Dean may establish unit grievance procedures. If a subordinate unit has a grievance procedure, grievances arising within the subordinate unit must be heard under the subordinate unit's grievance procedure unless exceptional circumstances, as determined by the Dean, make it more appropriate for those grievances to be heard at the School level. Appeal of a grievance heard at a subordinate unit level is to the Judicial Board as required by USRR 6.4.3.2.

For disputes involving alleged academic misconduct or alleged violations of student rights, the initial hearing normally will be at the subordinate unit level, and will be governed by Section 6 of the University Rules and Regulations on Academic Misconduct. There is an option to hold an initial hearing at the Judicial Board level if either party petitions the Judicial Board Chair for a Judicial Board hearing and if the petition is granted. The petition must state why a fair hearing cannot be obtained at the School or subunit level; the opposing party has an opportunity to respond to the petition (USRR 6.4.3.1).

Except as provided in USRR 6.5.4, no person shall be disciplined for using the grievance procedure or assisting another in using the grievance procedure.

The Dean's Office shall provide a copy of this procedure to anyone who requests it.

1. To start the grievance process, the complainant must submit a written grievance either to the chair or director of a subunit having a grievance procedure or to the Office of the Dean of the School of Education. The complaint shall contain a statement of the facts underlying the complaint and specify the provision(s) of the Faculty Code of Conduct, University Senate Code, the University Senate Rules and Regulations, the Code of Student Rights and Responsibilities, or other applicable rule, policy, regulation, or law allegedly violated. The complaint shall also indicate the witnesses or other evidence relied on by the complaining party, and copies of any documents relevant to the complaint shall be attached to the complaint.
2. At the time the complaint is submitted, the complaining party shall provide a copy of the complaint, with accompanying documents, to the respondent(s).
3. Upon receipt of the complaint, the subunit head or Office of the Dean of the School of Education shall contact the respondent to verify that the respondent has received a copy of the complaint and to provide the respondent with a copy of these procedures.
4. Pursuant to University Senate Code XIV.2.c, a respondent has the privilege of remaining silent and refusing to give evidence in response to a complaint. The respondent also has the right to respond and give evidence in response to the complaint.

5. The respondent shall submit a written response to the subunit head or Office of the Dean of the School of Education within 14 calendar days of receiving the complaint. The response shall contain the respondent's statement of the facts underlying the dispute as well as any other defenses to the allegations in the complaint. The response shall also identify the witnesses or other evidence relied on by the respondent and shall include copies of any documents relevant to the response. The respondent shall provide a complete copy of the response to the complaining party.

6. Upon receipt of the response, the subunit head or Office of the Dean of the School of Education shall contact the complaining party to verify that a copy of the response has been provided.

7. Upon receiving the complaint and response, or if the respondent fails to respond within the 14 calendar day time period, the head or Office of the Dean of the School of Education shall either form a committee to consider the complaint or refer it to an appropriate extant committee. The committee members shall be disinterested parties who have not had previous involvement in the specific situation forming the basis of the complaint.

8. Pursuant to USRR 6.8.4.2, the chair of the committee may contact other hearing bodies within the University to determine whether a grievance or complaint involving the underlying occurrence or events is currently pending before or has been decided by any other hearing body.

9. Time limits. To use this procedure, the complainant must file the written complaint within six months from the action or event that forms the basis of the complaint. The six-month time period shall be calculated using calendar days (including weekends and calendar days during which classes are not in session).

10. Upon receiving the complaint, if the chair of the committee determines that any of the following grounds exist, he or she may recommend to the subunit head or Dean that the complaint be dismissed without further proceedings. The grounds for such dismissal are: (a) the grievance or another grievance involving substantially the same underlying occurrence or events has already been, or is being, adjudicated by proper University procedures; (b) the grievance has not been filed in a timely fashion; (c) the subunit or school lack jurisdiction over the subject matter or any of the parties; (d) the grievance fails to allege a violation of a University rule; (e) the party filing the grievance lacks standing because he or she has not suffered a distinct injury as a result of the challenged conduct and has not been empowered to bring the complaint on behalf of the University; or (f) the party filing the grievance has been denied the right to file grievances pursuant to USRR 6.5.4.

11. If the chair of the committee determines that a grievance on its face properly should be heard by another body, the chair will recommend that the subunit head or Dean send the grievance to the appropriate hearing body without further proceedings at the subunit or school level. The subunit head or Dean will send a copy of the referral to the Complainant (s) and any responding parties.

12. Prior to scheduling a hearing, the parties shall participate in mediation of the dispute unless either party waives mediation. Mediation shall be governed by USRR 6.2.3.

13. If mediation is successful, the mediator will forward to the subunit head, Dean and the Grievance Committee chair, and all parties a letter describing the outcome of the mediation and terms upon which the parties have agreed to resolve the dispute. This letter shall be a recommendation to the subunit chair or Associate Dean. This party will notify the mediator, the committee chair, and the parties that the recommendation has been accepted, modified, or rejected.

14. If mediation is not successful, the mediator will notify the subunit head, Dean, the committee chair, and the parties that mediation has terminated. If mediation is not successful, or if it is waived by either party, the Grievance Committee will schedule a hearing no later than 30 calendar days from the written submission of the complaint. The 30-day period may be extended for good cause as determined by the chair of the committee. The 30-day period shall be suspended during the mediation process. The hearing will be closed unless all parties agree that it shall be public.

15. Each party may represent himself or herself or be represented by an advisor or counsel of his or her choice.

16. Each party has the right to introduce all relevant testimony and documents if the documents have been provided with the complaint or response.

17. Each party shall be entitled to question the other party's witnesses. The committee may question all witnesses.

18. Witnesses other than parties shall leave the hearing room when they are not testifying.

19. The chair of the committee shall have the right to place reasonable time limits on each party's presentation.

20. The chair of the committee shall have the authority and responsibility to keep order, rule on questions of evidence and relevance, and shall possess other reasonable powers necessary for a fair and orderly hearing.

14. The hearing shall not be governed by the rules of evidence, but the chair of the committee may exclude information he or she deems irrelevant, unnecessary, or duplicative. Statements or admissions made as part of the mediation process are not admissible.

22. The committee will make an audiotape of the hearing, but not of the deliberations of the committee. The audiotape will be available to the parties, their authorized representatives, the committee and the subunit head or Dean. If a party desires a copy of the audiotape or transcript of the tape, that party will pay for the cost of such copy of transcript. In the event of an appeal, the audiotape will be provided to the appellate body as part of the record of the case.

23. After the presentation of evidence and arguments, the committee will excuse the parties and deliberate. The committee's decision will be a written recommendation to the subunit head or Dean. The committee shall base its recommendations solely upon the information presented at the hearing.

24. The committee will send its written recommendation to the subunit head or Dean and the parties as soon possible and no later than 14 calendar days after the end of the hearing.

25. Within 14 calendar days of receiving the committee recommendation, the subunit head or Dean will notify the parties of the acceptance, modification, or rejection of the recommendation. The subunit head or Dean will advise the parties of the procedure available to appeal the decision.

Approved _____ : Faculty Assembly of the School of Education
Date _____

These procedures have been reviewed by the Office of the University General Counsel and are effective with the beginning of the fall semester 2002.