SCHOOL OF BUSINESS GRIEVANCE PROCEDURE  
(Adopted 1982 / Revised November, 2010)

Pursuant to Article XIV of the University Senate Code and Articles V and VI of the University Senate Rules and Regulations of the University of Kansas, the School of Business establishes the following procedure for the hearing of grievances within the School. This procedure shall be the sole procedure available to unit members at the unit level, except for those issues for which there exist specialized grievance procedures within the University (Article VI, Section 4 of the University Senate Rules and Regulations enumerates those procedures). No person shall be subjected to discharge, suspension, discipline, harassment, or any form of discrimination for having used or having assisted others in the use of grievance procedures. Information concerning this grievance procedure shall be easily available to all persons employed in or using the services of the School of Business.

The office of the Dean, in its administrative capacity, may consider grievances prior to the scheduling of any grievance hearing to seek conciliatory solutions. Further, before it shall impanel any grievance committee, the School of Faculty Advisory Committee shall exhaust conciliatory remedies.

1. All grievances filed under this procedure are to be filed with the School of Business Faculty Advisory Committee. Upon receipt of a grievance, the Faculty Advisory Committee shall arrange for a mediator to meet with the grievant and respondent to attempt mediation. The parties shall participate in mediation of the dispute unless either party waives mediation.

2. No grievance shall be entertained by the Faculty Advisory Committee if more than six months have elapsed since an action or event on which the grievance is based. A grievance must be submitted in writing to the Faculty Advisory Committee and a copy sent to the respondent. The written statement of the grievance shall set forth the facts upon which the grievance is based and shall indicate the provision of the University rules and regulations alleged to have been violated, or the acts of established University bodies or officials alleged to have been unlawful, arbitrary, or capricious. The respondent(s) shall submit a written response to the Faculty Advisory Committee, with a copy to the grievant, within two weeks of receiving the complaint. The grievants and respondents must share copies of materials to be used in evidence and names of witnesses with each other prior to a hearing of the grievance. The Grievance Committee will make an audio recording of the hearing but not of the deliberations of the Committee. In the event of an appeal, the audio recording will be provided to the appellate body as part of the record of the case.

3. Except for grievances filed by students, the Faculty Advisory Committee shall establish a special Grievance Committee for each grievance filed as follows. The parties to the grievance will be provided a list of all tenured and tenure-eligible faculty and classified and unclassified staff of the School of Business. The grievant
and the respondent will each select one member of the Grievance Committee from that list or from among any other members of the University community. The Faculty Advisory Committee will select one member from those whose names remain on the list, who shall serve as the Chair of the Grievance Committee. Insofar as possible, the Faculty Advisory Committee, in selecting grievance committees will be bound by the principle that peers shall judge peers. No person for whom service in the Grievance Committee constitutes a conflict of interest may serve on the Grievance Committee. It shall be the duty of the Faculty Advisory Committee to determine in what cases such a conflict of interest shall exist.

4. All grievances filed by students for any reason will be assigned to the appropriate curricular committee. Normally, grievances filed by undergraduate students will be assigned to the School's Undergraduate Affairs Committee; those filed by masters degree students to the Graduate Affairs (Masters) Committee; those filed by doctoral students to the Graduate Affairs (Doctoral) Committee. For violations of the Honor System, the Honor Court will be the assigned committee. In their processing of grievances, those committees will follow the procedures presented in points 5 through 16 of this document. No person for whom service on the Grievance Committee constitutes a conflict of interest may serve on the Grievance Committee. It shall be the duty of the Faculty Advisory Committee to determine in what cases such a conflict of interest shall exist.

5. The Faculty Advisory Committee shall form the Grievance Committee within one week of the submission of the response by the respondent. The Grievance Committee shall schedule a hearing within one week of its establishment unless the Grievance Committee determines that there is good cause to schedule the hearing later.

6. Because the Grievance Committee has the responsibility to hear grievances, it cannot function to develop evidence on behalf of either the grievant or respondent. When a grievance is referred to the Grievance Committee, however, the Office of the Dean and/or the FAC shall make available to the Grievance Committee that information which they have developed concerning the complaint in their conciliatory capacities. This shall not be construed, however, to deny the rights of an individual to submit evidence on his or her behalf. Further, the Grievance Committee shall call for such evidence as the grievant and the respondent believe need to be presented in order to secure a fair hearing. The Grievance Committee shall call as witnesses those individuals whose testimony it feels is necessary to reach a decision.

7. The Grievance Committee may establish procedures in addition to those stated in this document. The basic requirements of the grievance procedure as stated here, however, may not be altered by the Grievance Committee's additional procedures. All procedures shall ensure prompt and fair handling of grievances, but shall avoid the formalism of legal process. Should the Grievance Committee adopt procedures in addition to those presented here, it shall submit those procedures to the Faculty Advisory Committee, which may deny them. Should the Faculty Advisory
Committee not deny the procedures, it will submit them to the General Counsel of the University. Unless the General Counsel determines that the procedures as submitted are in conflict with existing law, rules of the Board of Regents, or rules or regulations of the University, the procedures shall become effective for the grievance under review.

8. Except when all parties agree that the hearing before the Grievance Committee shall be public, all proceedings provided for in this grievance procedure shall be closed to all but the parties involved and their counselors or advisors.

9. A party against whom a grievance is brought shall have the privilege of remaining silent and refusing to give evidence. He or she shall be informed of this privilege by the Grievance Committee during the initial stage of the proceeding.

10. Each Party to a proceeding shall be entitled to a full examination of the evidence presented by the other party, including the opportunity to cross examine witnesses. To this end, the grievants and respondents shall provide each other with copies of materials to be used in evidence and names of witnesses prior to a hearing of the grievance by the Grievance Committee.

11. The grievant shall bear the burden of proof, based on a preponderance of the evidence presented, unless the action grieved of is the result of disciplinary proceedings. In such situations, the party supporting the application of sanctions to individual members of the School of Business community shall have the burden of persuading the Grievance Committee, on the basis of a preponderance of the evidence presented, of the facts upon which the applications of sanctions must be based.

12. The Chair of the Grievance Committee shall have the power to keep order, rule on questions of relevance and evidence, and shall possess other powers normal and necessary for a fair and orderly hearing.

13. The grievance proceeding shall be as informal as possible. Therefore, while each party to a proceeding may represent himself, or be represented by an advisor or counsel of his or her choice, representation by legal counsel is not encouraged. Hearings shall be closed, except as provided in Section 8, and rules of evidence which govern court proceedings shall not apply. There shall be no official recording of the proceedings and no permanent record shall be kept. The Grievance Committee will make an audio recording of the hearing but not of the deliberations of the Grievance Committee. The audio recording will be available to the parties, their authorized representatives, the Grievance Committee, and the Dean. If a party desires a copy of the audio recording or a transcript of the recording, that party will pay for the cost of such a copy or transcript.
14. In reaching its decision, the Grievance Committee shall be guided by relevant sections of the University Code, the Rules and Regulations of the University Senate, the Handbook for Faculty and Other Unclassified Staff, relevant civil service rules and regulations, actions of the School of Business Assembly and Honor Council, the Honor System of the School of Business, and the Honor Court proceedings.

15. After hearing the evidence and arguments presented concerning the grievance, the Grievance Committee shall deliberate and decide, within two weeks of the final hearing, by majority vote, on a recommendation to the Dean. The Grievance Committee has no enforcement powers and does not command sanctions. Each party to the proceedings and the Faculty Advisory Committee shall receive prompt, written notice of the recommendation of the Grievance Committee and of the decision of the Dean concerning the Grievance Committee's recommendation.

16. The grievant and the respondent shall each have the right to appeal the decision of the Dean concerning the Grievance Committee's recommendation. Such appeals shall be made in writing to the University Judicial Board no more than thirty days after the aggrieved party has been advised in writing of the decision of the Dean.