

School of Professional Studies Grievance Procedures

Pursuant to Article XII of the University Senate Code (USC) and Articles V and VI of the University Senate Rules and Regulations (USRR) of the University of Kansas, the School of Professional Studies ("School") establishes the following procedure to hear grievances arising within the School. This procedure shall not be used to hear disputes assigned to other hearing bodies under USRR Article VI, Section 4.

For disputes involving alleged academic misconduct, see the School of Professional Studies Student Academic Misconduct Procedures. There is an option to hold an initial hearing at the University Governance Judicial Board level if both parties agree, or either party petitions the Judicial Board chair to have the hearing at the Judicial Board level and the petition is granted. The petition must state why a fair hearing cannot be obtained at the unit 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 School of Professional Studies shall provide a copy of this procedure to anyone who requests it and shall post this procedure on the School's website.

Procedure for student or faculty grievances against the School of Professional Studies or an entity therein:

1. To start the grievance process, the complainant must submit a written grievance to the dean of the School of Professional Studies by email at professionalstudies@ku.edu or by postal mail to 12600 Quivira Rd., Overland Park, KS, 66213. The complaint shall contain a statement of the facts underlying the grievance 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 grievance shall be attached.
2. At the time the complaint is submitted to the School of Professional Studies, the complainant shall provide a copy of the complaint, with accompanying documents, to the respondent(s), i.e., the party or parties charged with the grievance.
3. Upon receipt of the complaint, the associate dean of the School 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 Article XII.2, a respondent has the privilege of remaining silent and refusing to give evidence in response to a grievance. The respondent also has the right to respond and give evidence in response to the grievance.
5. If the respondent chooses to reply to the grievance, they shall submit a written response to the dean of the School within 14 calendar days of receiving it. 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 grievance. 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 associate dean of the School shall contact the complainant 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-day time period, the dean of the School shall appoint a Grievance Committee from the School of Professional Studies Academic Council (School Bylaws Article 4, Section 3) to consider the grievance. The committee members shall be disinterested parties who have not had previous involvement in the specific situation forming the basis of the grievance.
8. Pursuant to USRR 6.8.4.2, the chair of the Grievance Committee may contact other hearing bodies within the University to determine whether a grievance is currently pending before, or has been decided by, any other hearing body involving the underlying occurrence or events
9. To use this procedure, the complainant must file the written complaint with the School within six months from the action or event that forms the basis of the grievance. The six-month time period shall be calculated using calendar days (including weekends and days during which classes are not in session).
10. Upon receiving the grievance, if the chair of the Grievance Committee determines that any of the following grounds exist, they may recommend to the dean that the grievance 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 dean lacks 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 they have not suffered a distinct injury as a result of the challenged conduct and have 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 Grievance Committee determines that a grievance on its face properly should be heard by another body, the chair will recommend that the dean send the grievance to the appropriate hearing body without further proceedings in the School of Professional Studies. The 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 dean, the Grievance Committee chair, and all parties a letter describing the outcome of the mediation and the terms upon which the parties have agreed to resolve the dispute. This letter shall be a recommendation to the dean. The dean will notify the mediator, the Grievance 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 dean, the Grievance 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 that date. The 30-day period may be extended for good cause as determined by the chair of the Grievance 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 themselves or be represented by an advisor or counsel of their choice.
16. Each party has the right to introduce all relevant testimony and documents if the documents have been provided with the grievance or response.
17. Each party shall be entitled to question the other party's witnesses. The Grievance Committee may question all witnesses.
18. Witnesses, other than parties, shall leave the hearing when they are not testifying.
19. The chair of the Grievance Committee shall have the right to place reasonable time limits on each party's presentation.
20. The chair of the Grievance 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.
21. The hearing shall not be governed by the rules of evidence, but the chair of the Grievance Committee may exclude information they deem irrelevant, unnecessary or duplicative. Statements or admissions made as part of the mediation process are not admissible.
22. The Grievance Committee will make a digital audio/video recording of the hearing but not of the deliberations of the committee. The digital audio/video recording will be available to the parties, their authorized representatives, the Grievance Committee and the dean. If a party desires a copy of the digital audio/video recording or a transcript of the recording, that party will pay for the cost of such copy or transcript. In the event of an appeal, the digital audio/video recording will be provided to the appellate body as part of the record of the case.
23. After the presentation of evidence and arguments, the Grievance Committee will excuse the parties and deliberate. The Grievance Committee's decision will be a written recommendation to the dean. The Grievance Committee shall base its recommendations solely upon the information presented at the hearing.
24. The Grievance Committee will send its written recommendation to the dean and the parties as soon as possible and no later than 14 calendar days after the end of the hearing.
25. Within 14 calendar days of receiving the Grievance Committee recommendation, the dean will notify the parties of the acceptance, modification, or rejection of the recommendation. The dean will advise the parties of the procedure available to appeal the decision.

Updated June 2020