

# Undergraduate Student Grievance Policy & Procedures

## PHILOSOPHY

All members of the University community are expected to interact with civility and respect, recognizing at the same time the unique tradition of the University to provoke thought, stimulate discussion, and examine dissent. The University encourages the resolution of complaints in a fair and collegial manner. This document establishes a policy and process for undergraduate students to request review and resolution of certain complaints.

Complaints may be resolved informally between the individuals or with the aid of their academic unit head, college office, or the Office of the University Ombuds staff. However, the student may choose to proceed through the Formal Resolution stage once the initial step is complete.

## APPLICABILITY

This document supersedes all individual college grievance procedures. It is to be used by any UC student except those who are admitted to and enrolled in a graduate degree, MD, or JD program.

These procedures are applicable when:

1. a student believes that he/she has been subjected to an academic evaluation which is capricious or biased.
2. a student believes he/she has been subjected to other improper treatment.

## EXCEPTIONS

Allegations described below will be handled as outlined.

1. Complaints alleging violation of privacy. Allegations of a violation of privacy as set forth under the Family Educational Rights and Privacy Act (FERPA) will be handled by the University Registrar in accordance with current practice.
2. Complaints regarding incompetency of instruction. Allegations of incompetent instruction will be handled according to the agreement between UC and the American Association of University Professors (AAUP) Collective Bargaining Agreement.
3. Complaints alleging discriminatory treatment. Allegations of discriminatory treatment based on age, race, sex, sex orientation, disability, national origin, or religion will be handled according to the UC Discrimination complaint procedure which can be found at [www.uc.edu/ombuds](http://www.uc.edu/ombuds) and <http://www.uc.edu/about/documents/ucrighttoknow.pdf>

## GENERAL GUIDELINES

To use these procedures, a student may initiate an informal complaint in the University Ombuds Office (607 Swift Hall) or the College Office in which the course is offered no later than the end of the term\* following the term in which the activity that gave rise to the complaint occurred. A student registered for cooperative education through the Division of Professional Practice will receive an extension of one term upon his/her request. All complaints shall be heard without unnecessary delay.

Complaints regarding a course will be in the jurisdiction of the college offering the course. If the course is offered in a different college than the student's home college or school, the complainant's college representative will sit as an ad hoc member of the College Grievance Review Committee (CGRC) (see Step 3).

Two or more students with the same complaint may join in a group action. A single statement of complaint shall be submitted and processed in the same manner described herein for individuals, but all those joining

*\*term-refers to an academic quarter until Summer 2012 and will refer to an academic semester effective Fall 2012.*

in such a group action must sign the statement. The University Ombuds shall determine whether, in fact, all of the students have the same complaint. If it is found that they do not, they will be divided into two or more subgroups. One individual may represent the entire group but all complainants may be required to meet with the University Ombuds or the CGRC.

## PROCEDURES

**Step 1 – Informal Resolution.** The parties involved must first attempt to resolve the complaint informally.

- A. First the student must talk with the faculty member about his/her complaint. A faculty member must be willing to communicate with a student for discussion (typically within a reasonable time frame such as 10 working days).
- B. If the complaint is not resolved, the student must communicate with the faculty member's department or unit head or a college representative designated by the Dean, who will attempt to resolve the complaint (typically within a reasonable time frame such as 10 working days).
- C. If the complaint is not satisfactorily resolved through A and/or B, a student may proceed to Step 2, Mediation or directly to Step 3, Formal Resolution, no later than the end of the term immediately following the term in which the alleged activity occurred.

### **Step 2 – Mediation (voluntary).**

Mediation shall be requested of and conducted by the Office of the University Ombuds. The University Ombuds (UO) may consult with the College and discuss the complaint with the individuals separately and/or together to attempt to reach a solution which is agreeable to all parties to the dispute. Upon the request of any party, the agreed resolution will be written and signed by all parties, and all parties shall receive a copy of the signed resolution. No written records shall be retained by the UO. Original documents shall be returned to their source or to another site as agreed. All other notes shall be destroyed. If the complaint is not resolved through mediation, and if the student requests a Step 3 Formal Resolution hearing, the UO shall immediately notify the Dean or Dean's designee in the college in which the dispute originated.

**Step 3 – Formal Resolution.** If the complaint is not resolved informally through Mediation (Step 2), or if the student(s) elects to proceed directly to Step 3, the student(s) must file a grievance with the Dean or the designated assistant or associate dean, of the college in which the dispute arose, the Dean or his/her designee shall immediately notify the Chair, appointed by the College Dean, who shall schedule a grievance review meeting. The CGRC shall be composed of two faculty selected from a pool of four elected from the faculty of the college, two students from a pool of four selected by the College Tribunal or student government, and the Chair.

Any party to the complaint may challenge the participation of any committee member on the grounds of conflict of interest. Challenges must be submitted in writing to the Chair of CGRC within two (2) days after the parties have been notified of the CGRC composition. If the Chair is challenged, the appointing Dean shall determine the validity of the challenge and either replace or retain the Chair. The challenge must specify reasons that would prevent the individual from being unbiased with respect to the grievance. Any faculty member directly involved in the grievance shall not participate as a member of a CGRC.

A student may withdraw a grievance from further consideration at any time by submitting a written statement to the Chair of the CGRC. No reason needs to be given for withdrawal of the grievance. The Chair of the CGRC will notify all individuals involved in writing that the grievance has been withdrawn and that the grievance process is terminated.

## COMMITTEE PROCEDURES

1. The CGRC shall hold a grievance review meeting at which all parties shall have the opportunity to present to the CGRC any written and/or oral information relevant to the complaint.
2. The CGRC may also request information (within FERPA regulations) from other sources.
3. Copies of written material provided to the Committee shall be made available to parties directly involved in the formal resolution of the grievance.
4. Signed written statements may, when necessary, be submitted by individuals and witnesses who are unable to attend.
5. The student and faculty member may elect to have an advisor present who may counsel but not actively participate as a spokesperson or vocal advocate.
6. Either party may request testimony from witnesses. However, the physical presence of witnesses shall be restricted to those invited by the Committee (with the exception of an advisor) as noted above in #5).
7. If the student or faculty member chooses not to attend the meeting, any written statements shall be reviewed in absentia.
8. The meetings shall be tape recorded and the tape shall be maintained in accordance with University records policy.

Following the grievance review meeting, the CGRC shall issue a report to the College Dean. The CGRC's report shall contain:

1. relevant information including, but not limited to, documentation of written and oral information presented to the CGRC;
2. relevant University rules and policies;
3. decisions and the reasons therefore.

The College Dean shall notify both parties in writing of the CGRC's decision. Either party may appeal the decision of the CGRC in writing to the College Dean within ten (10) days following notification. Grounds for appeal shall be limited to procedural error or new information not available at the time of the hearing. The College Dean shall have the authority to accept and implement or modify the decisions of the CGRC. If the grievance alleges capricious or biased academic evaluation and the CGRC finds in favor of the grievant, the College Dean may exercise his/her authority to alter the grade. Decisions of the College Dean shall be final.

[Written June 1, 1992]

*Please note: There are separate University Grievance Procedures for graduate students, medical students, law students and employees. Graduate Student Grievance Procedures are available from the Graduate School. Employee Grievance Procedures are available in union contracts or in the Human Resources Policies & Procedures Manual.*

### **Student Grievance Procedure Clarification**

The University-wide student grievance procedure adopted in 1993 provides for student-faculty College Grievance Review Committees (CGRCs) to consider complaints of capricious or biased academic evaluation. Either a student grievant or the faculty respondent may appeal a CGRC decision to the College Dean who "shall have the authority to accept and implement or modify the decisions of the CGRC. If the grievance alleges capricious or biased academic evaluation and the CGRC finds in favor of the grievant, the College Dean may exercise his/her authority to alter the grade. Decisions of the College Dean shall be final."

**Policy Clarification**

A College Dean's authority to alter a grade is governed by College grading policies adopted by the faculty, which in some units require that a student's work be reevaluated by professors in the subject area for the final determination of an appropriate grade. A College Dean may only initiate steps to change a grade if the CGRC finds in favor of the student grievant(s).

[Policy Clarifications, Approved May 1997]

*Revised January 2011*