

MINUTES
KSU Faculty Senate Meeting
Tuesday, October 9, 2007 3:45 pm
K-State Union, Big 12 Room

Present: Aistrup, Al-Khatib, Alloway, Arck, Askey J, Breen, Carroll, Cauble, Charney, Clark, Clegg, Condia, Crenshaw, DeBres, DeLuccie, Dhuyvetter, Dodd, Donnelly, Eckels, Eiselein, Fairchild, Finkeldei, Fox, Gehrt, Genereux, Graham, Greene, Guzek, Hannah, Haub, Hendrix, Herald, Hoag, Hohn, Holcombe, Hosni, Howard, Hsu, Hubler, Kearns, King, Knopp, Maatta, Martin, McCulloh, Michie, Montelone, Nechols, Nichols, North, Pacey, Ramaswamy, Ransom, Reeck, Rintoul, Ross, Schapaugh, Schultz, Smith, Spikes, Stadtlander, Sump, Vontz, Wagner, Wang, Warner, Weninger, Whitney-Bammerlin, Zhang

Proxies: Askey D, Atkinson, Behnke, Bontrager, Hughey, Knapp, Leitnaker, Miller

Absent: Adams, Barden, Beard, Brigham, Chengappa, Devore, Harper, LeHew, Nagaraja, Oberst, Piper, Potts, Renberg, Staggenborg, Turnley

Visitors: Al Cochran, Carol Shanklin, Alison Wheatley, and Jan Wissman

1. President Frank Spikes called the meeting to order at 3:45 p.m.
2. The minutes of the September 11, 2007 meeting were approved with corrections to the Student Senate report.
3. Reports from Standing Committees
 - A. Academic Affairs Committee – Doris Carroll –
 1. Course and Curriculum Changes (**pages 4-6**)
 2. Academic Fresh Start GPA and Academic Forgiveness GPA Proposed Policies – **Attachment 1**

Senator Carroll submitted the Academic Fresh Start and Forgiveness Policy for first reading. She introduced Alison Wheatley, Assistant Dean of Arts & Sciences, to provide an overview of the policy which was submitted to Academic Affairs for approval by the Committee on Academic Policy and Procedures (CAPP). The current policy only covers Academic Fresh Start and they are now expanding the policy to include Academic Forgiveness. The Academic Fresh Start policy is for students who have been gone for three years or more. No classes or GPA is excluded or changed from the transcript. What is being added is the Academic Forgiveness Policy for students who have had an unsuccessful academic experience because of extenuating circumstances. Nothing will be deleted from their transcript either. Deans regularly work with students who have had extraordinary experiences affecting their academic work and this policy will standardize the practices across the university. Senator McCulloh inquired about what is included in the K-Sate GPA requirement of 2.2. Dean Wheatley said this GPA is only the GPA earned since the forgiveness was granted. Senator McCulloh commented that the 2.2 requirement is too low. Dean Wheatley said this is higher than the 2.0 minimum required for most programs. Upon inquiry from Senator Hosni, she stated that in the semester the student earns the twelfth credit, the 2.2 GPA requirement will be invoked. Senator Cauble requested clarification that the student may only ask for Academic Forgiveness one time; this was affirmed. Students must complete a minimum of 60 hours in residence, with at least 50 hours in graded courses after the forgiveness begins. She clarified that “academic session” in the policy includes the summer semester. Senator Reeck requested examples of valid excuses. Dean Wheatley gave an example of a student who experienced a terrible fire in his home and lost all of his possessions. Sometimes an incomplete is not applicable because the student has not completed enough of the course requirements. Many universities have similar policies. For example, University of Nebraska allows a student to eliminate one semester of their GPA. Senator Ransom asked about the consideration of using faculty committees for the approval rather than from the dean’s office. Wheatley said they discussed it but continued with the dean’s office providing the approval. A brief discussion then ensued that perhaps a college could use a faculty committee to make a recommendation to the dean for final approval.

- B. Faculty Affairs Committee – Betsy Cauble (**pages 12-47**)

1. Graduate Student Grievance Procedure Proposed Handbook Changes – **Attachment 2**

Senator Cauble introduced Carol Shanklin, Interim Dean of the Graduate School, to discuss the proposed University Handbook changes from the Graduate Council. The major difference in the proposal from current policy is in step 1 which is a new section. The policy now provides for an administrative review and the possibility of a committee to review and work with the student prior to going through the formal grievance procedures. The Graduate Council has approved this policy unanimously. Dean Shanklin stated that there were two minor changes recommended by Faculty Affairs and those have been reflected in the current document. Senator McCulloh inquired on the elimination of Section 3d. Dean Shanklin stated students do not have to agree with the resolution and it does not have to be put in writing. Senator Dodd recommended changes to the language: “reduced to writing” within the document. The consensus of the senate was if the grievance resolution is successful, then all parties should sign to that affect. If someone does not agree to sign, then it is assumed to not be a successful resolution. Senator Michie inquired to how the faculty member can grieve if not satisfied with the student grievance. It was suggested that possibly Appendix G would then be followed. Dean Shanklin stated that all academic issues go through this grievance process, not just grades. The 10 days counting begins from the last action date. Senator DeLuccie stated that Section 4 d. should more clearly state the response time requirement. The attorneys recommended that a time limit should not be established for administration to provide initial opinion; after the official grievance is filed, then a strict timeline is enforced. It was also suggested that Item 4 d. be cross referenced to Item 2 where the procedures are located. The appeal possibility has been removed as advised by the University Attorneys because student grievances may not be appealed. Senator Cauble agreed to have the comments regarding the graduate student grievance policy sent to her and collected on behalf of the faculty to be provided to Dean Shanklin. Senator Fairchild commented that each party’s responsibilities must be stated more clearly. Senator Ransom pointed out that the University Handbook clearly states that all academic policies are approved by Faculty Senate.

2. Appendix G University Handbook changes – **Attachment 3**

Senator Cauble presented changes to Appendix G: Grievance Policy and Procedures for the first reading. All timeline designations are changed into “work days” for clarity. Only those issues that were addressed during the administrative appeal process may be heard in the formal grievance hearing. Current policy allows for the filing of a grievance for up to one year; this timeline has changed to 30 work days. This does not change the timeframe for a tenure appeal. The clock will stop if mediation or other conflict resolution is invoked. Instead of the current General Grievance Board, the new policy calls for use of all university faculty except for the college in which the grievant works. The exception is the College of Arts & Sciences where only faculty from the grievant’s department will be excluded. The university attorney’s office will provide the training as needed for each constituted hearing panel. Senator Cauble requested comments come to her or any member of the Faculty Affairs committee. She thanked the current and past members of Faculty Affairs committee for their work on the policy changes. Senator Dodd requested the ability to see changes to the policy after comments are incorporated into the policy. Senator Cauble suggested that we may have a second reading before a vote is taken. Senator Hosni thanked President Spikes and Senator Cauble for their patience in getting the policy right in the end. He also requested that Faculty Affairs consider faculty rights in the Graduate student grievance policy. Senator Reeck expressed concern about the limitation of a 30 day period to file a grievance. Senator Dodd discussed that just because a grievant has left the university, this does not automatically halt the grievance. Senator Cauble will discuss this again with the attorney’s office.

C. Faculty Senate Committee on University Planning – Roger Adams

President Spikes reported that Mayor Phillips will be attending a future FSCOUP meeting to address a city/university transit system in Manhattan.

D. Faculty Senate Committee on Technology – Michael North

Senator Michael North reported that the University’s Information Technology leadership is working on the following:

Membership of an e-mail task force is being finalized.

Membership is being finalized for a committee to determine future IT needs.

FSCOT is working with FSCOUP to put together a faculty e-mail forum to provide faculty an opportunity to have input into e-mail needs.

October is Cyber Security month and the Security Incidence Response Team (SIRT) will be putting together several security-related sessions for October 31.

4. Announcements

A. Presidential announcements

1. President Spikes discussed the evaluation calendar for Dr. Ken Holland, Office of International Programs. In early November data will be collected for about three weeks, then for the next month the provost will receive and review the evaluations, with a decision in early 2008 on the reappointment of Dr. Holland. In a letter sent to Provost Nellis, President Spikes urged the following: the evaluation is conducted in a manner consistent with established procedures; the policies in the University Handbook are followed; the review must be conducted in a fair manner, including fundamental fairness of the process. President Spikes requested senators who have knowledge of particular individuals or groups that have working relationships with Dr. Holland to please let him know so these individuals or groups may be included in the data collection. He has requested that comments received during the evaluation process not be edited or aggregated. It is important to Faculty Senate that the data drive the results. The data has to be valid and collected from individuals who have knowledge. Senator Clark requested that all faculty who have sponsored study abroad be included in the survey. Senator Cauble pointed out the evaluation of deans is different than that of administrative staff as provided for in Section C of the University Handbook.

2. President Spikes announced that on November 2nd the Under Secretary of Education Sara Tucker will be on campus and will meet with the faculty senate leadership. Her main focus is to promote the Spellings commission report, a no child left behind type of policy for higher education:

<http://www.ed.gov/about/bdscomm/list/hiedfuture/reports/final-report.pdf>

3. President spikes announced a report on the recent grievance hearing and the end results will be reported at the November meeting after President Wefald makes the final decision.

B. Faculty Senate Leadership Council

1. President Spikes reported that the Faculty Senate Leadership Council met with Regent Jill Docking and had a very good meeting. She is very engaged with her work as a regent.

C. Kansas Board of Regents

1. President Spikes reported that five of the nine regents are new with none having a large amount of university higher education experience.

2. President Spikes reported that Reggie Robinson is working on how the Regents can assist in solving the teacher shortage in Kansas and will be visiting K-State in the near future.

D. Report from Student Senate – Tim Weninger

Senator Tim Weninger announced that a survey was sent out to some students and 95% of the respondents were in favor of a longer fall break. Students reported that several have classes cancelled the week of Thanksgiving thus a high percentage of students were in favor of a full week break during Thanksgiving week. He reported the Recreation Center bond expansion will likely come forward for a student referendum in November. This will be a \$22 million addition to the Recreation Center that will increase it by 50% with most of the space used for cardiovascular machines. He reported that K-State is last in the Big-12 for the size of the Recreation Center and even with this increase we will still be last or near last. He reported that textbook lists are due to Varneys this Friday. Senator Dodd stated that not all faculty place book orders with Varneys. Senator Hsu requested that students encourage Varneys to allow faculty submission of textbooks online.

5. Old Business - none

6. New Business - none

7. For the Good of the University - none

8. The meeting was adjourned at 5:45 p.m.

Submitted by: Jennifer Gehrt

ACADEMIC AFFAIRS

1. Course and Curriculum Changes

A. Undergraduate Education

1. Senator Doris Carroll moved to approve the following curriculum change as approved by the College of Education on June 26, 2007:

New
Effective Fall 2007 - New Students
UNIVERSITY HONORS PROGRAM
College of Education

I. University Level 7 credit hours required

RETREAT for new students prior to fall semester (optional)

DED 020 Students enroll in program each semester at college level 0 credit hour

DED 189 Introduction to University Honors Program 1 credit hour

Other University Level Requirements 6 credits hours

In addition to the introductory course (1 credit), students are required to complete 6 credit hours from a list of honors courses generated by the University Honors Program Director each semester. (These courses can be honors sections of required courses or elective seminars/most are 3 credit hours.)

II. College of Education Requirements8 credit hours or equivalent required

A and B are required — C and D are optional

A. DED 420 Honors Project..... 2-3 credit hours

Research or creative project - including presentation of findings to faculty and/or students. Requires supervision by a faculty member.

B. DED 320 COE Topical Honors Seminars.....2 credit hours

There will be at least one honors seminar offered each semester in the college.
(Minimum of two one credit hour seminars required)

C.*Leadership..... 1-3 equivalent credit hours

- Mentoring (e.g. upper class COE honors student mentoring a freshman honors student)
- Undergraduate teaching assistant (paid or unpaid) for an undergraduate seminar (e.g. university honors or retreat, COE honors seminars or COE regular courses)
- Student Leadership Roles: COE Ambassadors, KNEA-SP, Kappa Delta Pi, Education Symposium, Telefund

D.*Professional Development 1-3 equivalent credit hours

- International Study Abroad or National Student Exchange
- Community Service (International, state, or local level)
(*beyond COE Teacher Education Requirement*)
- Professional Meeting Participation/Presentation
- Application for Nationally Competitive Scholarship Awards

*Requires a UHP plan, approved by UHP Director and COE Honors Program Coordinator, submitted prior to the activity and a follow-up evaluation/self-reflection to be counted as an honors activity.

III. Total UHP Requirements 15 credit hours or equivalent required

NOTE: Skeen Tuition Reimbursement Scholarships — College of Education Honors students are reimbursed for tuition associated with honors courses/seminars that are not associated with curriculum requirements.

Jan Wissman, Associate Dean of the College of Education, was available for questions. In response to an inquiry regarding the equivalent credit hours requirement, she stated it is anticipated that students could be granted credit under the honors program for these experiences and may not enroll in a class or pay tuition for some of the experiences. The college has increased the number of experiences to be in concert with other colleges at K-State. Although these experiences do not generate tuition, they are important for the overall student experience. She stated the number of credit hours required is greater than the Education-only honors program for current students. During discussion she also stated that a student in the Honors Program within the College of Education completes more courses than a student within the college who is not in the Honors Program. The College of Education does not have electives within their program. Senator Hosni commented that giving credit for application for nationally competitive scholarship awards is noteworthy.

Motion carried with seven abstentions.

- B. Graduate Education – Senator Carroll moved to approve the following course changes approved by the Graduate Council on September 4, 2007:

New (College of Veterinary Medicine)

CS 769 Advanced Feedlot Production Management

CS 770 Advanced Cow-Calf Production Management

Motion carried.

- C. General Education – Senator Carroll moved to approve the following course approved for UGE status by the UGE Council on May 14, 2007:

Add

◆Music 170 History of Rock and Roll

Motion Carried.

- D. Graduation list and additions – Senator Carroll moved to approve the May 2007 Graduation list as submitted by the Registrar’s office and the following additions to graduation lists:

May 2003

Christen Anne Caton – Bachelor of Arts, College of Arts & Sciences

May 2006

Justin Wayne Jamison – Bachelor of Science, College of Arts & Sciences

Antwoine A. Shaaf – Bachelor of Science, College of Arts & Sciences

August 2006

Erin Michaelis – Bachelor of Science, College of Arts & Sciences

May 2007

Terry Kinsler – Bachelor of Landscape Architecture, College of Architecture, Planning, and Design

Alaine E. Argo - Bachelor of Science, College of Arts & Sciences

April M. Clydesdale – Bachelor of Arts, College of Arts & Sciences

John Marshall Creagar – Bachelor of Science, College of Arts & Sciences

Lauren Nicole Davis – Bachelor of Arts, College of Arts & Sciences

Russell Andrew Downey – Bachelor of Science, College of Arts & Sciences

Elaine Cho Gilleo – Bachelor of Science, College of Arts & Sciences

William Joseph Gordon Jr. - Bachelor of Science, College of Arts & Sciences

Stephen Prescott Groff – Bachelor of Science, College of Arts & Sciences

Benjamin Caleb Jackson - Bachelor of Arts, College of Arts & Sciences
Daniel Lamont Nash - Bachelor of Science, College of Arts & Sciences
Reneé Marie Miller - Bachelor of Fine Arts, College of Arts & Sciences
Erin Ashley Spalding - Bachelor of Arts, College of Arts & Sciences

Motion carried.

ATTACHMENT 1

ACADEMIC FRESH START GPA AND ACADEMIC FORGIVENESS GPA POLICY CAPP POLICY – APPROVED BY CAPP ON 9-12-07 APPROVED BY ACADEMIC AFFAIRS ON 9-18-07

Expanded Rationale Statements for Recommended Changes to Academic Fresh Start Policy (now includes the additional Academic Forgiveness Policy)

1. Although the numbers are small, since the Academic Fresh Start policy was initiated it has helped students with retention and persistence to graduation. There have been 140 students granted this option between 1997 and 2006, and the vast majority of these students who have benefited from Academic Fresh Start have graduated.
2. The addition of the Academic Forgiveness policy will minimize academic penalties to students who are subject to extenuating circumstances beyond their control, which have caused drastic changes to their academic performance for one or two consecutive semesters.
3. The resulting action of the Academic Fresh Start and Academic Forgiveness policies does not change grades or the cumulative GPA. The effect of these policies is to provide a second GPA (Academic Fresh Start GPA or Academic Forgiveness GPA) that excludes the effect of a student's atypical performance caused by situations considered by these two policies. This second GPA is therefore a truer expression of a student's academic abilities and performance.
4. The Academic Fresh Start GPA and the Academic Forgiveness GPA would remove the undesirable stigma of a GPA below a student's abilities, and may allow under specified conditions the consideration of the student for university academic honors, scholarships, and professional programs. Some GPA requirements would not be affected, such as graduate school requirements and those leading to teacher licensure.
5. Having a written policy in place will create a consistent guideline to be used across colleges. Students and advisors will be aware that Academic Forgiveness is an option for students for whom extenuating circumstances caused drastic changes to their academic performance.
6. In order to be in line with the current Academic Dismissal Policy (12 hours with 2.2 semester GPA for immediate reinstatement), the proposed semester GPA required to apply for either of the Academic Fresh Start and Academic Forgiveness policies is a 2.2 (whereas the present Academic Fresh Start policy requires a 2.5 GPA).
7. A student may apply only once, and to only one or the other policy, and the process cannot be reversed.
8. Deans or their designees will still have the discretion to approve or not approve an application for Academic Fresh Start or Academic Forgiveness.

(Changes Tracked)

ACADEMIC FRESH START GPA POLICY and **ACADEMIC FORGIVENESS GPA POLICY - ~~EFFECTIVE SPRING 1996~~**

The **Academic Fresh Start** GPA and *Academic Forgiveness* GPA Policies enables ~~aan~~ an undergraduate student ~~returning to KSU for a Baccalaureate Degree after an absence of three (3) or more years to~~ neutralize, in part, the grade impact of prior academic performance. **Academic Fresh Start** and *Academic Forgiveness* provides for the computation of an alternative GPA and for the use of that GPA in most academic situations. A student may apply only once, and to only one or the other Policy, and the process cannot be reversed. If dismissed, a student may not apply for either policy until he or she has been reinstated into his or her college.

I. Academic Fresh Start: Conditions for a readmitted student to be eligible to apply for **Academic Fresh Start** are as follows:

- A) Student was not enrolled in a KSU course for three (3) calendar years prior to readmission.
- B) After readmission, For the course work completed following readmission the student has earned a ~~cumulative~~ K-State GPA of 2.52¹ or higher at the end of the academic session in which the twelfth credit was earned.
- C) Up to 60 consecutive hours² of course work and K-State GPA may be restricted from the regular GPA calculation. The beginning point for the **Academic Fresh Start** GPA shall be the first, second, third, fourth, or fifth³ academic semester of enrollment following the student's initial K-State date of entry. The choice of the starting point is designated by the student at the time of application for **Academic Fresh Start**, and hours excluded from the regular calculation must be consecutive.

II. Academic *Forgiveness*: Conditions for a student to be eligible to apply for ***Academic Forgiveness*** are:

- A) The student experienced one or more extenuating circumstances which caused a drastic change to the student's academic performance in one or two semesters.
- B) After the session(s) affected by the extenuating circumstance(s), the student earned a K-State GPA of 2.2 or higher at the end of the academic session in which the twelfth credit was earned.
- C) Grades from up to two (2) consecutive semesters may be excluded from the regular cumulative GPA calculation.⁴
- D) The student's dean or designee may request documentation confirming the extenuating circumstances with the application for ***Academic Forgiveness***.

¹ Rationale: This is the GPA standard to which all students are held in the Academic Dismissal Policy.

² Rationale: This change will accommodate students who do not take traditional full-time semesters.

³ Rationale: This additional semester will accommodate students who do not take traditional full-time semesters.

⁴ Rationale: It is assumed that the negative impact of the extenuating circumstance(s) will be diminished within two semesters.

III. The calculation and reporting of **Academic Fresh Start** or **Academic Forgiveness** cumulative GPA and ~~its~~their uses in academic evaluation are as follows:

- A) ~~The beginning point for the Academic Fresh Start cumulative GPA shall be at the end of the first, second, third, or fourth regular academic semester following the student's initial KSU date of entry. The choice of starting point is designated by the student at the time of applying for Academic Fresh Start.~~**Academic Fresh Start** or **Academic Forgiveness** deletes nothing from the student's academic record. Grades earned before the **Academic Fresh Start** or **Academic Forgiveness** will remain on the transcript along with the cumulative GPA for all hours taken.
- B) ~~Academic Fresh Start deletes nothing from the student's academic record. Grades earned before the Academic Fresh Start will remain on the transcript along with the cumulative GPA for all hours taken. In addition, the transcript will clearly indicate the starting point of the Academic Fresh Start.~~The transcript will clearly indicate the starting point of the **Academic Fresh Start** or **Academic Forgiveness**, as well as the **Academic Fresh Start** GPA or **Academic Forgiveness** GPA.
- C) ~~University-wide academic policies based on cumulative GPA will use the Academic Fresh Start cumulative or **Academic Forgiveness** GPA. In order for students in the Academic Fresh Start program to be eligible for university academic honors, they must complete a minimum of 60 hours in residence, with at least 50 hours in graded courses after returning to KSU. Other academic policies will not be affected. However, academic programs are not required to use **Academic Fresh Start** or **Academic Forgiveness** GPAs. Some programs, such as those in the graduate school or those leading to teacher licensure, may use all grades for the calculation of the GPA.~~
- D) In order for students who have been granted **Academic Fresh Start** or **Academic Forgiveness** to be eligible for university academic honors, they must complete a minimum of 60 hours in residence, with at least 50 hours in graded courses after the **Academic Fresh Start** or **Academic Forgiveness** begins. Other academic policies will not be affected.

III-IV ~~Procedures.~~ Procedures for applying for **Academic Fresh Start** or **Academic Forgiveness** are as follows:

- A) ~~A s~~A student applies for **Academic Fresh Start** GPA or **Academic Forgiveness** GPA through the dean or dean's designee of the college in which the student enrolled.
- B) ~~A s~~A students must apply no later than the academic term prior to the one when the degree will be granted. (Students wishing to apply are encouraged to do so as soon as possible after qualifying).
- C) When applying, the student must indicate the point at which he or she wishes the **Academic Fresh Start** ~~cumulative~~ or **Academic Forgiveness** GPA to begin.
 - 1. ~~For readmitted students applying for **Academic Fresh Start**, t~~For readmitted students applying for **Academic Fresh Start**, the choices are: the end of the first, ~~the~~ second, ~~the~~ third, ~~or the~~ fourth or fifth semester following the student's initial K-State date of entry.
 - 1.2. For students who experienced extenuating circumstances and are applying for **Academic Forgiveness**, the semester(s) will be selected in consultation with the dean or dean's designee.

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ACADEMIC FRESH START GPA POLICY and ACADEMIC FORGIVENESS GPA POLICY

Approved by CAPP 9-12-07

The **Academic Fresh Start** and *Academic Forgiveness* Policies enable an undergraduate student to neutralize, in part, the grade impact of prior academic performance. **Academic Fresh Start** and *Academic Forgiveness* provide for the computation of an alternative GPA and for the use of that GPA in most academic situations. A student may apply only once, and to only one or the other, and the process cannot be reversed. A student may not apply for either policy until he or she has been reinstated into his or her college.

I. Conditions for a readmitted student to be eligible to apply for **Academic Fresh Start** are:

- A) The student was not enrolled in a K-State course for three (3) calendar years prior to readmission.
- B) After readmission, the student earned a K-State GPA of 2.2⁵ or higher at the end of the academic session in which the twelfth credit was earned.
- C) Up to 60 consecutive hours⁶ of course work and K-State GPA may be restricted from the regular GPA calculation. The beginning point for the **Academic Fresh Start** GPA shall be the first, second, third, fourth, or fifth⁷ academic semester of enrollment following the student's initial K-State date of entry. The choice of the starting point is designated by the student at the time of application for **Academic Fresh Start** and hours excluded from the calculation must be consecutive.

II. Conditions for a student to be eligible to apply for *Academic Forgiveness* are:

- A) The student experienced one or more extenuating circumstances which caused a drastic change to the student's academic performance in one or two semesters.
- B) After the session(s) affected by the extenuating circumstance, the student earned a K-State GPA of 2.2 or higher at the end of the academic session in which the twelfth credit was earned.
- C) Grades from up to two (2) consecutive semesters may be excluded from the regular cumulative GPA calculation.⁸
- D) The student's dean or designee may request documentation confirming the extenuating circumstances with the application for *Academic Forgiveness*.

⁵ Rationale: This is the GPA standard to which all students are held in the Academic Dismissal Policy.

⁶ Rationale: This change will accommodate students who do not take traditional full-time semesters.

⁷ Rationale: This change will accommodate students who do not take traditional full-time semesters.

⁸ Rationale: It is assumed that the negative impact of the extenuating circumstance(s) will be diminished within two semesters.

III. The calculation and reporting of **Academic Fresh Start** or *Academic Forgiveness* GPA and their uses in academic evaluation are:

- A) **Academic Fresh Start** or *Academic Forgiveness* deletes nothing from the student's academic record. Grades earned before the **Academic Fresh Start** or *Academic Forgiveness* will remain on the transcript along with the cumulative GPA for all hours taken.
- B) The transcript will clearly indicate the starting point of the **Academic Fresh Start/Academic Forgiveness** as well as the **Academic Fresh Start/Academic Forgiveness** GPA.
- C) University-wide academic policies based on a cumulative GPA generally will use the **Academic Fresh Start** or *Academic Forgiveness* GPA. However, academic programs are not required to use **Academic Fresh Start** or *Academic Forgiveness* GPAs. Some programs, such as those in the graduate school or those leading to teacher licensure, may use all grades for the calculation of the GPA.
- D) In order for students in the **Academic Fresh Start** or *Academic Forgiveness* program to be eligible for university academic honors, they must complete a minimum of 60 hours in residence, with at least 50 hours in graded courses after the **Academic Fresh Start** or *Academic Forgiveness* begins. Other academic policies will not be affected.

IV. Procedures for applying for **Academic Fresh Start** or *Academic Forgiveness* are:

- A) A student applies for **Academic Fresh Start** GPA or *Academic Forgiveness* GPA through the deans or their designees of the college in which the student is enrolled.
- B) A student must apply no later than the academic term prior to the one when the degree will be granted. (Students wishing to apply are encouraged to do so as soon as possible after qualifying).
- C) When applying, the student must indicate the point at which he or she wishes the **Academic Fresh Start** or *Academic Forgiveness* GPA to begin.
 - 1. For readmitted students applying for **Academic Fresh Start**, the choices are: the end of the first, second, third, fourth or fifth semester, following the student's initial K-State date of entry.
 - 2. For students who experienced extenuating circumstances and are applying for *Academic Forgiveness*, the semester(s) will be selected in consultation with the deans or their designees.

ATTACHMENT 2

Appendix A, Section B - Graduate Student Academic Grievance Procedures

Approved by the Graduate Council on May 1, 2007 and approved by Faculty Affairs on September 4, 2007

To replace language in the University Handbook under Appendix V, Section B.

(Changes Tracked)

The *Graduate Handbook* contains general rules and procedures governing graduate education developed by the Graduate Council. In addition, each graduate program may have more detailed departmental or program guidelines that specify how that degree program operates within general Graduate School policies, and what graduate students can expect during their graduate career. If departmental or program policies are inconsistent with Graduate School policy, the Graduate School policy is the overriding policy.

1. Scope of Authority

This policy is designed to resolve concerns and grievances brought by graduate students related to their graduate level academic program as more fully defined below. The formal grievance must be initiated within 6 months of the time that the graduate student knows of the matter prompting the grievance, or the graduate student relinquishes any opportunity to pursue the grievance. Under these procedures, a graduate student is any person who has been formally admitted as a graduate student at the time the alleged events leading to the grievance occurred. A grievance means a dispute concerning some aspect of academic involvement arising from an administrative or faculty decision which the graduate student claims is unjust or is in violation of his or her rights established through formal prior agreement. "Grievances" under this procedure shall include disputes over grades, course requirements, graduation/degree program requirements, and thesis and dissertation committee and/or advisor decisions.

Non-academic conduct of graduate students is governed by the KSU Student Code of Conduct in the *Student Life Handbook* and the hearing procedures therein. The undergraduate grievance procedure, as described in Appendix A of the Student Life Handbook, applies to any academic matter involving an undergraduate student taking graduate courses. The Veterinary Medicine academic grievance procedures, as described in Appendix A of the Student Life Handbook, govern academic matters involving academic matters involving courses within the DVM degree. The K-State Honor & Integrity System, as described in the Student Life Handbook, governs issues of academic integrity. Allegations of misconduct believed to constitute discrimination, including sexual harassment as described and defined in the "Policy Prohibiting Sexual Harassment," and "Policy Prohibiting Racial and/or Ethnic Harassment" should be referred to the Affirmative Action Office or the Office of Student Life. Allegations of assault covered under the "Policy Prohibiting Sexual Violence" should be referred to the Office of Student Life.

~~1.~~ 2. Definition of Terms

- a. Graduate Student - Under these procedures, a graduate student is any person who has been formally admitted into the Graduate School of Kansas State University and was enrolled as a graduate student at the time the alleged events leading to the grievance occurred.
- b. Grievance - A grievance means a dispute concerning some aspect of academic involvement arising from an administrative or faculty decision which the graduate student claims is unjust or is in violation of his or her rights established through formal prior agreement. "Grievances" under this procedure shall include disputes over grades,

course requirements, graduation/degree program requirements, and thesis and dissertation committee and/or advisor decisions.

- c. Respondent - The person(s) against whom a grievance is being made.
- d. Working Days - For the purpose of this section a "working day" is defined as any weekday that is part of the regular nine-month academic calendar, including all days that classes are conducted and the period of final examinations. Legal holidays and the time when summer school is in session are excluded from the definition of "working day." However, if it is agreed to by all of the parties, a hearing can be conducted and/or the process completed during a vacation period.

2. Procedures 3. Guidelines for Administrative Review and Conflict Resolution

- a. The graduate student should attempt to resolve any grievance first with the faculty member, supervisory committee, or administrator involved.
- b. If, after earnest inquiry, the grievance conflict remains unresolved, the graduate student should discuss the grievance with the department head/chairperson, or other immediate administrative superior of the respondent, the academic dean or his/her designee and, if pertinent, with any relevant departmental faculty member or committee. ~~If the grievance is not resolved to the satisfaction of all parties concerned by discussions at the departmental level, the graduate student may further discuss it with the academic dean of the college in which the alleged violation has occurred (hereafter called the "academic dean") and/or with the Dean of the Graduate School. If the outcome of this conflict resolution process is successful, then grievance is satisfactorily resolved by any of the above discussions, the terms of the resolution shall be reduced to writing and signed by with copies provided to the graduate student, respondent, and administrative superior, involved in negotiations, and academic dean involved in the conflict resolution session. if any of the involved parties desires to have such a written statement.~~
- c. ~~If the grievance is not resolved to the satisfaction of all parties concerned by discussions at the departmental level, and the graduate student chooses to pursue the matter further, the issue must be reduced to writing promptly by the graduate student and sent immediately to the academic dean of the college in which the grievance originated (hereafter called the "academic dean"). Upon receipt of the written grievance, the academic dean of the college must schedule a review of the grievance within 10 working days. The review must include the graduate student, department head, respondent, if not the department head, and a representative of the Graduate Council outside of the graduate program as appointed by the academic dean. The academic dean's recommendation should be forwarded to the graduate student within 10 working days of the review with a copy to the associate dean of the Graduate School.~~

If the conflict resolution process is not successful, the academic dean and the associate dean of the Graduate School will confer to determine if further conflict resolution steps should be pursued.

- d.
- e.
- f.

4. Formal Grievance Procedure

- a. If the grievance is not resolved by the above discussions and the graduate student then chooses to pursue the matter further, the issue must be reduced to writing ~~promptly~~ within 10 working days by the graduate student and sent immediately to the associate dean of the Graduate School. ~~The grievance must be submitted to the Dean of the Graduate School within 6 months of the time that the graduate student knows of the matter prompting the grievance, or the graduate student relinquishes any opportunity to pursue the grievance.~~ A Notice of Grievance form, available in the Graduate School or on the Graduate School website, must be submitted with the written statement. The written grievance shall include a clear, concise statement of the policy or policies/procedures violated, and the redress requested. The associate dean of the Graduate School shall forward a copy of the grievance to the respondent. Within 10 working days after receipt of the grievance, the respondent shall provide the associate dean of the Graduate School with a copy of his or her written response.
- b. Upon receipt of the written response, the associate dean of the Graduate School shall, within 10 working days, appoint an ad hoc grievance committee to hear and make a ~~decision~~ recommendation regarding the grievance. The associate dean of the Graduate School shall appoint, from the membership of the Graduate Council, a committee chair (without vote), and 3 committee members. A member of the Graduate School staff will be selected as secretary (without vote). Two graduate students will be appointed as committee members from a slate of nominees selected by the Graduate Student Council.
- c. The hearing shall be scheduled within 30 working days after the appointment of the ad hoc grievance committee barring extenuating circumstances.
- d. ~~Guidelines for ad hoc grievance committee hearings and appeals~~

1. Pre-hearing procedures

- a. Notice of the time and place of the hearing shall be given by the chair to the graduate student and the respondent not less than 10 working days prior to the hearing.
- b. The notice shall include the written grievance and the written response of the respondent.
- c. A copy of the procedures guiding the hearings shall accompany the notice.
- d. The following must be submitted by each party to the chair at least five working days prior to the hearing:
 - i. A copy of all written supporting documentation that the party will present at the hearing,
 - ii. A list of witnesses to be called by the party (each party is responsible for ensuring that his/her witnesses are at the hearing), and
 - iii. The name of any advisor who will accompany the party to the hearing and whether the advisor is an attorney.

2. Hearing

a. The hearing will be conducted informally and the committee will have complete discretion in deciding any procedural questions that arise during the hearing.

~~a.~~

b. At the hearing, each party may be accompanied by an advisor, who may advise the party but not participate in the hearing.

~~b.~~

c. All hearings shall be closed except for parties to the grievance and their advisors unless the graduate student requests that the hearing be open. All parties are advised that the Committee routinely records the hearing for its own use.

d. The committee will permit each party to present a brief opening statement of no more than 10 minutes.

~~c.~~

e. The evidence shall be presented by the graduate student and then by the respondent at the hearing.

~~d.~~

f. The parties and the committee shall have the opportunity to question all witnesses.

~~e. Formal rules of evidence shall not apply, and any evidence relevant to a fair determination of the charges may be admitted.~~

g. The committee will accept any evidence, information, or testimony, which it feels is pertinent to the grievance and will help the committee understand and evaluate the issue(s) before it. The committee chair will determine the relevance and materiality of the evidence offered. Legal rules of evidence shall not apply.

~~f.~~

h. Following the presentation of evidence, the committee will permit each party to present a brief closing statement of no more than 10 minutes.

~~e.~~

i. The committee will meet in closed session to deliberate and recommend action to the Dean of the Graduate School on the grievance.

~~h. The committee's written decision shall be forwarded to the Dean of the Graduate School within 10 working days from the conclusion of the hearing.~~

j. Within ten (10) working days from the conclusion of the hearing, the committee will prepare a report which will serve as its recommendation to the Dean of the Graduate School. The report will contain the factual findings of the committee and the reasons for the recommendation. The Dean of the Graduate School will consider the committee's recommendation and transmit a final decision to both parties within ten (10) working days of receiving the Committee's recommendation.

~~3. Appeal. If the graduate student is not satisfied with the decision of the ad hoc committee, an appeal in writing may be submitted to the Dean of the Graduate School. Any appeal at this level shall be on the basis of the complete written record only. The Dean of the Graduate School shall make a decision on the matter within 10 working days from the date of the receipt of the appeal. His/her decision shall be forwarded in writing to the parties and the ad hoc committee chair. This decision is final.~~

5. Enforcement of the Graduate School's Decision. The Graduate School has the authority to enforce the decision.

**Appendix A, Section B - Graduate Student Academic Grievance Procedures
To replace language in the University Handbook under Appendix V, Section B.
(Clean Copy)**

Appendix A, Section B - Graduate Student Academic Grievance Procedures

The *Graduate Handbook* contains general rules and procedures governing graduate education developed by the Graduate Council. In addition, each graduate program may have more detailed departmental or program guidelines that specify how that degree program operates within general Graduate School policies, and what graduate students can expect during their graduate career. If departmental or program policies are inconsistent with Graduate School policy, the Graduate School policy is the overriding policy.

1. Scope of Authority

This policy is designed to resolve concerns and grievances brought by graduate students related to their graduate level academic program as more fully defined below. The formal grievance must be initiated within 6 months of the time that the graduate student knows of the matter prompting the grievance, or the graduate student relinquishes any opportunity to pursue the grievance. Under these procedures, a graduate student is any person who has been formally admitted as a graduate student at the time the alleged events leading to the grievance occurred. A grievance means a dispute concerning some aspect of academic involvement arising from an administrative or faculty decision which the graduate student claims is unjust or is in violation of his or her rights established through formal prior agreement. "Grievances" under this procedure shall include disputes over grades, course requirements, graduation/degree program requirements, and thesis and dissertation committee and/or advisor decisions.

Non-academic conduct of graduate students is governed by the KSU Student Code of Conduct in the *Student Life Handbook* and the hearing procedures therein. The undergraduate grievance procedure, as described in Appendix A of the *Student Life Handbook*, applies to any academic matter involving an undergraduate student taking graduate courses. The Veterinary Medicine academic grievance procedures, as described in Appendix A of the *Student Life Handbook*, govern academic matters involving academic matters involving courses within the DVM degree. The K-State Honor & Integrity System, as described in the *Student Life Handbook*, governs issues of academic integrity. Allegations of misconduct believed to constitute discrimination, including sexual harassment as described and defined in the "Policy Prohibiting Sexual Harassment," and "Policy Prohibiting Racial and/or Ethnic Harassment" should be referred to the Affirmative Action Office or the Office of Student Life. Allegations of assault covered under the "Policy Prohibiting Sexual Violence" should be referred to the Office of Student Life.

2. Definition of Terms

- a. Graduate Student - Under these procedures, a graduate student is any person who has been formally admitted into the Graduate School of Kansas State University and was enrolled as a graduate student at the time the alleged events leading to the grievance occurred.

- b. Grievance - A grievance means a dispute concerning some aspect of academic involvement arising from an administrative or faculty decision which the graduate student claims is unjust or is in violation of his or her rights established through formal prior agreement. "Grievances" under this procedure shall include disputes over grades, course requirements, graduation/degree program requirements, and thesis and dissertation committee and/or advisor decisions.
- c. Respondent - The person(s) against whom a grievance is being made.
- d. Working Days - For the purpose of this section a "working day" is defined as any weekday that is part of the regular nine-month academic calendar, including all days that classes are conducted and the period of final examinations. Legal holidays and the time when summer school is in session are excluded from the definition of "working day." However, if it is agreed to by all of the parties, a hearing can be conducted and/or the process completed during a vacation period.

3. Guidelines for Administrative Review and Conflict Resolution

- a. The graduate student should attempt to resolve any grievance first with the faculty member, supervisory committee, or administrator involved.
- b. If, after earnest inquiry, the conflict remains unresolved, the graduate student should discuss the grievance with the department head/chairperson, or other immediate administrative superior of the respondent, the academic dean or his/her designee and, if pertinent, with any relevant departmental faculty member or committee. If the outcome of this conflict resolution process is successful, then the resolution shall be reduced to writing with copies provided to the graduate student, respondent, administrative superior, and academic dean involved in the conflict resolution session.
- c. If the conflict resolution process is not successful, the academic dean and the associate dean of the Graduate School will confer to determine if further conflict resolution steps should be pursued.

4. Formal Grievance Procedure

- a. If the grievance is not resolved by the above discussions and the graduate student then chooses to pursue the matter further, the issue must be reduced to writing within 10 working days by the graduate student and sent immediately to the associate dean of the Graduate School. A Notice of Grievance form, available in the Graduate School or on the Graduate School website, must be submitted with the written statement. The written grievance shall include a clear, concise statement of the policy or policies/procedures violated, and the redress requested. The associate dean of the Graduate School shall forward a copy of the grievance to the respondent. Within 10 working days after receipt of the grievance, the respondent shall provide the associate dean of the Graduate School with a copy of his or her written response.
- b. Upon receipt of the written response, the associate dean of the Graduate School shall, within 10 working days, appoint an ad hoc grievance committee to hear and make a recommendation regarding the grievance. The associate dean of the Graduate School shall appoint, from the membership of the Graduate Council, a committee chair (without vote), and 3 committee members. A member of the Graduate School staff will be selected as secretary (without vote). Two graduate students will be appointed as committee members from a slate of nominees selected by the Graduate Student Council.

- c. The hearing shall be scheduled within 30 working days after the appointment of the ad hoc grievance committee barring extenuating circumstances.
- d. Guidelines for ad hoc grievance committee hearings
 - 1. Pre-hearing procedures
 - a. Notice of the time and place of the hearing shall be given by the chair to the graduate student and the respondent not less than 10 working days prior to the hearing.
 - b. The notice shall include the written grievance and the written response of the respondent.
 - c. A copy of the procedures guiding the hearings shall accompany the notice.
 - d. The following must be submitted by each party to the chair at least five working days prior to the hearing:
 - i. A copy of all written supporting documentation that the party will present at the hearing,
 - ii. A list of witnesses to be called by the party (each party is responsible for ensuring that his/her witnesses are at the hearing), and
 - iii. The name of any advisor who will accompany the party to the hearing and whether the advisor is an attorney.
 - 2. Hearing
 - a. The hearing will be conducted informally and the committee will have complete discretion in deciding any procedural questions that arise during the hearing.
 - b. At the hearing, each party may be accompanied by an advisor, who may advise the party but not participate in the hearing.
 - c. All hearings shall be closed except for parties to the grievance and their advisors unless the graduate student requests that the hearing be open. All parties are advised that the Committee routinely records the hearing for its own use.
 - d. The committee will permit each party to present a brief opening statement of no more than 10 minutes.
 - e. The evidence shall be presented by the graduate student and then by the respondent at the hearing.
 - f. The parties and the committee shall have the opportunity to question all witnesses.
 - g. The committee will accept any evidence, information, or testimony, which it feels is pertinent to the grievance and will help the committee understand and evaluate the issue(s) before it. The committee chair will determine the relevance and materiality of the evidence offered. Legal rules of evidence shall not apply.
 - h. Following the presentation of evidence, the committee will permit each party to present a brief closing statement of no more than 10 minutes.
 - i. The committee will meet in closed session to deliberate and recommend action to the Dean of the Graduate School on the grievance.
 - j. Within ten (10) working days from the conclusion of the hearing, the committee will prepare a report which will serve as its

recommendation to the Dean of the Graduate School. The report will contain the factual findings of the committee and the reasons for the recommendation. The Dean of the Graduate School will consider the committee's recommendation and transmit a final decision to both parties within ten (10) working days of receiving the Committee's recommendation.

5. Enforcement of the Graduate School's Decision. The Graduate School has the authority to enforce the decision.

ATTACHMENT 3
Appendix G University Handbook Changes
Approved by the Faculty Affairs Committee on September 18, 2007

Faculty Affairs Committee of Faculty Senate
University Handbook Appendix G: Grievance Policy and Procedures
Summary Recommendations
October 9, 2007

Faculty Affairs Committee

Betsy Cauble-Chair -A&S
James Nechols – Ag
Richard Hoag - Arch
Donita Whitney-Bammerlin - Business
Judy Hughey - Ed
Bill Hsu - Engineering
Stacey Warner - Extension
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Mark Haub - HE
Regina Beard - Libraries
Kaleen Knopp – Tech & Av
Walter Renberg – Vet Med
Nick Piper – Student Senate Chair

Introduction

Beginning with the 2005 academic year, the Faculty Affairs Committee of Faculty Senate began reviewing University Handbook Appendix G: Grievance Policy and Procedures. This activity was undertaken because a number of issues regarding difficulties with the policy were raised with Faculty Senate. During the two year review process, members of Faculty Affairs were able to interview university personnel who participated in the grievance process in a variety of roles. These personnel included past and current provosts, associate provosts, deans and department heads, hearing panel members, grievants, faculty advocates, witnesses in hearings, general grievance board chairs, ombudspersons, and the Faculty Senate secretary. In addition, Faculty Affairs committee members sat in on an open grievance hearing, which enabled us to see firsthand many of the issues that were brought to our attention through the interviews. This process resulted in a substantial reworking of Appendix G. A summary of our substantial recommendations is presented to accompany the reworked Appendix G.

University Handbook, Appendix G

- Problem: Appendix G is difficult to follow due to changes in the policy and procedure that have been enacted at different times. In order to enhance readability and understanding of the document, we recommend the following:
 - Reorganize to reflect chronological order of the process.
 - Begin with Administrative Appeals
 - Include definitions of terms
 - Include Open Meetings Act Language
 - Make the following language changes

- During the administrative appeal process, the aggrieved party is referred to as a complainant; at the time of requesting a grievance hearing the aggrieved party is then referred to as a grievant.
- General Grievance Board Policy becomes General Grievance Policy
- General Grievance Board Chair becomes General Grievance Chair
- Hearing Panel is consistently used for panel that hears grievance.
- Hearing Panel Chair becomes Presiding Officer
- All time designations are “work day”

Administrative Appeals

- Problem: There is some confusion as to preparation and process for administrative appeals. Complainants do not understand that administrative appeals are the first step in the grievance process and that what occurs during an administrative appeal will impact the grievance hearing should a hearing become necessary. In order to bring clarity and provide support for the complainant, we recommend the following:
 - A complainant may designate one individual to serve as a representative for the purposes of preparation of an appeal. This person may be someone other than the ombudsperson.
 - The representative may accompany the complainant to meetings with administration. An ombudsperson may also accompany the complainant.
 - Clarify that issues raised in an administrative appeal are the only issues that subsequently may be raised in a grievance hearing. Additional evidence regarding the issues may be introduced.

Time Frames for Filing an Appeal and Requesting a Grievance Hearing

- Problem: The current timeline for requesting a grievance hearing is within one year of the latest incident or the administrative action or inaction at issue. This deadline is confusing and open to interpretation about whether or not the first step of the appeal process is included as part of the year. Further, grievants who are no longer employees of the university may be requesting grievance hearings, which creates a variety of difficult legal situations. To correct this situation while providing faculty and unclassified staff adequate time to contemplate a decision to take action, while at the same time allowing the grievance process to conclude in a reasonable period of time, we recommend the following:
 - The deadline to file an appeal is 30 work days
 - The deadline to request a grievance hearing is 30 work days after the administrative appeal decision is rendered
 - Stopping the clock for mediation remains

General Grievance Board (GGB)

- Problem: The GGB presents several problems as currently configured. The first is that we are having increasingly more difficulty seating a grievance hearing panel. Many faculty refuse service on a panel due to routine teaching assignment or inconvenience. Secondly, due to the nature of the GGB a full 2/3rds of the members may not have had training on Appendix G policy and procedures for one or two years if at all. In order to improve the numbers of faculty who will agree to serve on a panel and to assure all hearing panel members are appropriately trained, we recommend the following:
 - Eliminate the GGB
 - Retain General Grievance Chair
 - Reviews and determines appropriateness of complaints for grievance hearings
 - Select hearing panels in similar manner to Appendix M
 - The term of the Chair is three years
 - Selected from those who have experience with the university’s dispute resolution process

- Clarify the university’s expectations for service on Appendix G hearing panels...much like Appendix M language
- Training for Hearing Panel Members
 - University attorneys determine information and procedure for the training and will prepare an online program would be the most efficient.
 - Occurs immediately before grievance hearing is held
 - May include a university attorney or staff member and past members and chair of previous hearing panels
 - All parties involved in grievance receive same training

Grievant Representatives

- Problem: There has been significant confusion regarding the role of the “faculty advocate” and the number of advocates a grievant may have. In order to clarify the role and activities of the faculty advocate, we recommend the following:
 - Faculty advocate becomes representative (Note: This language is used for both faculty and unclassified staff grievances.)
 - Grievants may use whomever they wish for support and consultation during this process. However, they must designate one individual as the official representative who may speak during the grievance hearing. At a closed hearing, grievants may have one additional support individual (may be an attorney) who may not speak. At an open hearing, anyone may attend; the designated representative may speak on behalf of the grievant.

Availability of an Attorney for the Hearing Panel and General Grievance Chair

- Hearing panel members and presiding officers report that attorneys are not always present for the hearing. As a result, it is sometimes difficult to obtain timely advice regarding an issue, which creates unnecessary delays during the grievance hearing. To alleviate this problem, the following is recommended:
 - An attorney is available during the entire grievance process.
 - Administration will make arrangements to have an attorney available
 - Is present for hearing
 - Role of the Attorney
 - Advises General Grievance Chair
 - Assists with training for hearing panel members and all other grievance participants
 - Advises hearing panel

A Written Record of the Hearing

- Problem: Currently an audio recording and notes are kept of hearings. This is inadequate. The audio tape is difficult to hear; speakers are hard to identify; and, over time, audio tape degrades. The notes produced by an appointed secretary are inadequate to illuminate the audio tape. This creates serious problems in the event of subsequent litigation. To correct this situation, we recommend the following:
 - Administration arranges for a court reporter or professional transcriptionist
 - It is not necessary to produce the transcript at the time of the hearing; it can be produced at the expense of the requesting party.

Management and Staffing of Grievance Hearings

- Problem: During the preparation and process of a grievance hearing, there are a number of management issues that are not articulated in Appendix G. As a result, it is often necessary to negotiate between

representatives of the Faculty Senate and the Provost's Office who should manage a certain aspect of the process. To further clarify all management roles, we recommend the following:

- President of Faculty Senate or his/her appointee from Faculty Senate leadership manages witnesses
- Security Issues
 - Security is present at an Appendix G hearing as in Appendix M
 - General Grievance Chair informs campus police that a grievance hearing is taking place
 - Administration is responsible for the cost
- Work with administration to include the set of procedures for the management of grievance hearings on the web page
- Some suggested changes in *University Handbook* also reflect these changes
- Administration and the Faculty Senate Faculty Affairs Committee work together to assure web page time lines and directions for administrative appeals and grievance hearings are in compliance with Appendix G of the *University Handbook*.

(Changes Tracked)

General Grievance Board Policy and Hearing Procedures (FSM 9-8-81, 2-16-88, 9-10-91, 1-21-92, 12-14-99)

Ombudspersons are available to provide assistance to faculty and unclassified professionals in the resolution of concerns and disputes that arise within the university. Faculty and unclassified professionals are encouraged to contact an ombudsperson *as a dispute resolution step prior to filing an appeal (see C190-194)*.

Mediation is also an option available to faculty and unclassified professionals at any time, including during the process of filing or actively going through the grievance process. See Appendix U: Policy on Mediation. If mediation is entered into during the pre-hearing grievance process, the calendar clock as defined by the grievance process will be stopped and if the mediation is unsuccessful, the calendar is ~~restarted~~ *resumed* where it was interrupted (see Appendix G:~~I. G,2, Filing a Grievance and Pre-Hearing Activities~~). In cases of unsuccessful mediation when a grievance panel has been assembled but the hearing has not yet convened, and the faculty or unclassified professional wishes to continue with the grievance process, the calendar clock will ~~restart~~ *resume* as defined in Appendix G:~~G,2,h,i & j~~ I.7.

A representative is a person who may advocate on behalf of the complainant or grievant. The representative may assist in the preparation and presentation of information as part of an administrative appeal or grievance. The representative may not be an attorney; however, complainants or grievants may have the assistance of attorneys to advise them at any time, including having them present during grievance hearings as provided in the grievance hearings section of this policy.

A. ~~B.~~ Administrative Appeals

~~Before making an administrative appeal, the faculty or unclassified professional member is encouraged to contact an ombudsperson.~~ *A written appeal to the appropriate administrator is the first step in the grievance process and must be carried out before proceeding to a grievance hearing. This appeal should include all issues of concern to the complainant that will be brought up during the grievance process. The written appeal must be submitted within thirty (30) work days from the latest administrative action or inaction. Issues not raised in this appeal may not be included in the grievance hearing. Possible remedies may also be included in the appeal.*

- ~~1. B.~~ *Tenure-related.* For a complaint regarding tenure, the complainant shall follow the procedures in sections C114.2-C114.3 of the University Handbook. For a complaint regarding promotion, the complainant shall follow the procedures in section C154.2-C154.3 of the University Handbook. For a complaint against the primary action of a dean or regarding reappointment of a tenure-track faculty member, the complainant shall have presented the complaint in writing to the provost.
- ~~2. B.~~ *Other.* For all other complaints, the complainant shall have presented the complaint in writing to the appropriate dean or vice president. Once the written complaint is submitted, the administrator will investigate and arrange a meeting with the complainant to discuss and attempt to resolve the complaint. *Except under extenuating circumstances, the administrator will contact the complainant within ten (10) work days after receiving the complaint to arrange a meeting. An ombudsperson and/or a representative will* may be included in the meeting at the request of the complainant. ~~Within fourteen calendar~~ *Within ten (10) work days* after the meeting, the administrator will provide the complainant with a written response.

If the appeal is not resolved satisfactorily by the appropriate administrator, the complainant may submit a written request for a grievance hearing to the general grievance chair within thirty (30) work days following the receipt of the administrator's written response.

B. ~~A.~~ Function

~~D.1. The chairperson shall be appointed for a one-year term, which shall begin the first day of the fall semester, by the Executive Committee of Faculty Senate from among the faculty members who have previously served on the GGB. A General Grievance Board Chair (hereafter referred to as the GGB) is established appointed by and responsible to the executive committee of the faculty senate. The general grievance chair is selected from faculties who have experience with dispute resolution at the university and serves a three year term beginning on the first day of the fall semester. The role of the general grievance chair is to:~~

1. Receive complaints and review them to determine if the criteria for a-grievances have been met.
2. Participate with administration in the selection of the grievance hearing panel.
3. Assist in organizing and conducting the grievance hearing.

~~The GGB A grievance hearing panel (hereafter referred to as a "panel") is convened for the purpose of hearing each grievance. The panel shall hear appeals grievances to provide peer review of a grievances of the members of the for faculty and unclassified professionals of Kansas State University. The A panel may also hear a grievance concerning action by the University in relation to perceived violations of the Policy on Integrity in Research based on race, color, gender, sexual orientation, religion, place of birth, age, ancestry, or disability.~~

Functions of ~~the each panel~~ shall be to:

1. Hear all evidence pertinent to the grievance provided in time periods specified.
2. Make findings of fact.
3. Decide whether ~~the evidence presented has sustained the charges or allegations, which constitute the grievance~~ *the findings of fact substantiate the allegations of the grievance.*
4. Recommend a specific course of action, ~~which should~~ to be taken.
5. ~~Provide to the faculty senate an annual report of the board's activities and recommended changes in university policies or procedures.~~

C. Jurisdiction

The general grievance policy and hearing procedures jurisdiction of the GGB shall extend to charges or allegations (hereafter referred to as grievances) arising out of administrative action or for which administrative action could provide a remedy, provided that all administrative remedies have been exhausted.

1. Nature of grievances: Grievances may arise out of decisions concerning reappointment, tenure, dismissal, promotion, salary, working conditions, discrimination, or any other matters related to the employment of a faculty or unclassified professional member or other unclassified personnel.

2. Eligibility: A grievance may be filed by ~~current and former~~ faculty or unclassified professionals. Grievances must be submitted within ~~one year~~ *thirty (30) work days* of the latest incident or the administrative action/~~inaction~~ or *inaction* at issue.
3. Grounds: Grounds for a grievance shall include, but shall not be limited to; ~~(1) a violation or misapplication of the written rules, regulations, or established practices governing the university and its units; (2) improper, arbitrary, or capricious action of the university or its agents; (3) violation of academic freedom; and (4) discrimination.:~~
 - a) a violation or misapplication of the written rules, regulations, or established practices governing the university and its units;
 - b) improper, arbitrary, or capricious action of the university or its agents;
 - c) violation of academic freedom; and
 - d) discrimination.
4. Exhaustion of administrative remedies: Exhaustion of administrative remedies ~~include~~ *includes* attempting to resolve the grievance through normal administrative *and dispute resolution* channels, culminating in the required administrative appeal *specified by section A*. For a grievance alleging discrimination, *racial/ethnic harassment, sexual harassment, or retaliation resulting from participation in the resolution of a complaint of the preceding issues,* the exhaustion of administrative remedies also includes a review of the discrimination allegations by the Office of Affirmative Action.
5. Deadlines:
 - a) *A written administrative appeal is the first step in the grievance process and must be filed within thirty (30) work days of the latest administrative action or inaction at issue.*
 - b) *If the appeal is not resolved satisfactorily by the appropriate administrator, the complainant may then submit a written request for a grievance hearing to the general grievance chair within thirty (30) work days from receipt of the administrator's decision.*

~~The committee to hear a case regarding the dismissal of a tenured faculty member (Appendix M) shall retain its assigned jurisdiction.~~ In cases regarding the dismissal of a tenured faculty member, the policies and procedures of Appendix M shall be followed.

G.2. Filing a Grievance and Pre-Hearing Activities

D. Grievance Hearing Initiation

~~G.2.a~~ The grievance *hearing* process shall be initiated by a written request, submitted by the grievant to the ~~GGB chairperson~~ *general grievance chair*, with a detailed statement of the grievance, which shall include:

1. an account of the alleged administrative action/~~inaction~~ or *inaction* ~~which~~ *that* gave rise to the grievance and the *respective* dates;
2. the name(s) of the administrator(s) who will be the respondent(s);
3. the precise grounds upon which the grievance is based;
4. whether an “open” or “closed” hearing is requested; and
5. the nature of the relief sought.

When terms such as “capricious,” “arbitrary,” “collegiality,” etc. are used as the basis of a grievance or an administrative response, it is incumbent upon the person who uses these terms to demonstrate by example or specific evidence the meaning of such terms and how they apply.

Any issues not cited in this written grievance hearing request and in the preceding written administrative appeal may not be brought up in the grievance procedure hearing. After the initial hearing request, additional supporting documentation may be submitted.

E. D. Composition of General Grievance Hearing Panel

~~The GGB shall be composed of 60 tenured faculty members on full-time appointment, including a minimum representation of women and minorities as defined by federal regulations (black, Hispanic, Asian, and native American) in equal proportion to their numbers in the eligible faculty pool, or ten women and seven minorities, whichever is greater. One member shall be the chairperson.~~

~~1. The Executive Committee shall appoint, by random selection from a list of eligible faculty, the other members to staggered three-year terms, which shall begin the first day of fall semester, with one-third appointed each year. Replacements shall be filled in like fashion. Normally, no member shall serve more than one consecutive three-year term. However, any GGB member who has not served on a hearing panel shall be eligible for appointment to a second consecutive term.~~

1. ~~The committee~~*For faculty grievances, panel shall be composed of five tenured faculty members and two alternates, none of whom shall be administrators or faculty with administrative tenths time. One of the five shall serve as the presiding officer and vote only in case of a tie. Faculty of the college in which the grievant member holds an appointment shall not be eligible with the exception of College of Arts and Sciences. In the instance of Arts and Sciences, faculty of the department in which the faculty member holds an appointment shall not be eligible. Members of panel shall hold appointments of at least nine-tenths time at or above the academic rank_ of the grievant. Panel members shall be selected from among eligible faculty according to the procedures specified in section G. below.*

2. ~~G.1.d.~~A grievance brought by an unclassified professional who is not a faculty member, shall be reviewed in accordance with the provisions of Appendix G (G.E.1.), and *the grievant* shall have a choice of:

- a) a ~~hearing~~ panel of the composition specified in Appendix G.E.1. or
- b) a ~~hearing~~ panel selected from a separate pool ~~which~~ *that* shall include all unclassified professionals who are not faculty members, except persons holding positions in the administrative unit in which the grievant or respondent(s) are appointed.

~~G.1.e.~~ As a component of their academic duties, members of the GGB are expected to serve on a grievance hearing panel when called to do so. It is recognized that to fulfill this obligation may require reasonable adjustments in other responsibilities, which should be facilitated by their supervisor. Appropriate reasons for being excused from service (including conflict of interest and commitments) will be determined by the GGB chairperson, whose determination will be final. Service on a hearing panel must receive positive recognition and shall not jeopardize the person's yearly evaluation for performance, merit salary increases, or promotion. Some form of additional compensation is expected for faculty or unclassified professionals on nine-month appointments who are involved in a hearing that takes place during the summer (see G.4.i). As state employees, when

~~acting within the scope of their employment, individuals who serve on a hearing panel are eligible for legal representation and indemnification under the Kansas tort claims act.~~

- ~~3. G.1.e.~~Service on ~~the GGB a hearing panel~~ shall be considered as service to the University and shall be considered as part of each member's ~~faculty~~ responsibility during the term of appointment. The department head or functional equivalent shall ensure that service on ~~the GGB a panel~~ shall be given consideration in decisions affecting the teaching and department assignments, salary *merit increases*, and promotion of the faculty member *or similarly, job responsibilities, salary, and promotion of the unclassified professional*. A letter from the ~~P~~provost *or appropriate vice president* shall be sent to each department head stating the need for participating ~~faculty-panel~~ members to be awarded appropriate merit for ~~GGB hearing panel~~ service.

E. Confidentiality

~~The hearing shall be closed unless the grievant requests it to be open. Deliberations of the panel shall be in closed session. Unless the grievant requests an open hearing, all proceedings of the panel shall be confidential, including the identity of the parties and the specific elements of the grievance.~~

G. F. General Hearing Procedures *Policies for Scheduling and Participation in Grievance Hearings*

- ~~1. General Policies and Procedures a.~~The grievance hearing procedures are to respect the ordinary standards of fairness but are not intended to be equivalent to a judicial hearing. The goal is to provide the ~~hearing~~ panel with the best opportunity to determine the truth and to make a recommendation to the president of the university as to the most appropriate resolution on the matters in dispute. The hearing shall be held as expeditiously as possible, but in any event the grievant shall have the right to a hearing within ~~35~~ *thirty-five (35)* work days after submission of a grievance to the ~~GGB chairperson~~ *general grievance chair*, provided that extensions may be granted by the ~~chairperson~~ for cause and within a specified period of time consistent with the other provisions of this document.
- ~~2. G.4.i.~~For the purpose of ~~this section~~ *Appendix G* a "~~workday~~ work day" is defined as any weekday that is part of the regular nine-month academic calendar, including all days that classes are conducted, the period of final examinations, and intersessions. Legal holidays and ~~during the time~~ *the period* when summer school is in session are excluded from the definition of "~~workday~~ work day." However, if it is agreed to by the parties that a hearing can be conducted and/or the process completed during a vacation period, those members of the panel who are not on scheduled work time will be compensated for their time at their normal rate.
- ~~3. G.1.e.~~Each grievance shall be heard by a panel composed of four *voting* members, a presiding officer, and two alternates, appointed by the ~~GGB chairperson~~ *general grievance chair* ~~from among the members of the GGB as specified in E.1 and E.4 of Appendix G~~. The presiding officer ~~participates in chairs~~ the hearing but shall vote only to break a tie vote of the ~~hearing~~ panel. During the course of a hearing, a panel member may be replaced by an alternate by the ~~GGB chairperson~~ *general grievance chair* based on justification(s) provided by the presiding officer. The ~~GGB chairperson~~ *general grievance chair* and the panel alternates will attend the hearing. ~~but are not to participate. For cases involving discrimination, the chairperson shall include members appropriate to the particular case. If necessary, and when practicable, the chairperson will appoint an additional committee member to represent the appropriate classification of faculty or unclassified professional with a disability.~~

4. ~~G.1.i.~~ Hearings are generally scheduled to occur on two consecutive *work* days. One *work* day extensions may be granted by the ~~GGB chairperson~~ *general grievance chair*, upon justification by the ~~panel chair~~ *presiding officer*, and should be scheduled, if possible, to take place not more than one *calendar* week after the first day of the preceding panel meeting. In scheduling the hearing, the ~~GGB chairperson~~ *general grievance chair* will determine whether or not conflicts are sufficiently valid to warrant a rescheduling of the hearing to a different date. Otherwise, the individual is obliged to attend the hearing (see *Appendix G.4.i.2*).
5. ~~G.1.b.~~ Members of the university community are encouraged to participate in the grievance process. In the event that a respondent (administrator[s] whose action or inaction is the basis of a grievance) refuses to participate, the matter will be resolved administratively by agreement between the next higher-level administrator and the grievant. The person who refuses to participate cannot use the grievance ~~procedure~~ *process* on any matter related to the original charge or its resolution. Witnesses called by either party are expected to participate as a responsibility of being a member of the university community.
6. ~~G.1.e.~~ As a component of their ~~academic~~ duties, *eligible* members of the ~~GGB~~ *university community* are expected to serve on a ~~grievance hearing~~ *grievance hearing* panel when called to do so. It is recognized that to fulfill this obligation may require reasonable adjustments in other responsibilities, which should be facilitated by their supervisor. Appropriate reasons for being excused from service (including conflict of interest and commitments) will be determined by the ~~GGB chairperson~~ *general grievance chair*, whose determination will be final. Service on a hearing panel must receive positive recognition and shall not jeopardize the person's yearly evaluation for performance, merit ~~salary~~ increases, or promotion. Some form of additional compensation is expected for faculty or unclassified professionals on nine-month appointments who are involved in a hearing that takes place during the summer (see *G.4.i.0.2*). As state employees, when acting within the scope of their employment, individuals who serve on a ~~hearing~~ panel are eligible for legal representation and indemnification under the Kansas ~~tort claims act~~ *Tort Claims Act*.
7. ~~G.1.f.~~ The ~~hearing~~ panel's deliberations are confidential and closed to all persons including the alternates and the ~~GGB chairperson~~ *general grievance chair*. Panel members are not permitted to individually contact persons involved in the grievance ~~and will not on their own initiative~~ or conduct any form of fact-finding or investigation *outside the grievance hearing*. ~~Furthermore, Beyond the final report, panel members will~~ *shall* not discuss case-specific aspects of a grievance hearing or panel deliberations *outside of the grievance hearing*.
8. ~~G.1.g.~~ ~~At the hearing, each~~ *Before the hearing is convened, each party may be accompanied by designate one or both of the following to assist the party in the hearing:*
 - a) ~~(1)~~ a representative, who is ~~not~~ *neither an attorney nor an ombudsperson*, to serve as an advocate and/or assist in the *preparation and presentation* of the grievance;
 - b) ~~(1)~~ ~~an attorney~~ *a second person, who may or may not be an attorney, and who may advise the party but not participate otherwise participate* in the proceedings. *Each party should inform the general grievance chair of the person, if any, designated to fill each role.*

If the grievant chooses not to be accompanied by an attorney, the respondent(s) *also will also not be accompanied by an have no attorney present.*

9. ~~G.1.h.~~ ~~Advocates~~ *Representatives* who are state employees and are acting within the scope of their employment are eligible for legal representation and indemnification under the Kansas ~~tort claims act~~

Tort Claims Act. The ~~advocate~~ representative is only expected to make a best effort and the outcome of the hearing cannot be appealed based on the actions/performance of the ~~advocate~~ representative. While the ~~advocate~~ representative can aid in preparing the presentation and can participate in the hearing, the primary responsibility for establishing the validity of the ~~complaint~~ grievance or presenting a defense rests with the grievant and the respondent(s). *Advocates Representatives* will appropriately respect the confidential nature of information and materials that they are exposed to during the course of a grievance hearing. Activities as an ~~advocate~~ representative will be considered service to the university which must receive positive recognition and shall not jeopardize the person's yearly evaluation for performance, merit ~~salary~~ increases, or tenure/promotion.

10. ~~G.4.a.~~ The goals of the hearing panel are to:

- a) ~~(1)~~ establish the facts of the matter in question;
- b) ~~(2)~~ decide whether or not it believes university policy or generally accepted principles of academic conduct have been violated;
- c) ~~(3)~~ if ~~violation(s)~~ *one or more violations* have occurred, decide whether these are sufficiently serious that some corrective action(s) should take place;
- d) ~~(4)~~ recommend to the president of the university what, if any, action(s) should take place.

11. *Role of Faculty Senate*

The faculty senate president and the chair of the faculty affairs committee shall represent the Faculty Senate during the grievance hearing process, and will provide support throughout the process to the general grievance chair. Support activities include but are not limited to the following:

- a) pre-hearing activities such as panel establishment and physical exchanges of documents
- b) physical arrangements for hearings, including hearing room and separate rooms for the parties, witnesses and panel for private deliberations or consultations
- c) physical needs and direction for parties and witnesses during the hearing
- d) physical needs for panel during their deliberations.

~~G.2.g.~~ *Procedures for Selecting Hearing Panel Members*

1. *Within twenty (20) work days from the receipt of the request for a grievance hearing, the general grievance chair shall designate a list of thirteen (13) eligible tenured faculty members or unclassified professionals, by random selection, from a list of eligible faculty or unclassified professionals. There shall be at least one member from each college, except that of the grievant, unless the grievant holds an appointment in the College of Arts and Sciences. If the grievant holds such an appointment, the list may not include any member of the grievant's department. In addition, the composition of the panel shall reflect as nearly as possible the numerical balance of faculty in each of the remaining colleges.*
2. *Within ten (10) work days from the designation of the panel, the president of faculty senate shall call together the respondent and the grievant, and/or their representative(s), for the purpose of selecting the panel. From the list of thirteen (13) names, each party shall remove three names, one at a time, in alternating sequence, with the respondent striking the first name. From the remaining seven names, five shall be selected at random; the sixth and seventh shall serve as alternates.*
3. *Within five (5) work days after the panel has been named, the general grievance chair shall convene the panel, whose members shall select one member as their (nonvoting) presiding officer. At this meeting, the*

general grievance chair shall make known to the panel the specific grounds for the grievance. Prior to the hearing, the general grievance chair will convene a pre-hearing meeting of the panel to review the procedures that will take place during the hearing.

H. Legal and Ethical Preparation for Board Hearing Panel Service

- ~~G.1.1~~ *Legal counsel.* Each hearing panel shall have the ~~ongoing~~ continuing assistance of legal counsel (an attorney from attorney general's office or the Board of Regents), invited by the chairperson general grievance chair, who may provide information about the role of the members of the hearing panel in the grievance proceeding, requirements of due process with respect to the panel's procedures, the mechanisms of fact-finding, prejudicial actions/information, ~~judicial review~~, and liability of panel members. ~~This attorney should be locally based and on retainer to the university for the purpose of assisting the general grievance chair and hearing panels.—The administration will arrange for the attorney and will provide the attorney's contact information to the general grievance chair. The panel's attorney shall be present during the grievance hearing and be available to the presiding officer for pre-hearing counsel.~~
- ~~G.F.~~ *Legal Advice for GGB* At the beginning of each fall semester, the chairperson shall call a meeting of the GGB, at which an attorney from the attorney general's office or the Board of Regents and/or other legal counsel, invited by the chairperson, shall provide information about the role of the members of the hearing panel in the grievance proceeding, including the requirements of due process, the mechanics of fact-finding, judicial review, and liability of GGB members. In addition, each hearing panel shall have the assistance of such an attorney for each individual grievance, if requested by its presiding officer (see ~~G.1.1~~ *Training for Hearing Panel and Participants*). Prior to hearing panel service, members shall attend an educational preparation session, which is in the form of an online tutorial prepared by the Kansas State legal team prior to and independent of any grievance hearing. Topics for discussion shall include but may not be limited to requirements of due process and open meetings law, ethical responsibilities to be observed during and after the hearing, mechanics of fact finding, and liability of panel members. Parties, witnesses, and other interested members of the university community may also access the on-line tutorial. The hearing panel also meets with the assigned legal counsel prior to the scheduled hearing to review any issues or questions members may have specific to the particulars of the grievance or the hearing process.

I. Pre-Hearing Activities

- ~~G.2.b.~~ The grievant will be assisted by the ~~GGB chairperson~~ general grievance chair in obtaining relevant documents and information when such items are judged to be of critical importance in supporting the request for a grievance hearing. The chairperson general grievance chair shall determine whether the grievance falls within the jurisdiction of the ~~GGB~~ General Grievance Policy, and ~~if~~ *whether* the materials presented by the grievant meet adequate standards of detail and clarity. *The general grievance chair may consult with the attorney specified in section H. to make these determinations.*
- ~~G.2.c.~~ Within five (5) work days from the date of acceptance of the grievance by the chairperson general grievance chair, the chairperson general grievance chair shall give to both parties written notification of same, including a copy of the grievance.
- ~~G.2.d.~~ Within ten (10) work days following such notification, each party shall submit to the chairperson general grievance chair, with copies to the other party, a preliminary list of:

- a) ~~(1)~~ all documents to be introduced;
- b) ~~(2)~~ witnesses to be called;
- c) ~~(3)~~ documents requested from the other party;
- d) ~~(4)~~ the name of the attorney, if an attorney is to accompany the party to the hearing; and
- e) ~~(5)~~ the name and title of the non-lawyer representative (~~advocate~~), if one is to accompany the party to the hearing.

In addition, the respondent(s) shall submit a written response to the allegations contained in the grievance.

- 4. ~~G.2.e.~~ Within ~~ten~~ *fifteen (15)* work days from the date of notification prescribed by ~~G.2.e.2I.2.~~, the parties shall provide each other, with a copy to the ~~GGB chairperson~~ *general grievance chair*, the documents requested in ~~G.2.d.3~~ or a statement as to why the documents are not being provided (e.g. they are irrelevant or nonexistent) and all other documents to be introduced during the hearing. The claim that documents are privileged or confidential shall not in itself be sufficient justification for withholding them from the other party. The validity of the basis for not producing a requested document will be judged by the ~~GGB chairperson~~ *general grievance chair*, whose ruling can be appealed to the ~~hearing~~ panel at the time of the hearing.
- 5. ~~G.2.f.~~ Within ~~15~~ *fifteen (15)* work days from the date of notification prescribed by ~~G.2.e.1.2.~~, the ~~GGB chairperson~~ *general grievance chair* shall provide to each party:
 - a) ~~(1)~~ a list of the members of the ~~hearing~~ panel, the presiding officer, and two alternates; and
 - b) ~~(2)~~ notification of the date(s), time(s), and place(s) of the hearing.
- 6. ~~G.2.g.~~ Within ~~20~~ *twenty (20)* work days from the date of notification prescribed by ~~G.2.e.1.2.~~, each party may strike name(s) from the list of panel members for conflict of interest or for other just and sufficient cause, which shall be determined by the ~~GGB chairperson~~ *general grievance chair*. The ~~GGB chairperson~~ *general grievance chair* shall appoint replacements as necessary. Both parties will also exchange, with copies to the ~~GGB chairperson~~ *general grievance chair*, an updated list of documents to be introduced and witnesses that may be called. ~~In no more than~~ *Within thirty-five (35) class work* days from the date of acceptance of the grievance by the ~~GGB chairperson~~ *general grievance chair*, as prescribed by ~~G.2.a~~ *sections D. and I.1.*, the hearing shall begin, except as provided by ~~G.1.i and G.4.iF.2. and F.4.~~
- 7. ~~G.1.h.~~ If the pre-hearing grievance process was stopped because a faculty or unclassified professional entered into mediation and that mediation was unsuccessful, the calendar clock as defined by the grievance process will be ~~restarted~~ *resumed* where it was interrupted. In cases of unsuccessful mediation when a grievance panel has been assembled but the hearing has not yet convened, and the faculty or unclassified professional wishes to continue with the grievance process, the calendar clock will resume as provided below to allow the ~~Chair of the Grievance Board~~ *general grievance chair* to assemble a new panel if necessary and reschedule the hearing.
- 8. ~~G.1.i.~~ Within ~~10~~ *ten (10)* work days of the process resuming, the ~~GGB chairperson~~ *general grievance chair* shall provide to each party:
 - a) ~~(1)~~ a list of the members of the new ~~hearing~~ panel, the presiding officer, and two alternates; and
 - b) ~~(2)~~ notification of the date(s), time(s) *and* place(s) of the hearing.
- 9. ~~G.1.j.~~ Within ~~5~~ *five (5)* work days from the date of notification prescribed by ~~G.2.i0.8.~~, each party may strike name(s) from the list of new panel members for conflict of interest or for other just and

sufficient cause, which shall be determined by the ~~GGB chairperson~~ *general grievance chair*. The ~~GGB chairperson~~ *general grievance chair* shall appoint replacements as necessary. Both parties will also exchange, with copies to the ~~GGB chairperson~~ *general grievance chair*, an updated list of documents to be introduced and witnesses ~~that~~ *who* may be called. In no more than ~~25~~ *twenty-five (25)* class work days for the date of the resumption of the grievance the hearing shall begin, except as provided by ~~G.1.i and G.4.1.i~~ *F.1. and F.4.*

10. ~~After the on-line tutorial is completed by all panel members and prior to the beginning of a hearing, G.1.l.~~ *The hearing panel will meet to review procedures and to confer with its the counsel specified in section H.*
11. ~~G.2.k. All rules and policies as defined by General Grievance Board Policy and Hearing Procedures remain in place.~~

J. Policies for Conduct of Grievance Hearings

1. ~~G.4.j. Supplementary procedures.~~ In addition to the preceding provisions, the presiding officer, in consultation with the ~~GGB chairperson~~ *general grievance chair*, shall have the discretion to establish supplementary procedural rules ~~deemed necessary~~, and shall inform both parties of such rules at least five days prior to the hearing. At the discretion of the presiding officer and ~~GGB chairperson~~ *general grievance chair*, a pre-hearing meeting of the parties and/or their non-lawyer representatives may be convened to consider specific issues related to the procedures to be followed.
2. ~~G.4.k. Audio recordings and transcripts.~~ It shall be the responsibility of the ~~GGB chairperson~~ *general grievance chair* to ensure that a good-quality audio recording is made of the hearing. ~~A tape recorder and tape~~ *An audio recorder and recording media* shall be provided by the office of the ~~Provost~~ *president*. A secretary, ~~who is not a member of the GGB panel,~~ shall be appointed by the president of faculty senate ~~to take minutes.~~ *A transcript of the hearing shall be produced by the Office of the Provost. A court reporter also shall be provided by the office of the president. An official copy of this transcript and supporting documents shall be kept in confidential files in the faculty senate office for a period of at least three years following these proceedings and may be examined only with the approval of the faculty member grievant, except in the case of a closed hearing, for which consent of both parties shall be required. A* ~~With the consent of both parties, a video recording can be made at the expense of the requesting party.~~
3. ~~G.4.l. Venue, equipment, and supplies.~~ At the direction of the ~~GGB chairperson~~ *general grievance chair*, the university will provide suitable space, associated equipment, supplies, and refreshments necessary to meet the reasonable needs of the ~~hearing~~ panel and the parties involved.
4. ~~G.4.m. Legal counsel for panel.~~ During the hearing, the presiding officer and/or panel may adjourn to privately discuss specific issues related to the hearing and to confer with its counsel, ~~specified in section H.~~ The panel is not to rely on its legal counsel for interpretation or judgment of fact.
5. *Security.* ~~An officer of the university police shall attend the door of the hearing room when the hearing is in session. The duties of the officer are to maintain order. The general grievance chair will arrange for the security presence and administration will cover the cost.~~

K. ~~G.3.~~ Grievance Hearing Procedures

All grievance proceedings shall be conducted in accordance with the Kansas Open Meetings Act (KOMA). The hearing of the evidence shall be ~~closed~~ conducted in closed executive session, unless the grievant requests ~~it~~ the hearing to be open. Deliberations of the panel shall be in closed executive session. ~~Unless the grievant~~

~~requests an open hearing, all proceedings of the panel shall be confidential, including the identity of the parties and the specific elements of the grievance. Any vote or other decision making action must occur in open session. (Refer to the University Committee Handbook for a complete discussion of further information about KOMA.)~~

1. ~~G.3.a.~~ The presiding officer shall call the hearing to order, state the nature of the grievance, and review the rules (including those appropriate for an open or closed hearing). Because the hearing is a peer review, the panel shall not be bound by strict legal rules of evidence; it may admit any evidence it considers pertinent to the grievance, and may exclude evidence it considers not pertinent. On issues of procedures, evidence, relevance, and all other items related to the hearing, the presiding officer in consultation with the ~~hearing panel~~ *and, if so desired, legal counsel* is the final authority. The presiding officer may call upon the general grievance chair or designee to manage aspects of the hearing.
2. ~~G.3.b.~~ The grievant and the ~~administrator(s)~~ *respondent(s)*, in that order, will make short opening statements not to exceed ~~20~~ *twenty (20)* minutes. The panel *members* will then have an opportunity to ask questions of either party in order to clarify specific issues before presentation of evidence and testimony of witnesses.
3. ~~G.3.c.~~ The grievant shall present evidence, which may include testimony by supporting witnesses, documents, and/or other relevant material. The respondent(s) may:
 - a) ~~(1)~~ cross-examine each witness following his or her testimony, and
 - b) ~~(2)~~ object to any testimony on *the grounds that it is not relevant irrelevant* or is repetitive.Members of the panel will have the opportunity to ask questions of each witness after each cross examination.
4. ~~G.3.d.~~ The respondent(s) shall present evidence, which may include testimony by supporting witnesses, documents, and/or other relevant material. The grievant may:
 - a) ~~(1)~~ cross-examine each witness following his or her testimony, and
 - b) ~~(2)~~ object to any testimony on *the grounds that it is not relevant irrelevant* or is repetitive.Members of the panel will have the opportunity to ask questions of each witness after each cross examination.
5. ~~G.3.e.~~ The grievant and the respondent(s), in that order, may then present evidence in rebuttal of previously introduced evidence. The other party may object to any rebuttal testimony on the ~~ground~~ *grounds* that it is a new subject, is ~~not relevant irrelevant~~, or is merely repetitive. Members of the panel will have the opportunity to ask relevant questions of each rebuttal witness.
6. ~~G.3.f.~~ Witnesses shall not be present at the hearing until called to testify and then shall be excused, unless either party or the ~~GGB~~ *panel* requests that they remain available. Only witnesses who have been excused may remain in the audience and then only when it is an open hearing. Witnesses called by the grievant who are also persons against whom the grievance has been brought may be present prior to giving testimony.
7. ~~G.3.g.~~ The respondent(s) and the grievant, in that order, may make a closing statement.
8. ~~G.3.h.~~ Members of the panel may question the parties and/or recall witnesses for questioning. At any time during or after the close of the hearing, the presiding officer after consultation with the panel may request from the grievant or respondent(s) the production of any other information the panel

deems relevant. Refusal to comply with this request and the reason(s) will be noted in the panel's report. If such additional information is acquired by the panel, the ~~Chair of the Panel~~ *presiding officer* will reopen the hearing to afford all parties an opportunity to respond with comments or additional evidence. The schedule *outlined in the next section* for presenting the panel's report will ~~then follow~~ *be based on* the closing date of the reopened hearing.

L. G.4. Findings, Recommendations, Appeals, and Reporting Responsibilities

1. G.4.b. The decision of the panel shall be based only upon the testimony and other evidence presented at the hearing. The grievant shall bear the burden of demonstrating, by a preponderance of the evidence, that relief should be granted. The report of the panel shall include ~~(1) an evaluation of the evidence and findings of fact, (2) a description of the recommended specific relief or course of action that should be taken, and (3) the reasons supporting the decision:~~

- a) ~~(1)~~ an evaluation of the evidence and findings of fact,
- b) ~~(2)~~ a description of the recommended specific relief or course of action that should be taken, and
- c) ~~(3)~~ the reasons supporting the decision.

The panel may consult with its counsel to obtain recommendations for appropriate and legally sanctioned remedies.

A minority statement(s) may be appended to the report.

In instances where the ~~hearing~~ panel determines that there has been a blatant or persistent violation of university policies or procedures by a respondent, the panel may recommend that the grievant be reimbursed for documented expenses involved in pursuing the grievance, including attorney fees, up to a maximum of \$2,500 of all expenses.

2. G.4.e. The panel shall have discretion to recommend that the relief sought should be granted or denied, or that some other form of resolution should be employed as long as such relief is consistent with policies set forth in the University Handbook. In the event of a finding that university policy has been violated, the panel may recommend that a brief statement of the finding become a part of the offending party's personnel file(s). Any disciplinary action that may be suggested will be in accordance with university policies and procedures, and depending on the severity of the offense, such sanctions may include, ~~(but are not limited to)~~, a letter of reprimand, a formal warning, suspension, demotion, or termination of employment.

3. G.4.d. Within ~~21~~ *twenty-one (21)* work days after the completion of the final hearing session (*including reconvened hearings as specified in section K.8.*), the presiding officer shall present the report to the ~~GGB chairperson~~ *general grievance chair*, who shall within the following five work days, send copies to ~~(1) the president of the university, (2) both parties and (3) the president of the faculty senate:~~

- a) *the president of the university,*
- b) *both parties, and*
- c) *the president of the faculty senate.*

The findings of the ~~hearing~~ panel are final and cannot be appealed

4. G.4.e. The ~~President of the University~~ *president of the university* shall respond to the recommendations of the ~~GGB panel~~ *panel* within ~~10~~ *ten (10)* work days of receiving the report. Copies of the response and notification of subsequent actions taken should be sent to the ~~chairperson of the~~

~~GGB~~ *general grievance chair*, the parties of the grievance, and the president of the faculty senate. If confidentiality of the nature of the implementation of the president's decision is part of the disposition and is agreed to by both parties, the president of the faculty senate shall receive notice only of the fact that disposition has taken place and that it is confidential.

~~G.4.g. At the first meeting of faculty senate each fall semester, the chairperson of the who served the preceding year shall report the (1) number and (2) nature of grievances heard during the preceding year, including, if consistent with other provisions of this document, (3) other information about individual grievances considered to be a concern of the faculty senate and may suggest recommendations for modification of relevant policies and procedures.~~

5. ~~G.4.f.~~ The complete record, including all evidence presented *and all recordings or transcripts that have been made* shall be retained in the files of the faculty senate *for at least three years following the conclusion of the grievance hearing.* ~~Both parties, at their~~ *Each party may, at its own expense, may* copy the record *or any part thereof* at a place and time to be determined by the president of the faculty senate.

~~G.4.h. The committee to hear a case regarding the dismissal of a tenured faculty member (Appendix M) shall retain its assigned jurisdiction.~~

6. Without regard to the panel's finding or the response from the ~~President of the University~~ *president of the university*, the administration will make every effort to ~~insure~~ *ensure* that anyone participating in the grievance hearing is not subjected to retaliation.

7. ~~G.4.g.~~ At the first meeting of faculty senate each fall semester, the ~~chairperson of the GGB~~ *general grievance chair* who served the preceding year shall report ~~the (1) number and (2) nature of grievances heard during the preceding year, including, if consistent with other provisions of this document, (3) other information about individual grievances considered to be a concern of the faculty senate and may suggest recommendations for modification of relevant policies and procedures:~~

- a) *the number of grievances heard during the preceding year;*
- b) *the nature of these grievances;*
- c) *if consistent with other provisions of this document, other information about individual grievances considered to be a concern of the faculty senate and may suggest recommendations for modification of relevant policies and procedures.*

Without regard to the panel's finding or the response from the ~~President of the University~~ *president of the university*, the administration will make every effort to ~~ensure~~ *insure* that anyone participating in the grievance hearing is not subjected to retaliation.

~~G.4.h. The committee to hear a case regarding the dismissal of a tenured faculty member (Appendix M) shall retain its assigned jurisdiction.~~