REPORT FROM THE COMMITTEE ON RULES AND JURISDICTION
Jean Ann Seago, PhD, Chair

REVISION OF DIVISIONAL BYLAW APPENDIX VII
DIVISIONAL PROCEDURE for STUDENT GRIEVANCE in ACDEMIC AFFAIRS
Submitted for a vote by the San Francisco Division, June 21, 2007

Executive Summary
Following a request from the administration of the School of Medicine, the Academic Senate Committee on Rules and Jurisdiction has undertaken a year-long review and revision of Divisional Bylaws Appendix VII: Divisional Procedure for Student Grievance in Academic Affairs. The proposed revisions are the result of careful examination and deliberation, and are based on advice from and consultation of the School of Dentistry Faculty Council, the School of Medicine Faculty Council, the School of Nursing Faculty Council, the School of Pharmacy Faculty Council, the Graduate Council, Associate and Vice Deans of student affairs from each school, Academic Senate leadership, campus counsel, former members of an Ad Hoc Grievance Review Committee, and student associations. The membership of Committee on Rules and Jurisdiction includes representatives from all four schools and the graduate division, as well as Health Sciences Clinical and Adjunct faculty, the Parliamentarian, and the University Registrar.

These revisions are put forth to address the following concerns:

- This Procedure was last updated in 1997 and is inconsistent with practice, current law, and current policies.
- This Procedure is often internally inconsistent, ambiguous, and vague.
- This Procedure is often unnecessarily complicated, and ill-defined.
- Section 1.4, the Appeal Procedure, is seen by the administration as unduly onerous.
- Section 1.4, the Appeal Procedure, is poorly described, difficult for the faculty providing the oversight, and sufficiently vague and deficient as to invite abuse of the opportunity to extend the grievance process after a finding has been made.

Proposed Revisions
The Divisional Procedure has undergone revision for clarity, expediency, and efficacy. The original (current) Procedure is attached as Exhibit 1. The Revised version is attached as Exhibit 2. A merged document using the compare-and-blackline feature is attached as Exhibit 3.
Context
In the Spring of 2006, Deborah Greenspan, Chair of the UCSF Academic Senate, received a request from David Irby, Vice Dean of Medical Education, School of Medicine for the Senate to review and update the Divisional Procedure for Student Grievance in Academic Affairs. The procedure, is set forth in Appendix VII of the divisional bylaws and falls under the jurisdiction of the Academic Senate.

Chair Greenspan passed on this request to the Committee on Rules and Jurisdiction. The Committee on Rules and Jurisdiction, Chaired by Joe Wiemels, met on June 27, 2006, to review the request and to discuss the issues involved. This meeting included David Irby, who had initiated the request, Carole Rossi, General Counsel of the Regents, and two faculty members who had served on an Ad Hoc Grievance Committee. The Committee on Rules and Jurisdiction recommended the formation of a task force to review the Academic Senate Divisional Procedure for Student Grievance in Academic Affairs and that this task force be charged with reviewing the existing divisional procedure, the pre-dismissal procedures within each school, to solicit recommendations for revision from interested parties, and to update the procedure to be consistent with other University policies and current legal requirements; and to address issues of scope, layers of appeal, and internal ambiguities.

During the transition meeting on July 21, 2006, the 2006-07 Academic Senate Committee on Rules and Jurisdiction, Chaired by Jean Ann Seago, was charged to act as its own task force to accomplish this goal. Over the course of the next ten months, the Committee on Rules and Jurisdiction has examined local policies and procedure, solicited input from various sources, and crafted the final version of Proposed Revision of Divisional Bylaws Appendix VII: Divisional Procedure for Student Grievance in Academic Affairs.

Procedure
The Committee on Rules and Jurisdiction (R&J) received a red-lined version of Appendix VII of well-researched proposed modifications from David Irby, Vice Dean of Medical Education, School of Medicine. This initial revision to the procedure was drafted by David Irby in cooperation with campus counsel and other administrators in other schools. R&J used this document as its starting point for review and solicitation of additional recommendations for revision. The Faculty Councils were chosen as the point of interaction with the Schools. The Committee on Rules and Jurisdiction solicited review and recommendations from the Faculty Councils of all four Schools and the Graduate Council on August 21, 2006. Both the original (current) Procedure and the red-lined version from David Irby were included in this Call. The Chair of the Committee also made herself available to address the meetings of the Faculty Councils on this issue. Students and members of the administration were asked to present their recommendations to their Faculty Councils for inclusion as part of the Council’s response to the Committee (after internal deliberation and approval). During this period, R&J also solicited and reviewed the internal pre-dismissal policies of each School.

After reviewing and evaluating the responses from all sources, on March 21, 2007 the Committee submitted Working Draft Revision Version 5 to the four Faculty Councils, the Graduate Council, the Graduate Students Association, and the Associated Students of the University of California, San Francisco. The Committee then carefully reviewed recommendations for modification and ultimately crafted the Final Revision of Divisional Bylaws Appendix VII: Divisional Procedure for Student Grievance in Academic Affairs.
It should be noted that not all recommendations were adopted as some were mutually exclusive, contrary to definition, or in conflict with existing bylaws, policies, regulations, or law. This Revision of the Procedure is designed to balance protection for the University and the Faculty with justice and due process for the students.

Justification
The proposed modifications are presented to achieve the following goals expressed by faculty and administration:

- To modernize the outdated language of the Procedure to be consistent with current best practices and policies.
- To resolve issues of internal inconsistencies, ambiguity, and unintelligible language.
- To clarify parties, process and scope by clear definitions and descriptions.
- To resolve issues of unnecessary complexity and scope.
- To revise the Procedure, particularly Section 1.4 regarding Academic Senate review of the formal Procedure process, to address issues of clarity, complexity, and efficiency, and efficacy.

I. Section 1.4 Grievance Procedure Review
Section 1.4 Grievance Procedure Review (formerly the Appeal Procedure) is retained, therefore there is no need for a justification (a justification would have been required for its deletion). However, there has been substantial revision of this section. This section was also the subject of contention and debate so the Committee offers the following background related to the retention of this section.

Section 1.4 allows for a student to appeal to the Academic Senate if there is evidence that the dismissal procedure was not followed. Section 1.4 has never allowed for the appeal of the findings related to the grievance. The purpose of the section is to provide an external review to ensure that the formal procedure is followed. The proposed revisions to Section 1.4 make this explicit and states specific requirements by which a student may request a review. This request must be accompanied by evidence that the procedure was not followed before the Chair of the Academic Senate will proceed. By these revisions, the Committee hopes to eliminate gratuitous appeals.

Vice Deans in the School of Medicine and the School of Pharmacy requested the deletion of this Section and argued that this section added too much time and complexity to the process, and that the Dean should have the final word in student grievances without the involvement of the Academic Senate. The Members of the Committee and three of the four Faculty Councils were not in agreement with this assessment. While the School of Medicine Faculty Council ultimately allowed for the removal of the appeal procedure, they agreed to it only if some another means of ensuring faculty involvement and oversight was included. From the Communication of the School of Medicine Faculty Council:

Since the Standing Order of the Regents 105.2 (a) deems Academic Senate Faculty responsible for determining conditions for admission, recommending candidates for degrees, and developing coursework, it follows that the Academic Senate Faculty should also bear the responsibility for participating in the student dismissal process. The minor changes proposed by the Faculty Council
reflect our interest in Senate consultation in the grievance procedure. We do not feel that this will unnecessarily prolong any procedure, and will provide involvement of a third party (the Academic Senate) in addition to the primary parties to the dismissal action (student and administration). We feel that Senate involvement in a consultative role will improve management of the student grievance procedure.

The School of Nursing Faculty Council and the School of Dentistry Faculty Council concurred with the recommendations of the Committee that Senate oversight and accountability of the Schools should be maintained.

It should be noted that while Section 1.4 has been retained, it has been done so only after significant revision. These revisions address the principle concerns expressed by the members of the administration who had originally called for the deletion.

While a review process may require time and work by the administration and the Academic Senate, Section 1.4 was ultimately retained for the following reasons:

- Allowing for a Review of the grievance procedure provides an added measure assurance of due process for the student.
- Including oversight by a party not directly involved in the grievance strengthens the claim of objectivity of the decision
- Review of the grievance procedure strengthens the position of the University should the grievance decision be reviewed by any outside agency or legal representative.
- As this is an Academic Senate Procedure, the Academic Senate should have oversight of the procedure.

II. Overall Changes
Because there were many edits made during the review process, this summary report will only highlight a few from the comparison document (Exhibit 3):

- Note that this procedure addresses two issues: academic dismissals and unlawful discrimination allegations. The language throughout the document reflects those two issues.
- Definitions were added and/or revised for clarity. Note that “Opposing Party” refers to grievances related to unlawful discrimination allegations and “Administrative Officer” refers to grievances related to academic dismissal.
- The Committee added guidance for students regarding how to use an informal process to resolve a dispute and clarification regarding what issues can and cannot be grieved.
- The timelines included are those suggested by Dr. Irby’s group.
- The Committee clarified the composition of the Ad Hoc Grievance Review Committee.
- The Committee clarified the roles of all parties in the grievance.
- The Committee clarified the role of the Graduate Division in the grievance Procedure.