Re: Comments to Revised Divisional Procedure for Student Grievance in Academic Affairs

Dear Chair Seago,

On April 20, 2007, the School of Nursing Faculty Council reviewed the Revised Divisional Procedure for Student Grievance in Academic Affairs (Revision Version 5) provided by the Committee on Rules and Jurisdiction March 21, 2007. The School of Nursing Faculty Council has no suggestions or modifications to the language proposed in this revision.

The School of Nursing Faculty Council did engage in discussion and deliberation regarding the retention or deletion of Section 1.4 Appeal Procedure. The Faculty Council recognized the additional burden and complexity this Section adds to the process, but it also recognizes the value of a final appeal procedure beyond the administrative Dean’s office to ensure that students are given the benefit of due process.

Ultimately, the School of Nursing Faculty Council called for a vote to recommend the elimination of Section 1.4. While the motion carried and the School of Nursing Faculty Council recommends that Section 1.4 be removed from the Divisional Procedure, the Faculty Council would also like to note that it was divided on this issue and that the vote was not unanimous. With seven of the total eight voting members present, the School of Nursing Faculty Council voted four in favor of eliminating Section 1.4, one against, and three abstained.

In this Communication back to the Committee on Rules and Jurisdiction, the School of Nursing Faculty would like to include some of the points raised during its deliberation regarding the retention or deletion of Section 1.4, as it may assist you in your own deliberations during final revision. Points raised in this discussion include:

1. Students should have some sort of appeal mechanism beyond the administrative body managing their grievance with regards to violation of due process.
2. Section 1.4 serves to protect the rights of the student.
3. Section 1.4 is considered by the administration in at least three schools, including this one, to be excessively onerous, time-consuming, complex, and counter-productive to the process.
4. The need for this provision occurs so rarely that it should not be an undue burden on administration.
5. By the time a grievance process reaches a point that Section 1.4 might be invoked, legal counsel would be expected to be involved. And if the grievant has a strong enough case to invoke Section 1.4 (beyond the
reason that they are appealing only because they can), then the grievant should have a strong enough case for a legal action and 1.4 would be unnecessary.

6. Having an oversight process such as this provides incentive to the Schools to adhere carefully to the formal procedure set forth in Section 1.3.

7. The Faculty Council also agreed that they are open to suggestion of a new and alternate (and hopefully simpler) means by which some sort of final appeal regarding due process might be raised by the student, and yet eliminate the additional bureaucracy of Section 1.4.

To summarize, the School of Nursing Faculty Council expresses its support for the revisions made thus far to the Divisional procedure for Student Grievance in Academic Affairs by the Committee on Rules and Jurisdiction, and makes the recommendation that the final “Section 1.4 Appeal Procedure” be eliminated from the Divisional Procedure. However, it makes this recommendation for deletion with concerns for independent oversight of due process.

Thank you for the opportunity to review and comment on this proposed revision.

Sincerely,

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