

School of Music Grievance Procedure

Pursuant to Article XII of the University Senate Code and Articles V and VI of the University Senate Rules and Regulations of the University of Kansas, Lawrence, the School of Music establishes the following procedure to hear grievances arising within the jurisdiction of the School. This procedure shall not be used to hear disputes assigned to other hearing bodies under USRR Article VI, Section 4. The document “Jurisdiction of Various Disputes” describes which issues should be pursued within the School and which should be referred to other campus offices.

The School of Music grievance procedure applies to faculty members and to students, including those wishing to appeal a grade.

For a grade appeal, the student must first attempt to resolve the issues by contacting the instructor within six months. If the grade conflict remains unresolved, the student may proceed to the grievance procedure.

Grievances arising within the School of Music must be heard under the School’s Grievance Procedure unless exceptional circumstances make it more appropriate for those grievances to be heard at the Provost level or by the Judicial Board, as set forth in University Senate Rules and Regulations. Appeal of a grievance heard at a subordinate level is to the Judicial Board, not the Provost.

For disputes involving alleged academic misconduct or alleged violations of student rights, the initial hearing will normally be at the School of Music. There is an option to hold an initial hearing at the Judicial Board if both parties agree, or if either party petitions the Judicial Board chair to have a hearing at the Judicial Board level and the petition is granted. The petition must state why a fair hearing cannot be obtained at the School of Music; the opposing party has an opportunity to respond to the petition. (USRR 6.4.3.1.)

Except as provided in USRR 6.5.4., no person shall be disciplined for using the grievance procedure or assisting another in using the grievance procedure.

The School of Music shall provide a copy of this procedure to anyone who requests it.

1. To start the grievance process, the complainant(s) must submit a written grievance to the dean of the School of Music. The complaint shall contain a statement of the facts underlying the complaint and specify the provision(s) of the Faculty Code of Conduct, University Senate Code, the University Senate Rules and Regulations, the Code of Student Rights and Responsibilities, or other applicable rule, policy, regulation, or law

allegedly violated. The complaint shall also indicate the witnesses or other evidence relied upon by the complaining party, and copies of any documents relevant to the complaint shall be attached to the complaint.

2. At the time the complaint is submitted to the School of Music, the complaining party shall provide a copy of the complaint, with accompanying documents, to the respondent(s).
3. Upon receipt of the complaint, the School of Music shall contact the respondent to verify that the respondent has received a copy of the complaint and to provide the respondent with a copy of these procedures.
4. Pursuant to University Senate Code 12.2.4, a respondent has the privilege of remaining silent and refusing to give evidence in response to the complaint. The respondent also has the right to respond and give evidence in response to the complaint.
5. The respondent shall submit a written response to the dean of the School of Music within 14 calendar days of receiving the complaint. The response shall contain the respondent's statement of the facts underlying the dispute as well as any other defenses to the allegations in the complaint. The response shall also identify the witnesses or other evidence relied upon by the respondent and shall include copies of any documents relevant to the response. The respondent shall provide a complete copy of the response to the complaining party.
6. Upon receipt of the response, the dean shall contact the complaining party to verify that a copy of the response has been provided.
7. Upon receiving the complaint and response, or if the respondent fails to respond within the 14-day time period, the dean will present the complaint and response to a 3-person judicial committee appointed by the dean of the School of Music to consider the complaint. The committee members shall be disinterested parties who have not had previous involvement in the specific situation forming the basis of the complaint.
8. Pursuant to USRR 6.8.4.2., the chair of the judicial committee may contact other hearing bodies within the University to determine whether a grievance or complaint involving the underlying occurrence or events is currently pending before, or has been decided by, any other hearing body.
9. Time limits. To use this procedure, the complainant(s) must file the written complaint with the School of Music within six months of the action or event that forms the basis of the complaint. The six-month time period shall be calculated using calendar days (including weekends and days during which classes are not in session).
10. Upon receiving the complaint, if the chair of the judicial committee determines that any of the following grounds exist, he or she may recommend that the complaint be dismissed without further proceedings. The grounds for such dismissal are: (a) the grievance or another grievance involving substantially the same underlying occurrence or events has already been, or is being, adjudicated by proper University procedures; (b) the grievance has not been filed in a timely fashion; (c) the School of Music lacks jurisdiction over the subject matter or any of the parties; (d) the grievance fails to allege a violation of a University rule; (e) the party filing the grievance lacks standing because he or she has not suffered a distinct injury as a result of the challenged conduct and has not been

- empowered to bring the complaint on behalf of the University; or (f) the party filing the grievance has been denied the right to file grievances pursuant to USRR 6.5.4.
11. If the chair of the judicial committee determines that a grievance on its face properly should be heard by another body, the chair will recommend that the dean send the grievance to the appropriate hearing body without further proceedings in the School of Music. The dean will send a copy of the referral to the complainant(s) and any responding parties.
 12. Prior to scheduling a hearing, the parties shall participate in mediation of the dispute unless either party waives mediation. Mediation shall be governed by USRR 6.2.3.
 13. If mediation is successful, the mediator will forward to the dean, the judicial committee chair, and all parties a letter describing the outcome of the mediation and the terms upon which the parties have agreed to resolve this dispute. This letter shall be a recommendation to the dean of the School of Music. The dean will notify the mediator, the committee chair, and the parties that the recommendation has been accepted, modified, or rejected.
 14. If mediation is not successful, the mediator will notify the dean, the committee chair, and the parties that mediation has terminated. If mediation is not successful, or is waived by either party, the judicial committee will schedule a hearing no later than 30 calendar days from the written submission of the complaint. The 30-day period may be extended for good cause as determined by the chair of the judicial committee. The 30-day period shall be suspended during the mediation process. The hearing will be closed unless all parties agree that it shall be public.
 15. Each party may represent himself or herself or be represented by an advisor or counsel of his or her choice.
 16. Each party has a right to introduce all relevant testimony and documents if the documents have been provided with the complaint or response.
 17. Each party shall be entitled to question the other party's witnesses. The committee may question all witnesses.
 18. Witnesses, other than the involved parties, shall leave the hearing room when they are not testifying.
 19. The chair of the committee shall have the right to place reasonable time limits on each party's presentation.
 20. The chair of the judicial committee shall have the authority and responsibility to keep order, rule on questions of evidence and relevance, and shall possess other reasonable powers necessary for a fair and orderly hearing.
 21. The hearing shall not be governed by the rules of evidence, but the chair of the committee may exclude information he or she deems irrelevant, unnecessary, or duplicative. Statements or admissions made as part of the mediation process are not admissible.
 22. The judicial committee will make audiotape of the hearing, but not of the deliberations of the committee. The audiotape will be available to the parties, their authorized representatives, the committee, and the dean's office of the School of Music. If a party desires a copy of the audiotape or a transcript of the tape, that party will pay for the cost

of such copy or transcript. In the event of an appeal, the audiotape will be provided to the appellate body as part of the record of the case.

23. After the presentation of evidence and arguments, the judicial committee will excuse the parties and deliberate. The committee's decision will be a written recommendation to the dean of the School of Music. The committee shall base its recommendation solely upon the information presented at the hearing.
24. The judicial committee will send its written recommendation to the dean of the School of Music and the parties as soon as possible and no later than 14 calendar days after the end of the hearing.
25. Within 14 calendar days of receiving the committee recommendation, the dean will notify the parties of the acceptance, modification, or rejection of the recommendation. The dean will advise the parties of the procedure available to appeal the decision.

The result of a Music school judicial committee hearing may be appealed to the University Judicial Board on the grounds listed in USRR 6.7.3. (See "Jurisdiction of Various Disputes.")

This policy was approved September 25, 2013 by the Faculty of the School of Music and has been reviewed and approved by the Office of the University General Counsel.