

P&T Grievance Procedures¹

Do I have a grievance or a disciplinary charge?

A grievance by a Senate faculty member alleges that a right or privilege of the grievant has been violated. Grievances are filed with the Committee on Privilege and Tenure of the Academic Senate (P&T). The Grievant is the plaintiff and the Administration – represented by the Chancellor's designee (the Campus Provost/Executive Vice Chancellor (CPEVC)) – is the respondent. If a hearing is warranted and the Grievance is found to be valid, the remedy is to, as far as possible, repair the harm done to the Senate faculty member by the violation. The burden of proof rests with the grievant, who has to prove his or her Case by a preponderance of the evidence. At UC Merced, the grievance process is governed by Academic Senate Bylaw (SB) 335. See the chart below for steps in the grievance process.

A Senate faculty disciplinary case alleges a violation of the Faculty Code of Conduct. The process by which a disciplinary case is handled is not the same as for a grievance. The complaint is filed with the CPEVC and not with P&T. If probable cause for disciplinary action is found, the CPEVC files disciplinary charges with P&T, which then holds a hearing. The burden of proof rests with the Administration, and the case has to be proved by clear and convincing evidence. At UC Merced, the disciplinary process is governed by SB 336, Merced Academic Personnel Policies and Procedures (MAPP) 2016, and the Academic Personnel Manual sections APM 015 and 016.

The same set of facts and allegations can lead to both a disciplinary case and a grievance before P&T.

In both grievances and disciplinary actions, P&T presents its findings and recommendations to the Chancellor, who makes the final decision on the matter.

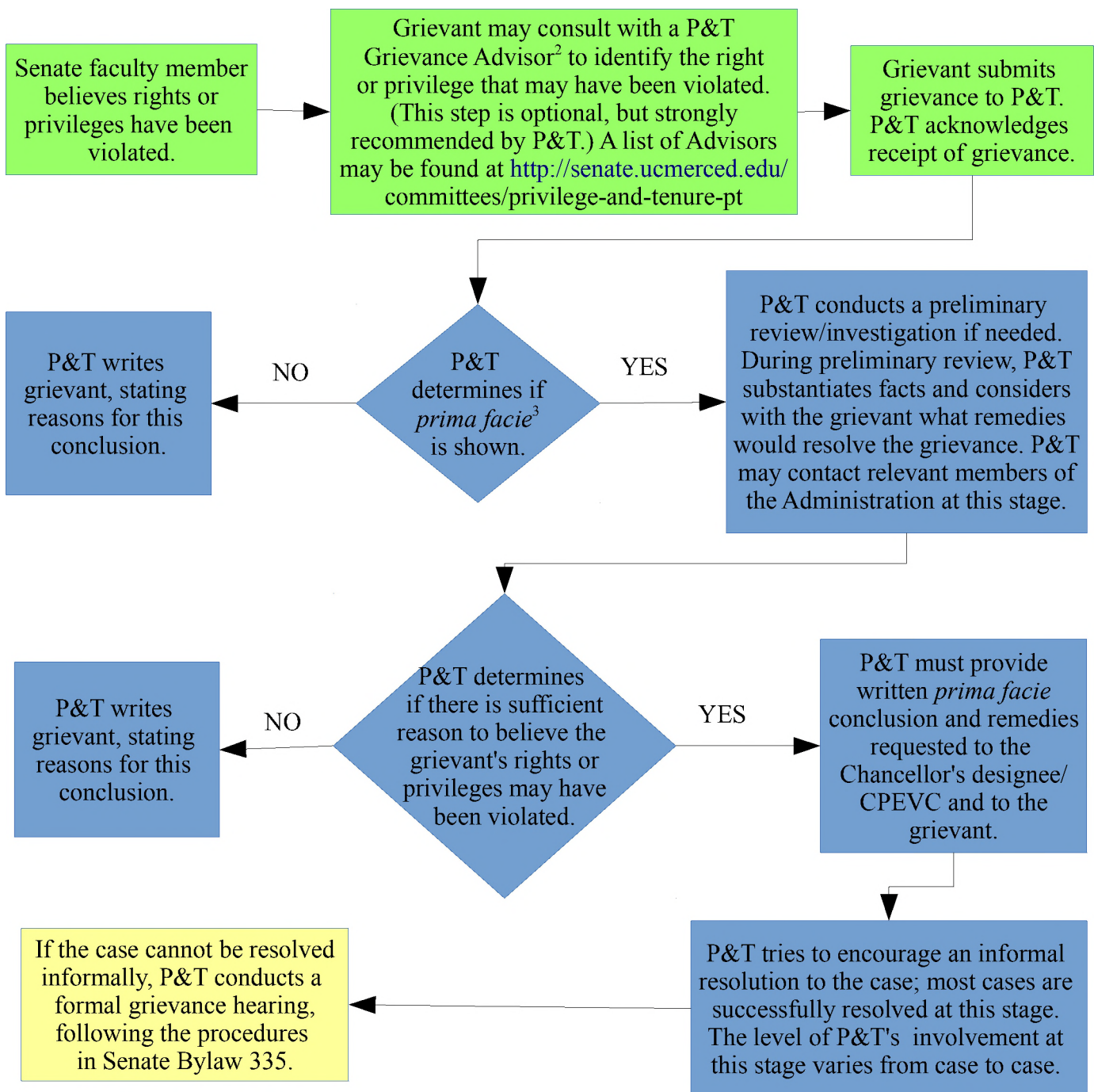
The flowchart below describes the preliminary stage of the grievance process. The full grievance process, including after the preliminary stage, is laid down in SB 335. The disciplinary process is not discussed in the present document.

Grievance format:

When a grievance is filed with P&T, it must provide specific answers to the following questions:

- a) What actions are being grieved?
- b) Who was involved?
- c) What consequences were suffered?
- d) What right or privilege was violated?
- e) What administrative avenues of redress have been explored?
- f) What remedies are being sought? If these remedies are provided, the grievance will be fully resolved.

Flowchart for preliminary stage of grievance process:



¹The description of grievance procedures provided here is intended to help members of the faculty. The grievance process is laid down in Senate Bylaw 335; in case of any inconsistency between this document and SB 335, the Bylaw prevails.

²Advisors do not serve as representatives of the grievant. They maintain confidentiality to the extent permitted by law.

³*Prima facie* is established when P&T determines that if the claims made in a grievance are true, a right or privilege of the grievant will have been violated.