

## **Section 20**

### **GRIEVANCE PROCEDURE**

#### **20.1 Mediation and Procedural Process**

As befitting members of a Christian academic community, grievances against any member of the community shall be initially resolved through sincere dialogue and discussion. It is only when such initial discussion fails that one should resort to formal procedures for settling grievances. In compliance with procedural due process, the following shall be observed:

- 20.1.1** The right to a hearing, which includes the right to present one's case and submit evidence in support thereof;
- 20.1.2** The tribunal or body or any of its judges must act on its own independent consideration of the law and facts of the controversy, and not simply accept the views of a subordinate;
- 20.1.3** The tribunal must consider the evidence presented;
- 20.1.4** The decision must be based on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected;
- 20.1.5** The evidence must be substantial. Substantial evidence means such reasonable evidence as a reasonable mind accepts as adequate to support a conclusion;
- 20.1.6** The decision must have something to support itself;
- 20.1.7** The board or body should, in all controversial questions, render its decision in such manner that the parties to the proceeding can know the various issues involved, and the reason for the decision rendered.

#### **20.2 Definition of grievance**

For purposes of this handbook, grievance is defined as any dispute between a student who stands as the aggrieved party and any member of the academic community who may be the subject of the complaint. A grievance shall be made in writing and duly signed by the complainant. The written complaint shall be forwarded to the concerned person/office for mediation.

- 20.2.1** A certain grievance can either be academic or conduct. A grievance is academic if it roots from any dispute relative to learning or particular performance in academic subjects. On the other hand, grievance is conduct-related if it roots from the way a person behaves.

**20.2.2** The complaint, answer, memorandum, recommendation and eventually the decision must all be in writing. Excerpts of all the proceedings shall be in writing and shall be signed by all parties concerned. All original records of proceedings shall be kept in the possession of the office or body hearing the complaint.

**20.2.3** Grievance maybe against a faculty member, co-student, administrator, trainer, coach, support staff, outsourced personnel, or parent.

### **20.3 Complaint of a student against a faculty member**

**20.3.1** Grievance of a student against a faculty member shall be handled on a level-by-level basis following the order or hierarchy of the administration as follows: class adviser → Department Chair/Associate Dean → College Dean → OSS Dean → VCAR

**20.3.2** The SGB is the body which shall have official jurisdiction on cases filed by a student against any person enumerated in 20.2.3 in the failure of administrative remedies to resolve the complaint.

**20.3.3** The SGB is composed of the following:

Chair: OSS Dean

Members: College Dean of the complainant-student

College Dean of the student-respondent

Representative from the USG

Representative from the Faculty Association

Representative from the POLCA

**20.3.4** The procedural requirements for filing and settling a complaint by level are as follow:

**20.3.4.1** Student files the written complaints as endorsed by the adviser. For academic matters, the student must file within the semester the cause of the complaint, unless it is about the final grade. In this case, a student may file a complaint until the second week after the grades have been released. For non-academic matters, the student may file within the semester the cause of the complaint, without

prejudice to the prescription period given by national laws regarding the cause of the complaint.

**20.3.4.2** The Faculty adviser conducts a one-on-one conference with the student/faculty/staff respondent, the purpose of which is to settle the matter amicably within five (5) school days from filing of written complaint by the students with the Class Adviser. If the faculty adviser fails to resolve the case, s/he refers it to the department chair for formal complaint.

**20.3.4.3** Failure of the department chair to resolve the case within five (5) school days, s/he refers it to the dean of the college, who then creates an ad hoc committee to deliberate on and resolve the conflict within 5 school days.

**20.3.4.4** If the decision on the case by the Department Chair/College Dean is not satisfactory to the student complainants, he may elevate the case to the SGB chaired by the OSS Dean.

**20.3.4.5** The OSS Dean convenes the SGB, which then deliberates and decides on the case within seven (7) school days.

The decision of the SGB as chaired by the OSS Dean is appealable to the VCAR within five (5) school days from receipt of the decision.

**20.3.3** The following are the guidelines during hearings and deliberation of the SGB:

**20.3.3.1** The OSS Dean acts as the chair and presiding officer during the hearing. S/he shall start the proceedings by reading the complaint and reply/ies filed before the SGB.

**20.3.3.2** Once a decision is made by the SGB, all parties are furnished with copies of the decision. In case the complainant is not satisfied with the board's decision, s/he may move for a reconsideration of the case with the board within forty eight (48) hours after receipt of the decision.

**20.3.3.3** If the complainant fails to file an appeal for reconsideration within forty eight (48) hours

after receipt thereof, the decision becomes final and executory.

**20.4 Complaint of a student against another student**

The SWAFO has jurisdiction on the matter provided the student submits a formal complaint before SWAFO. Provisions of section 15 shall govern this matter.

**20.5 Complaint of a student against an administrator**

Letter of complaint must be formally presented before the immediate head of the respondent-administrator (subject to the provisions of the Administrators' Manual).

**20.6 Complaint of a student against a trainor**

Letter of complaint must be formally presented before its immediate head.

**20.7 Complaint of a student against a coach**

Letter of complaint must be formally presented before the SDO Director (subject to the provisions of the contract signed by the trainer).

**20.8 Complaint of a student against a staff**

Letter of complaint must be formally presented before its immediate head/KABALIKAT President (subject to the provisions of the staff manual).

**20.9 Complaint of a student against an outsourced personnel**

Letter of complaint must be formally presented before its immediate head (subject to the provisions of the staff manual and the contract governing his/her conduct).

**20.10 Complaint of a student against a parent**

Letter of complaint must be formally presented before the POLCA President.