

GUIDELINES: THE REDBOOK, 4.4.11 B.2.

Guidelines for summary screening of claims of arbitrary or capricious decision making by the academic units grievance committees.

Invoking Appellate Jurisdiction

- A. The grievant shall file with the Chair of the University Faculty Grievance Committee a written statement setting forth the facts and circumstances upon which the grievant relies to show that the decision of the academic unit grievance committee was arbitrary or capricious.
- B. When an academic unit grievance committee denies a grievant a hearing, the unit committee, at the request of the Chair of the University Faculty Grievance Committee, shall provide such University Committee with a written statement setting forth the facts and circumstances as to why their action or inaction was not arbitrary or capricious. Additionally, said unit grievance committee shall provide the University Faculty Grievance Committee with all documents which it considered in arriving at its decision.
- C. In all other cases wherein a final decision of an academic unit grievance committee is appealed pursuant to Section 4.4.11. B.2. of the The Redbook, the unit committee, at the request of the Chair of the University Faculty Grievance Committee, shall provide such University Committee with all documents and testimonial evidence upon which it based the decision being appealed.
- D. The academic unit grievance committee shall have ten days to respond to the request for information as set forth in Sections B. and C. The unit committee may ask the University Faculty Grievance Committee for an enlargement of time to respond based on good cause.
- E. For the purposes of Section 4.4.11. B.2. of The Redbook
 1. arbitrary is defined as willful or unreasoning action, without consideration and regard for the facts and circumstances presented (6 Corpus Juris Secundum 144); and
 2. capricious is defined as an act done without reason, in a whimsical manner, implying either a lack of understanding or a disregard for the surrounding facts and settled controlling principles (12A Corpus Juris Secundum 917).
- F. Upon receipt of all of the evidence requested, the Chair of the University Faculty Grievance Committee shall appoint three members of the University Grievance Committee to act as a screening subcommittee. It will be the responsibility of this subcommittee to review the evidence to determine if the grievant has a right to appeal. The right to appeal by the grievant shall be established with a finding of such right by two members of the subcommittee.
- G. If the grievant is found to have a right to appeal pursuant to this Section, then the grievant shall proceed with the appeal in the manner provided in The Redbook.