



University of California Student Association
1020 12th St., Suite #232
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UCSA Resolution to Incorporate Restorative Justice

May 5, 2024

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WHEREAS, Historically, The University of California Student Association (UCSA) has used a system of retributive justice (form of justice based on the punishment of offenders) to address both personal and policy grievances of members in the association; and,

WHEREAS, There have been complaints by multiple members of the 2023-2024 board, by both complainants and respondents, about the current system of retributive justice UCSA employs to handle grievances; and,

WHEREAS, Under the current bylaws, the UCSA Executive Committee serves as the full investigative and hearing body of reported grievances, with the current grievance resolution practices being exclusively retributive, forcing the Executive Committee to punish members of the Association if they are found guilty; and,

WHEREAS, Retributive justice creates a culture of shame that discourages conversations of good faith and growth, which is counterintuitive to fostering a community of trust within the Association; and,

WHEREAS, UCSA adopting restorative justice practices would result in empathetic and objective investigations into the extent and intent of grievances, holding offenders accountable, and most importantly, treating members with compassion and empathy, working towards more productive solutions; and,

WHEREAS, As a student-led organization, all members of the Association must consider ways to protect and uplift all members of the community and seek accountability in ways that provide an opportunity for healing, reparation, and reintegration of the people involved in interpersonal conflicts; and,

WHEREAS, To uphold these expectations, UCSA must clarify protocol and definitions surrounding grievance procedures, starting with Subsections 2 & 3 of Section 3 as outlined below; and,



THEREFORE LET IT BE RESOLVED, The University of California Student Association (UCSA) shall seek systemic change to incorporate a restorative justice option for grievance procedures and aim to make it the primary response to reported grievances with the consent of all parties involved.

FURTHER, LET IT BE RESOLVED, That members who seek the help of the UCSA Board in addressing harm will be met with practices of active listening that [center their needs](#). These practices are [survivor-informed](#), not further placing the burden of proof on the accountability process.

FURTHER, LET IT BE RESOLVED, The restorative justice process administered by the third-party organization hired by UCSA should provide the opportunity for all parties to engage in equitable dialogue with one another and take responsibility for the harm they may have caused. Additionally, it should have all necessary parties undergo a process of reintegration after the investigation has been concluded. Finally, the resolution outcomes should seek to address the root cause(s) of alleged conflict and harm instead of focusing on punitive measures.

THEREFORE BE IT LASTLY RESOLVED, That the following amendments shall be made to Subsection 2 & Subsection 3 of Section 3 of the University of California Student Association (UCSA) Bylaws;

Subsection 2. Grievance Procedures

In the event that a Board member or staff member has a grievance regarding a Board member or staff member, the Complainant may file a grievance in writing to the Board Chair (or President in the event the grievance is against the Board Chair). [When this grievance is filed, the person filing may indicate if they wish to use a Restorative Justice process for resolution or not.](#) There are two types of grievances that may be filed:

1. **Personal Grievance:** A personal grievance is a grievance regarding the personal behavior of a Board member or staff member. This includes, but is not limited to, discriminatory treatment and sexual harassment. In the case of a personal grievance, the hearing shall be held in closed session.
2. **Policy Grievance:** A policy grievance is a grievance regarding an association official's failure to carry out decisions taken by the Board, or actions taken by an association official that are in violation of the association's governing documents. In the case of a policy grievance, the hearing shall be held in open session.

In the event the grievance is against a member of the Executive Committee, said member shall recuse themselves from the hearing and shall abstain from any votes taken. [If the person who filed a grievance did not indicate if they wish to use a RJ process, the Executive Committee will reach out within 48 hours and ask them if they would like to use a RJ process or not. In the event they do not](#)



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wish to use an RJ process, Within 48 hours of the submission of grievance, a hearing date shall be selected, and all parties notified shall be sent the date and a copy of the complaint. The hearing shall be held no later than the first Board meeting following at least one week from submission of the grievance.

If the complainant wishes to engage in an RJ process, the Executive Committee shall contact the respondent, make them aware, and ask if they would like to participate in an RJ process or not. The RJ process should only move forward if BOTH parties want to participate.

Goal of Hearing

In both cases, the goal of the hearing shall be to arrive at a resolution that is acceptable to all parties. However, in the event that no such resolution can be found, the hearing body shall have the right to make a decision.

Process of Hearing

Both the complainant and respondent will have 45 minutes to present and may provide written materials or invite witnesses to support their argument. Any party who is subject to a grievance shall recuse themselves except while they are presenting. Then, the deciding body shall make a decision. This decision will be considered immediately effective. A notice of the decision will be sent in writing to the full Board, but in the case of a personal grievance, the details of the complaint will be confidential. If a Board Member is removed from office, they shall be immediately relieved of their duties and removed from all association communications channels. They may be reinstated if an appeal is successful, as described below.

Right to Appeal

Either party may appeal the decision of the hearing body to the full Board. The appeal shall be held within two weeks of the initial hearing. The Board shall be the final appeal body and its decision shall be final. In the event of a personal grievance, the Board shall, at the request of either party, hold its appeal hearing in closed session. In the event of a policy grievance, the Board appeal shall be in open session and minutes shall be taken. Any party who is subject to a grievance shall recuse themselves except while they are presenting. The process and agenda shall mirror that of the original hearing.

Right to Privacy

In the case of a personal grievance, both the complainant and respondent shall be afforded the right to privacy. The detail of the complaint and hearing will be considered confidential with respect to closed session meeting practices. Members of the hearing body may not talk about the complaint or hearing with anyone outside the hearing body, including the complainant and respondent, at any time before, during, or after the hearing. The final result will be notified to the full Board, but not forwarded to any third party, including but not limited to a student's university, except as required by court order or subpoena.



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Restorative Justice Process

In the event that both the complainant and respondent want to utilize an RJ process, the Executive Committee shall:

- 1) Within 5 days reach out to reputable and trusted RJ practitioners and hire their services.
- 2) The Executive Committee shall work with the complainant and respondent to identify impacted and affected individuals as defined below, and the Executive Committee shall also consult both the complainant and respondent to identify supporting individuals that each party would like to invite into the circle.
 - Person(s) who caused harm—the individual(s) whose actions have harmed or affected others
 - Impacted People—those who were directly harmed or affected by what happened
 - Affected People—others who've been affected by what happened
 - Supporting People—people who would like to attend the circle to support one or more participants in the circle
 - Facilitator

Subsection 3. Member Association Grievance Procedure

In the event that any member association has a grievance concerning an action or multiple actions of the association, it shall have the right to file a grievance in writing to the Board Chair. [When this grievance is filed, the person filing may indicate if they wish to use a Restorative Justice process for resolution or not.](#) There are two types of grievances that may be filed:

1. Personal Grievance: A personal grievance is a grievance regarding the personal behavior of a Board member or staff member. This includes, but is not limited to, discriminatory treatment and sexual harassment. In the case of a personal grievance, the hearing shall be held in closed session.
2. Policy Grievance: A policy grievance is a grievance regarding an association official's failure to carry out decisions taken by the Board, or actions taken by an association official that are in violation of the association's governing documents. In the case of a policy grievance, the hearing shall be held in open session.

In the event the grievance is against a member of the Executive Committee, said member shall recuse themselves from the hearing and shall abstain from any votes taken. [If the person who filed a grievance did not indicate if they wish to use a RJ process, the Executive Committee will reach out within 48 hours and ask them if they would like to use a RJ process or not. In the event they do not wish to use an RJ process,](#) within 48 hours of the submission of the grievance, a hearing date shall be selected, and all parties notified shall be sent the date and a copy of the complaint. The hearing shall be held no later than the first Board meeting following at least one week from submission of the grievance. [If the complainant wishes to engage in an RJ process, the Executive Committee shall contact the respondent, make them aware, and ask if they would like to participate in an RJ process or not. The RJ process should only move forward if BOTH parties want to participate.](#)



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In the event that both the complainant and respondent want to utilize an RJ process, the Executive Committee shall:

- 3) Within 5 days reach out to reputable and trusted RJ practitioners and hire their services.
- 4) The Executive Committee shall work with the complainant and respondent to identify impacted and affected individuals as defined below, and the Executive Committee shall also consult both the complainant and respondent to identify supporting individuals that each party would like to invite into the circle.



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