

Attachment D

Faculty Grievance Committee and Hearing Procedures

Grievance Defined

Grievance is defined as the claim of a faculty member that there has been a violation, misinterpretation, or misapplication of rule, policy or procedure in relation to personnel policies. The grievance procedure does not apply to cases involving the termination or dismissal of a faculty member, the non-renewal of a faculty contract, sexual harassment, or denial of tenure and promotion in academic rank.

I. General Policy

The Grievance Procedure is a method established to determine the specific cause of a grievance so that university officials can find an acceptable remedy for it. The procedure is intended for use when dissatisfaction arises in a relationship between employees or between an employee and supervisory personnel. The Grievance Procedure is designed to resolve complaints alleging violations of University rules, procedures, or policies, as well as complaints alleging discrimination on the basis of race, color, religion, national origin, gender, age, marital, handicap, or veterans' status. The Grievance Procedure is not designed for complaints questioning the exercise of legitimate discretionary authority by administrators in areas of salary, unless such complaints are based upon discrimination, or a procedural violation.

When there is dissatisfaction, the employee involved should make the grievance known directly to the employee's department head. If the grievance cannot be resolved informally between the two, the applicable grievance procedure should be followed. The University has adopted a formal grievance procedure for faculty and a separate procedure for non-faculty personnel. Copies of each of the procedures are available in each department and the Office of the Director of Human Resources. Outlines of each procedure are attached.

II. Standing to File a Grievance

All faculty have standing to file a grievance. However, only permanent full-time faculty members have standing to file employment grievances in the categories of promotion, tenure, and termination or suspension. This policy does not provide a right to a grievance where the matter was previously addressed through a University grievance or by a court of law.

(For grievances involving decisions regarding tenure and promotion, see Supplement A. For grievances involving termination or suspension of a permanent employee for cause, see Supplement B.)

III. Composition of the Grievance Committee

- A. The Committee shall be composed of one (1) faculty member from each college with 24 or less tenure-track teaching faculty members and two (2) faculty members from each college with 25 or more tenure-track teaching faculty members.
- B. The Committee members shall be selected for a one-year term by a vote of faculty of the college or unit at the beginning of the school year. The Faculty Senate shall establish the criteria and procedures for the election of the committee members.
- C. The chair of the Committee shall be selected at the first committee meeting.
- D. The presence of 50 percent plus one committee members at any meeting will constitute a quorum.

IV. The Hearing Procedure

- A. The hearing of the Faculty Grievance Committee shall be conducted informally and in private.
- B. The Committee members, the aggrieved faculty member, his or her advisor, the respondent, his or her advisor, the CAO or designee, the counselor for the University and such witnesses as may be called are the only people that may attend the hearing.
- C. The Committee may consider only such evidence as is presented at the hearing and contained in the grievant's file. The parties may be required to submit their documents and intended witness lists to the Office of Academic Affairs by a specified day prior to the hearing. These documents may be viewed prior to the hearing by the parties and the Committee.
- D. Witnesses that come before the Committee may be questioned by Committee members, the aggrieved faculty member and the respondent.
- E. All documentary evidence submitted by the University, the aggrieved faculty member, or the Faculty Grievance Committee may be examined by the respondent, University representative, and the aggrieved faculty member.
- F. All testimony of the witness shall be recorded and all recordings shall be preserved in the Office of Human Resources for no less than three (3) years.

V. The Hearing

- A. The hearing shall begin with the faculty member's presentation of his/her contentions, which shall be limited to those grounds specified in the faculty member's request for a hearing and supported by such proof as he or she desires to offer. When the faculty member has concluded this presentation, the Grievance Committee shall recess to consider whether the presentation made by the faculty member is sufficient to warrant the continuance of the proceedings. If it determines that the contention has not been established, it shall notify the parties to the hearing and terminate the proceedings. If the committee determines that the faculty member's contention has been substantiated, it shall reconvene the hearing. The respondent may then present rebuttal to the faculty member's contentions with such proof as she/he desires to offer, including his or her own testimony.
- B. At the end of the hearing, the Faculty Grievance Committee shall consider the matter in executive session.
- C. If the Faculty Grievance Committee determines that the contention of the faculty member has not been established, it shall, by simple unelaborated statement, so notify him or her, the IEO, and the CAO within ten (10) working days of the hearing.
- D. If the Faculty Grievance Committee determines that the contention of the faculty member has been satisfactorily substantiated, it shall notify him or her, and the IEO by a written report containing the Committee's findings and recommendation within ten (10) working days of the hearing.
- E. The IEO's decision shall normally be made within fourteen (14) working days.