

ARTICLE 14

14.1 Introduction and Definitions

- a. A grievance is a formal allegation that a violation of the Faculty Guide or other applicable University policy has taken place. If based upon a violation of a University policy other than the Faculty Guide, such policy must have been adopted in written form through faculty governance procedures and made available to all to whom it applies.
- b. Allegations of discrimination, harassment, retaliation, and violation of federal and state laws are handled through the Office of Compliance and Risk Management, and are not the subject of the grievance process under this Article
- c. Grievances may be filed by faculty members in academic units governed by the Faculty Guide as specified in the preamble to Article 1. A person filing a grievance shall be referred to herein as the “grievant.” Grievances may be filed only against other faculty members, department chairs, committee chairs, deans, the provost and the university president. Such a person when the subject of a grievance shall be referred to herein as the “respondent.” Grievances against subordinate administrators shall be filed against the chief administrator of the immediate unit in which they serve. For purposes of this Grievance Process, the supervisor of a committee or committee chair shall be the person who convened the applicable committee.
- d. The authority of this Grievance Process and the Faculty Grievance Committee is limited to whether a violation of the Faculty Guide or applicable University policy has occurred. This includes grievances concerning the process for appointments, reappointments, tenure, contract renewal, promotion, dismissal, sabbaticals, leaves, reductions in rank or force, job evaluations, assignments and reassignments. Nothing in this provision precludes other means of appeal listed in the Faculty Guide (e.g., Articles 6.1.b.6 and 5.1.n).
- e. All time intervals listed below for the fulfillment of specific steps in the grievance process refer to calendar days excluding official University holidays.
- f. The procedures set forth in this article 14.1 and Articles 14.2 through 14.7 shall be known collectively as the “Grievance Process”. The term “Informal Conciliation Process” refers to the procedures set forth in Article 14.2 and 14.3. The term “Grievance Procedure” refers to the procedures set forth in Article 14.4 through 14.7.
- g. The Grievance Process is intended to facilitate the resolution of disputes at the lowest possible level, with the parties acting in good faith.

14.2 Informal Conciliation Process – The Panel of Conciliators

- a. Before a formal grievance may be filed, an informal process must be undertaken aimed at reconciling the opposing sides.
- b. For the purpose of conducting the Informal Conciliation Process a panel of conciliators shall be convened. The panel shall consist of five tenured full-time faculty members serving in academic units covered by this Article. None of the conciliators should be from the same academic unit. Conciliators shall serve on a volunteer basis without compensation.
- c. No later than June 1st, the chair of the Faculty Senate shall submit to the Provost for confirmation a roster of proposed conciliators, which the Provost shall review and return within one month after receipt. If the Provost deems a proposed conciliator unacceptable, the Senate chair shall nominate a replacement and resubmit the revised roster to the Provost for approval. Conciliators may be reappointed in subsequent years.
- d. Before engaging in the Informal Conciliation Process, conciliators shall receive no less than two hours of training in mediation practices to be arranged and funded through the Provost's office.
- e. Once the panel of conciliators is confirmed, the group will convene to review procedures and to elect a lead conciliator who will coordinate the work of the panel. The name of the lead conciliator will be made public by the Faculty Senate along with instructions for initiating the informal process.

14.3 Informal Conciliation Process -- Procedures

- a. The Informal Conciliation Process must be invoked within forty-five calendar days of the occurrence or discovery (whichever is later) of the events giving rise to the grievance.
- b. A faculty member wishing to initiate the Informal Conciliation Process must submit to the lead conciliator a "Request for Informal Conciliation" on a form provided for this purpose by the Faculty Senate. If a group of faculty members has been adversely impacted in an identical manner by an alleged violation of the Faculty Guide or university policy, they may constitute themselves as a group and submit a single request.
- c. Upon receipt of a Request for Informal Conciliation the lead conciliator will assign the request to a member of the panel of conciliators. Whenever possible conciliators are to be assigned from outside the academic unit in which the dispute has arisen.
- d. Within a week of receiving the request, the conciliator shall inform the Respondent of the Request for Informal Conciliation and will meet with the parties directly involved in the dispute, specifically the individual or group initiating the process and the person against whom the process is directed. The conciliator shall arrange a meeting of the two sides in which both shall have the opportunity to express their positions and seek a resolution. In the event that either party prefers not to participate in a face-to-face meeting, the

conciliator shall fully communicate each party's position to the opposing side and seek a resolution of the dispute.

- e. The conciliator shall listen to the viewpoints expressed by the parties to the dispute, but will make no attempt to engage in an independent investigation or render a judgment in favor of one side or the other. The conciliator will keep no permanent records of the dispute nor divulge information about its content to anyone beyond the parties directly involved.
- f. Within two weeks of receiving the request, the conciliator shall inform the lead conciliator whether a resolution has been attained. No further information regarding the substance of the dispute shall be reported. If necessary an additional week may be granted by the lead conciliator to complete the process. If a resolution has not been reached at the end of this period, the informal process shall be considered completed. If the faculty member who initiated the informal process wishes to file a formal grievance, the lead conciliator will certify on the grievance form that the informal process has been completed.

14.4 Grievance Procedure: Initiating a Grievance

- a. A grievance is filed using a form developed jointly by the Provost and Chair of the Faculty Senate. Any changes to the form must be agreed upon by both the Provost and the Chair. The form is obtained from the Provost's Office and is simultaneously (a) filed with the Chair of the Faculty Grievance Committee and (b) provided to the Respondent and to the Respondent's immediate administrative supervisor. In the case of a grievance against the President, the grievance shall be filed with the Chair of the Faculty Grievance Committee and provided to the President. On the form, the Grievant must indicate the specific article of the Faculty Guide and/or applicable University policy that the respondent is alleged to have violated.
- b. A grievance must be filed within 14 calendar days of the completion of the Informal Conciliation Process outlined in Article 14.3. After filing, the Grievant may withdraw a grievance at any time by so informing the chair of the Faculty Grievance Committee in writing.
- c. Upon receiving a grievance, the Faculty Grievance Committee must, within a period of 14 calendar days, determine whether the actions alleged in the grievance fall within the authority of the Faculty Guide or applicable University Policy and therefore constitute legitimate grounds for a grievance. The Committee shall communicate in writing to the Grievant, the Respondent, the Respondent's immediate supervisor and the Provost whether or not it intends to consider the grievance. During this initial 14 day period, the Faculty Grievance Committee may only investigate its authority to determine the alleged violation.
- d. During this same 14 day period, the immediate supervisor may take any actions he or she deems appropriate in order to resolve the grievance. The grievance is considered resolved when the Grievant submits to the chair of the Committee a written request to withdraw the grievance and end the investigation.

- e. If by the end of the 14 day period a resolution has not been reached and the Faculty Grievance Committee has determined that it has authority to consider the grievance, the Grievance Investigation shall begin.

14.5 Grievance Procedure: The Grievance Investigation.

- a. Within a period of one month following the determination set forth in article 14.3.e, the Faculty Grievance Committee will conduct an investigation (the Grievance Investigation) to determine whether the allegations in the grievance are factually correct and constitute a violation of the Faculty Guide or other applicable university policy.
- b. The Grievance Investigation shall be conducted as specified in the bylaws of the Faculty Grievance Committee. All parties to the grievance shall be provided with the bylaws at the start of the investigation. All materials associated with the Grievance Investigation, including testimony, written information presented to the committee, and committee deliberations are considered confidential; however violation of confidentiality in and of itself shall not serve as grounds to invalidate a grievance.
- c. The investigation shall consist primarily of hearings conducted by the Grievance Committee. At a minimum, the Committee will hear testimony from both the Grievant and Respondent such that both have equal opportunity to present their positions and respond to questions. The Committee may also invite individuals thought to have information of direct relevance to the alleged violations, or whose testimony may assist committee members in understanding the issues at stake.
- d. No one will be permitted to bring legal counsel to a grievance hearing. However, parties invited to give testimony will be allowed to invite a companion to observe the proceedings and provide assistance as necessary. The Committee will only recognize the individual invited to testify.
- e. The Grievant and the Respondent may provide the Committee with whatever documentation they feel is necessary to explicate and substantiate their claims. In addition, the Committee may request specific written materials thought to have direct bearing on the facts of the investigation from the Grievant, the Respondent or from outside parties. Such parties are not obliged to supply the requested documents, but they should explain in writing the reasons why the documents could not be provided.
- f. It is expected that the Grievance Committee will conclude its investigation and present a written report summarizing its findings within a month after accepting the grievance. If more time is needed, the Committee Chair may attain an extension of one week by informing the Provost and the Faculty Senate Executive Committee. If more time is needed the Committee Chair may request an additional extension but must provide an explanation of the extenuating circumstances that necessitate the extension as well as an anticipated completion date. If both the Provost and the Executive Committee agree, the extension will be allowed.

14.6 The Grievance Report

- a. Upon conclusion of the Grievance Investigation, the Grievance Committee shall produce a written report stating its findings. The report should include a summary of the grievance, which shall include an explanation of the Committee's jurisdiction over the grievance, a reference to the specific violation of the Faculty Guide or other University policy, an indication that the Informal Grievance Process was completed, an account of the grievance investigation, a clear statement as to whether a violation was identified, and, if so, recommended measures of redress.
- b. The Grievance Report must be approved by a majority of the members of the Grievance Committee in accordance with the procedures stipulated in the Committee's bylaws.
- c. Upon approval, the Grievance Report shall immediately be sent to the Grievant, the Respondent, the Respondent's immediate supervisor and the Chair of the Faculty Senate. A copy of the report shall be preserved in the Faculty Senate's electronic repository where it may be accessed by the Senate Executive Committee and the Chair of the Grievance Committee.
- d. Within 14 days of receiving the Grievance Report, the Respondent's supervisor must present a response indicating acceptance or rejection of the findings of the Report and specifying the actions to be taken (if any) in response to the grievance. The response must be provided to the Grievant, the Respondent and the Chair of the Grievance Committee. The administrator is not obliged to follow the Grievance Committee's recommendations, but if a different course is taken an explanation should be provided in writing to the Grievant and to the chair of the Grievance Committee.

14.7 The Appeal Process

- a. A Grievant who is dissatisfied by the response of an administrator to a Grievance Report may appeal the decision up the administrative hierarchy: from Department Chair to the Dean, to the Provost, and then to the President. The appeal must be filed at each level within 15 calendar days of the receipt of the decision at the previous level. At each stage the Grievant shall submit a short statement explaining the essence of the appeal along with the decision being appealed, the Grievance Report and the initial Grievance form. The administrator receiving the appeal shall provide a written response stating clearly whether the decision is upheld or struck down within 21 days after receiving the appeal. A decision issued by the President shall be considered final and may not be appealed.