
FACULTY GRIEVANCE PROCEDURE

PURPOSE: To achieve the resolution of faculty grievances quickly, economically, and as informally as possible consistent with due process of law.

I. POLICY

Any alleged violation, misapplication, or misinterpretation of existing law, policies, procedures, or practices shall be a grievable matter. Any official faculty member as defined in Article II of the Faculty Constitution shall have recourse to the Faculty Grievance Committee (hereinafter "Committee") in order to resolve grievances after exhausting the normal channels of administration within the University.

II. RESPONSIBILITY

The members of the Committee are jointly responsible for implementing, monitoring, and enforcing these grievance policies and procedures.

III. PROCEDURES EXCEPT FOR NONRENEWAL OF NONTENURED FACULTY

- A. Before a grievance may be filed, the faculty member is responsible for directing his or her case through the appropriate administrative channels (i.e., the Department Chairperson, Dean, or the Provost and Vice President for Academic Affairs), and to consider "appropriate mediation" at an early level.
- B. If no satisfaction is received in this manner, the grievance process may be commenced when a faculty member (hereinafter "grievant") presents a written statement requesting a hearing to the Committee Chairperson or, in the event of the Chairperson's unavailability, to a committee member. This statement will include (a) the issue to be resolved, (b) a description of all efforts undertaken to resolve the problem, including mediation and exhausting of normal University channels, and (c) the grievant's proposal for an acceptable resolution. At this time the grievant shall also submit two (2) copies of each document which he or she believes is relevant, as well as a list of witnesses whose testimony the grievant wishes to have heard by the Committee.
- C. The Chairperson, upon receipt of the materials described above, shall call together the membership of the Committee for an initial hearing on the grievance and without unreasonable delay. If the grievant's submitted materials are received before 1 December then the initial hearing will be held before 22 December, and if the materials are received before 15 April then the initial hearing will be held before 6 May. Note that this implies that a grievance filed after 14 April may not be heard until the following Fall. Prior to the hearing, the Chairperson may at his or her discretion, call a pre-hearing meeting which will determine jurisdiction and procedural guidelines for the grievant. If the committee determines it has no

- jurisdiction, the grievant will be notified immediately and an appeal may then be filed with the President who shall decide the appeal within fourteen (14) working days of its receipt.
- D. The respondent(s) shall be able to present documentation or request witnesses up until the first hearing at which that respondent appears. The Committee may request or accept additional documentation or interview additional witnesses at its discretion.
 - E. All hearings shall be confidential, and closed until the Committee may determine that the presence of specific individuals will be helpful. In no event will anyone who is not a member of the Committee be present during testimony if the witness objects. Members of the Committee may ask questions and may ask for additional documentation if material to the Committee's decision. It is the intent of the Committee to allow a meaningful opportunity to be heard but the Committee wishes its proceedings to be as informal as possible. Accordingly, legal counsel will not be permitted to attend the hearing. After evidence has been submitted, the Committee will render its decision reasonably promptly, but not more than fourteen (14) working days from the last day of the hearing.
 - F. The Committee will render its decision in writing and make a recommendation to the President, a copy of which shall be simultaneously given to the grievant. The President shall submit to the Committee a written description of whatever actions he/she intends to take based on the recommendations of the Committee within fourteen (14) working days of the President's receipt of the recommendations. In the event that these actions include recommendations to the State Board of Education, the written description shall be given to the Committee at least seven (7) calendar days in advance of the State Board meeting at which these recommendations are to be presented.

IV. PROCEDURE FOR NONRENEWAL OF NONTENURED FACULTY

- A. Nonrenewal of an employment contract or a recommendation of nonrenewal of nontenured faculty contracts are not grievable, unless a grievant alleges in writing to the President that the recommendation of nonrenewal of the contract of employment has been made because of the grievant's exercise of academic freedom or because of harassment, in which case the grievant is entitled to file a grievance within fifteen (15) working days of the receipt by the grievant of the Provost and Vice President for Academic Affairs's notice of the intent to recommend nonrenewal.
- B. After the grievance is filed, the procedures described in Section IV, above, shall govern the submission of the request and the events that follow.