

## Section 4 - Faculty Personnel Policies and Procedures

### ***XXIII. Grievance Procedure***

#### **A. General Considerations**

1. A faculty member may bring a grievance under this policy alleging mistreatment or violation of his or her rights by another college employee related to his or her work as a faculty member. Matters grievable under this policy shall not include decisions regarding reappointment, tenure, promotion, or renewal (matters governed by the procedure in Section 4.VIII and XI), dismissal or termination (matters governed by the procedures in Sections 4.XIX and 4.XXI, respectively); complaints of unlawful discrimination or harassment (matters referred exclusively to the Human Resources Office), or scientific misconduct (governed by the procedure in the *Faculty Handbook*).
2. The Faculty Review Committee is charged with reviewing the merits of the grievance and reporting its findings of fact and recommendations, normally within ninety (90) calendar days of receipt of the grievance petition.
3. Time frames and the procedures set forth in this policy are intended by the college to be followed in all instances. Nevertheless, extraordinary circumstances may occur in which variation from what is set out here is necessary. The Dean of the College and the President may grant requests for such variances from the Chair of the Faculty Review Committee or any party to the grievance.

#### **B. Initiating a Grievance**

1. A faculty member may initiate a grievance by notifying the Chair of the Faculty Review Committee within one (1) year of the circumstances or events giving rise to the grievance. The faculty member shall submit to the Chair of the Faculty Review Committee, the Dean of the College, and the President a written petition setting forth in detail the nature of the grievance and against whom the grievance is directed. The petition shall contain all factual information the faculty member deems relevant to the grievance, including, but not limited to, the identity of the party or parties against whom the grievance is directed, the identity of all witnesses to the events giving rise to the grievance, dates and descriptions of those events, and any documents relevant to the grievance.
2. Within fourteen (14) calendar days of receipt of the grievance petition, the Faculty Review Committee shall notify the grieving party, the Dean of the College, and the President whether the matter is an appropriate grievance under this policy, and whether it was initiated within the deadline established for grievances under this policy.
3. If the Faculty Review Committee determines that the grievance is untimely or outside the scope of the grievance process, the grieving party will be informed in writing as the reasons for this decision, and no further action by the Faculty Review Committee shall be taken in the matter. If the issues raised in a grievance petition are determined to relate to matters outside the intended scope of this procedure, the Chair shall notify the Dean of the College who will refer the matter to the appropriate college official or entity.
4. If the grieving party believes the Faculty Review Committee has improperly dismissed the grievance for being untimely or outside of the scope of the grievance process, the grieving party may appeal the Committee's decision to the President, who shall make the final determination as to whether a permissible grievance was timely commenced. Such an appeal

must be submitted within fourteen (14) calendar days of receipt of notice of the committee's decision to dismiss.

### **C. Informal Mediation**

1. If a timely and appropriate grievance has been initiated under this process, the Faculty Review Committee shall determine whether to recommend an attempt to mediate a resolution between the parties. If the committee recommends that mediation be attempted, the Chair of the Faculty Review Committee shall communicate this to the grieving party, those against whom the grievance is directed, the Dean of the College, and the President within fourteen (14) calendar days of receipt of the grievance petition or, if there has been an appeal of the committee's decision to dismiss the grievance, within fourteen (14) calendar days of receipt of the President's decision that a permissible grievance was timely commenced. At the same time, if the committee recommends that mediation be attempted, the Chair of the Faculty Review Committee shall send a copy of the grievance petition to those against whom the grievance is directed.
2. If the Faculty Review Committee recommends that mediation efforts be initiated, the Chair of the Faculty Review Committee shall request that the Human Resources Office appoint a mediator. The Chair of the Faculty Review Committee shall provide the mediator with a copy of the grievance petition and shall inform the grieving party and those against whom the grievance is directed of the identity of the mediator. Unless a party has objected, mediation efforts shall commence within seven (7) calendar days of the committee's notification to the parties of its recommendation that mediation be attempted.
3. Mediation is a voluntary and confidential process, and any party may at any time request that mediation efforts stop.
4. The mediator shall have discretion to determine the process for mediating a resolution. Unless the mediator, the grieving party, and those against whom the grievance is directed agree that the period for mediation should be extended, mediation efforts may not continue beyond fourteen (14) calendar days after commencement of the mediation.
5. If the parties are successful in mediating a resolution to the grievance, the mediator shall prepare for the parties' signature a written summary of the concerns raised in the grievance, and the parties' agreed response. Once the parties have signed this document, the mediator shall notify the Faculty Review Committee that the grievance has been resolved and the committee shall take no further action in the matter. The mediator shall forward copies of the signed document to the parties, the Dean of the College, and the President.
6. If the mediator determines after reviewing the petition and speaking with the parties that mediation would not be fruitful, if attempts to mediate have proven unsuccessful, or if any of the parties requests to stop the mediation process at any time, the grievance petition shall be referred for investigation by the Faculty Review Committee.

### **D. Investigation by the Faculty Review Committee**

1. If mediation attempts are unsuccessful, or if mediation was not recommended, the Faculty Review Committee shall decide whether the allegations merit an investigation. Notification of this decision will be made within seven (7) calendar days after the conclusion of mediation efforts or, if mediation was not recommended, within seven (7) calendar days of the decision not to recommend mediation. This notification will be given to the grieving party, the Dean of the College, the President, and, if mediation was involved, those against whom the grievance is directed.

2. If the grieving party believes the Faculty Review Committee has improperly decided that the allegations do not merit an investigation, the grieving party may appeal the committee's decision to the President, who shall make the final determination as to whether the Faculty Review Committee shall conduct an investigation. Such an appeal must be submitted within fourteen (14) calendar days of receipt of notice of the committee's decision not to investigate.
3. Once the committee, or the President, has determined that the allegations merit investigation, the committee shall send a copy of the grievance petition to those against whom the grievance is directed, notify them that an investigation is being undertaken, and request that these parties submit written responses to the grievance petition within fourteen (14) calendar days. These responses may contain the names of additional witnesses to the events giving rise to the grievance and documents relevant to the grievance.
4. Depending upon the facts and circumstances of each particular case, the committee may make a determination based upon the parties' statements or it may choose to seek additional evidence and information. Unless specifically granted as per Section 4.XXIII.A.3, a maximum of sixty (60) calendar days will be allowed for this process.
5. The committee may deliberate on its own or meet with whomever it chooses. The committee may seek to obtain evidence and information from whatever sources and in whatever forms it deems appropriate, including hearings to obtain information from witnesses to the events giving rise to the grievance.
6. Whenever a party to the grievance is present at a meeting or a hearing held by the committee, he or she shall have the right to have present an advisor of his or her choice from the faculty or the staff of the college.
7. Committee hearings are open only to the committee, the parties to the grievance, their advisors, and specific persons invited by the committee. The committee may question all persons involved in hearings of the committee. Neither the parties, nor their advisors, if any, may question witnesses or other hearing attendees.
8. After the committee's work is complete, all records of its activities as well as all written materials submitted to it shall be placed in the custody of the President. The President shall determine the extent, if any, to which the materials from each case may be accessible to the public.

#### **E. Faculty Review Committee Report**

1. The Faculty Review Committee shall submit a written report of its findings of fact to the Dean of the College, the President, the grieving party, and the person or persons against whom the grievance was made. The committee's report shall include a list of the documents the committee reviewed as evidence, the dates of all meetings and hearings, and the names of any individuals interviewed. The committee shall include in its report its recommendations for future action, if any, and its reasons for such recommendations.
2. If agreement between the parties to the dispute has been reached, the committee shall include in their report a summary of the agreement reached.

#### **F. Further Action**

1. The Dean of the College shall then decide what, if any, further action shall be taken. The Dean shall provide written notice of his or her decision regarding further action to the Faculty Review Committee, the President, and the parties to the grievance within thirty (30) calendar days of receipt of the committee's report.

2. Parties to the grievance may appeal the Dean's decision to the President within fourteen (14) calendar days of receipt of notice of that decision. The President shall make the final decision about further action to be taken after engaging in whatever process he or she determines appropriate.

**G. Special Circumstances**

1. If the Dean of the College is a party to the grievance, the President shall make those decisions and undertake those actions that would otherwise have been the responsibility of the Dean of the College under this procedure. In this case, parties to the grievance may appeal the President's decision (Section 4.XXIII.F.2) to the Chair of the Board of Regents within fourteen (14) calendar days of receipt of notice of the President's decision. The Chair of the Board of Regents shall make the final decision after engaging in whatever process he or she determines appropriate.
2. If the President is a party to the grievance, the Chair of the Board of Regents shall make those decisions and undertake those actions that would otherwise have been the responsibility of either the Dean of the College or the President under this procedure. In this case, the Faculty Review Committee shall submit its report only to the grieving party, those against whom the grievance is directed, and the Chair of the Board of Regents.