



Part 12 – Faculty Grievance

2-3-1201 Faculty Grievance.

This policy sets forth definitions and procedures concerning faculty grievances. All discussions, deliberations, and documents under this policy shall be held in confidence unless they are required to be disclosed by application of law, or that either the Grievant or Respondent makes a claim that requires the university to defend the claim. Disputes that involve allegations of discrimination, harassment, or retaliation as defined in the Discrimination Complaint Procedures 3-6-125 (DCP) must first follow the DCP; tenure appeal cases must first follow the procedures for Comprehensive Review 2-3-801(3). See also the Tenure Appeals Committee 2-3-902(7).

2-3-1201(1) Definitions.

2-3-1201(1)(a) Eligibility.

All faculty members shall have the right to seek redress of grievances within the University community. Any grievant has the right to withdraw their formal grievance at any time.

2-3-1201(1)(b) Grievable Matters.

Grievable matters are those in which one or more faculty members in a specific instance allege(s) that a misapplication, misinterpretation, or other violation of a university policy or procedure adversely affected their academic freedom, professional reputation, compensation, and/or the advancement in the profession they represent or in other ways. In cases of dismissal of tenured faculty, see 1-1-310 and 2-3-1101 for the applicable procedures. In cases of non-renewal of tenure-track faculty, see 1-1-301(3) and 2-3-202(3).

2-3-1201(1)(c) Faculty Grievance Committee.

The Faculty Grievance Committee (Committee) is designated as the

hearing authority for all grievances stated in this policy. A Committee of twelve (12) full-time faculty members shall be appointed by the Chair of the Faculty Senate and confirmed by the Senate to three-year, staggered terms. The Committee shall select its own chair and two (2) other committee members who, in addition to the chair, may be asked to chair hearing panels. In the instance of especially heavy caseloads, the Chair of the Faculty Senate may appoint with Senate confirmation additional members to the Committee.

2-3-1201(1)(d) Working Days. [See 1-2-101 General Provisions]

2-3-1201(2) Preliminary Procedures.

2-3-1201(2)(a) The aggrieved person(s) (Grievant(s)) shall discuss the alleged violation with the appropriate department chair/school director/program area coordinator, academic dean, and the Chief Academic Officer (CAO) in that order if necessary to resolve the issue. Each of these individuals, when meeting with the Grievant(s), should make the Grievant(s) aware of the grievance policy. These discussions must take place within thirty (30) working days of the date that the Grievant(s) knew or should have known of the alleged violation, or of the harm that results, whichever is later. If these discussions fail to resolve the issue within such thirty (30) day period, the Grievant has twenty (20) working days thereafter to file a formal written grievance as described in 2-3-1201(2)(b).

2-3-1201(2)(b)

The formal grievance shall be in writing to the chair of the Committee and shall contain the following:

- (I) a concise description of the grievance; a list of witnesses; exhibits; and other evidence to be presented at the hearing; and the name of their counsel, if any.
- (II) name(s) of the person(s) (Respondent(s)) alleged to have committed the grievable action, and
- (III) the resolution sought by the Grievant(s).

2-3-1201(2)(c) Within five (5) working days of receipt of the written formal grievance, the chair of the Committee shall do the following:

- (I) select five (5) members of the Committee, including a chair, to form the Hearing Panel (Panel) to hear the grievance.
- (II) provide the formal written grievance to the Panel members and the Respondent(s).
- (III) provide written notification to the President and the chair of the Faculty Senate that a written formal grievance has been filed, including the names of the Grievant(s) and Respondent(s).

2-3-1201(2)(d) Upon receipt of the written notification from the chair of the Committee, the Respondent(s) shall have fifteen (15) working days to submit a response to the grievance, together with all exhibits, evidence, and list of witnesses to the chair of the Panel, who shall promptly provide it to Grievant(s) and the Panel.

2-3-1201(2)(e) Once the grievance and the response described above have been exchanged, the Panel shall hold a formal hearing within twenty (20) working days. A full audio recording of the hearing shall be made.

2-3-1201(2)(f) After consultation with each party, the Chair of the Panel shall provide the Grievant(s) and Respondent(s) with the proposed timetable and procedure for the hearing.

2-3-1201(2)(g) If the Grievant(s) miss(es) any of these deadlines due to reasonable circumstances, the Grievant(s) may request in writing an extension to the chair of the Committee, who shall initiate a vote of the entire Committee whether to grant the extension. An extension shall be granted if at least half the Committee members vote to approve the request.

2-3-1201(3) The Hearing - General.

The participants in the hearing shall be the Panel, the Grievant(s) and their counsel and witnesses, and the Respondent(s) and their counsel and witnesses. Both the Grievant(s) and the Respondent(s) can bring legal or other counsel to the hearing, but these counsels may not act or speak on behalf of either party. The hearing shall be closed to all other parties. Witnesses will be present only during their own testimony unless all parties agree otherwise. The Panel shall give due consideration to all relevant positions and all materials submitted

during the hearing.

2-3-1201(4) Hearing Procedures.

The chair of the Panel shall introduce the case by reviewing the steps below for the hearing, clarifying any procedural points regarding evidence to be introduced, stating that the burden of proof lies with the Grievant(s), and any matter which should appropriately be resolved before hearing the case. Matters of concern should be raised at this point if any party to the case has a question or complaint. Questions regarding procedure shall be decided by the Panel prior to the beginning of the hearing.

- (a) The Grievant(s) shall be given the opportunity to make an opening statement outlining their case.
- (b) The Respondent(s) shall then be given the opportunity to make an opening statement outlining their case.
- (c) The Grievant(s) shall present their case.
- (d) The Respondent(s) shall present their case.
- (e) Members of the Panel and all parties in the case may ask questions of either party in the case or any witness called.
- (f) The Grievant(s) shall be given the opportunity to make closing arguments.
- (g) The Respondent(s) shall be given the opportunity to make closing arguments.

2-3-1201(5) Hearing Panel Report.

Within ten (10) working days of completion of the hearing, the chair of the Panel shall file a copy of the Panel's report with the President, Grievant(s), and Respondent(s).

The Panel's report shall consist of the following parts: findings of fact, recommended course of action, rationale, and all materials submitted by Grievant(s) and Respondent(s).

The chair of the Panel shall file a copy of the report and the audio recording of the hearing with the Faculty Senate Office, which shall be retained for seven (7) years. Upon request, all parties to a grievance, including the President of the

University, as well their counsel, can listen to the audio recording of the hearing.

Within ten (10) working days after receiving the Panel's report, the Grievant(s) and/or Respondent(s) may submit an appeal in writing to the President.

The President shall consider any such appeal(s) before taking final action on the grievance and may, in their discretion, make a recommendation for action to the Board of Trustees. The President shall render a written decision within forty-five (45) calendar days after receiving the Hearing Panel's report. The President's written decision is final.

The President shall report the final action in the case to the Faculty Senate in executive session. The President shall provide a copy of the written decision to the Grievant(s) and Respondent(s) prior to reporting to the Faculty Senate. A copy of the President's final report shall be filed with the Faculty Senate Office.

Policy History

2-3-1201 FACULTY GRIEVANCE.

Section 2-3-1201 Faculty Grievance amended (June 2021)

Subsection 2-3-1201 Faculty Grievance amended (Jan 2018)

Subsection 2-3-1201(1)(a)(b)(c) Eligibility amended (Jan 2018)

Subsection 2-3-1201(2)(a)(b)(c)(d)(e)(f)(g) Preliminary Procedures amended (Jan 2018)

Subsection 2-3-1201(3) The Hearing General amended (Jan 2018)

Subsection 2-3-1201(4) Hearing Procedures amended (Jan 2018)

Subsection 2-3-1201(5) Hearing Panel Report amended (Jan 2018)

Subsection 2-3-1201(2) Preliminary Procedures amended (Mar 2012)

Subsection 2-3-1201(1)(d) Working Days amended (Jan 2012)