

APPENDIX V

**PROCEDURE TO BE USED WHEN A FACULTY MEMBER HAS AN UNRESOLVED
GRIEVANCE**

Procedure to be used when a Faculty Member has an Unresolved Grievance

Introduction

The bylaws describe the initial process to be used when a faculty member has an unresolved grievance which cannot be settled at the level of the department chairperson. In order to begin the process that eventually leads to a formal grievance hearing before a group of faculty peers, the faculty member must first file a letter of intent, with a copy to the dean, informing the chair of his or her intention to initiate the grievance process. The letter of intent must state the problem at issue, the error believed to have occurred and efforts made to resolve the conflict. To be timely, the letter of intent must be filed no later than thirty (30) calendar days from the date the action alleged to be an institutional error was communicated to the grievant. The faculty member is first to present the issue in writing to the chairperson and to have a personal discussion with him/her. If the issue remains unresolved after this stage, the faculty member may take the issue to the dean. If the grievance involves a serious personal difference with the chairperson, the faculty member may take the matter directly to the dean. A Chairperson shall initiate the process by discussing it with the dean. A chairperson who has a grievance which involves a personal difference with the dean shall take the matter to the executive vice president. In that case, the procedure to be followed is that which results from the substitution of the term "executive vice president" for "dean", "dean" for "department chairperson", and department chairperson for "faculty member" in the remainder of this Appendix IV.

The dean shall then attempt to resolve the matter informally. If the grievance is resolved to the satisfaction of the faculty member through the informal process, the faculty member shall report this fact in writing to the dean or designee, thus terminating the intent to file a formal grievance and resolving the grievance. If the informal process does not conclude in resolution, the dean shall inform the faculty that the matter is to be dealt with using more formal procedures shown in the next section.

Faculty members who hold administrative positions and thus serve in those positions at the pleasure of the board of trustees, president, or dean are specifically precluded from using the grievance process for changes in such administrative duties; however, changes in their faculty appointments are covered by this policy.

Hearing Procedure

Within one week of announcement by the dean to the faculty member that the grievance is to be handled formally, the faculty member shall present a formal written statement of the grievance to the dean which states the particular concerns and the evidence on which the concerns are based. The formal statement of grievance shall specifically state the problem at issue, the error believed to have occurred, the reasons for believing so, and the relief to which the faculty member claims to be entitled. The written statement shall contain any factual or other data the faculty member deems pertinent to his or her case. All further discussions in the grievance process will relate to this statement. Amendments to this statement may only be made with the permission of a simple majority of the grievance hearing committee.

In preparing the statement of grievance, the faculty member may find it useful to consult such sources as the follow:

The Faculty Bylaws.

Letters of appointment.
Correspondence.

Within one week of the receipt of the written statement, the dean shall appoint an impartial ad hoc committee to hear the grievance. The ad hoc hearing committee shall hold its first meeting within two weeks of the date of its appointment and shall proceed to make inquiry for the purpose of determining the facts on which the grievance is based.

More than one meeting may be required to conduct the hearing. If so, the ad hoc hearing committee is expected to complete the hearing within thirty (30) calendar days of its first meeting. There shall be no disclosure by the hearing committee or any of its members of the evidence received during the hearing, nor of the deliberations of the hearing committee except as provided in the next section. It shall report its findings of fact to the faculty member, the department chairperson and the dean.

Findings, Recommendations and Decision

At the conclusion of the hearing, the ad hoc hearing committee shall deliberate privately to reach its findings. As promptly as is consistent with due deliberation, and normally within five (5) working days, the ad hoc hearing committee shall submit its findings in writing to the dean with a copy to the faculty member and the department chairperson. The findings of fact and the decision shall be based solely on evidence in the hearing record, and shall be directed to the grounds for grievance as defined in the document. The findings shall summarize the evidence.

Within two weeks of the receipt of the written report of the findings of fact by the ad hoc hearing committee, the dean shall issue a written report to the faculty member with copies to the chairperson of the department and the president.

If the faculty member regards the decision of the ad hoc hearing committee as unsatisfactory the faculty member may present a written appeal to the president with a copy to the dean. The president shall within two weeks of the receipt of the written appeal render a final written decision to the faculty member with copies to the dean and the department chairperson. The decision rendered by the president will be final and binding. The ad hoc hearing committee shall be fact finding and its findings shall be advisory only and shall not be binding on the parties or the president. However, if the president decides to reject all or part of the findings of the ad hoc committee, the president shall state in writing, as part of his or her decision, reasons for rejecting all or part of the findings and for rendering a different decision. The president's decision shall be made known in writing to the Board of Trustees with notification to the faculty member, department chairperson, and the chairperson of the ad hoc hearing committee.

GRIEVANCE PROCESS

