1. INITIAL INFORMAL RESOLUTION EFFORT

Faculty members believing that they have cause for grievance concerning a matter not covered by the procedures described in the University's Statement on Academic Freedom, Responsibility, Tenure and Promotion, University Policy on Sexual Harassment, or in other Rules should discuss the matter in a personal conference with their department head. If the matter cannot be resolved by mutual consent at this point, the issue should be discussed in a personal conference with the dean. Some colleges may choose to have the college-wide committee, either standing or ad hoc, created for the purpose of reviewing such grievances to enter the process before the deans become involved.

2. SUBMISSION OF A FORMAL WRITTEN GRIEVANCE

Only after the grieving faculty member has engaged in informal personal conference(s) with the department head and the dean (unless the college chooses to have the college-wide committee enter the process before the dean becomes involved) and if the matter has not been resolved by mutual consent at the foregoing levels, the faculty member may send a formal letter of grievance to the dean requesting presentation of the grievance to the college-wide committee. (Grievances related to salary are addressed in Section 8 of this Rule.) The dean shall then refer the grievance to the committee. Within 28 class days from the receipt of the formal letter of grievance, unless in the meantime the issue shall have been resolved by the grieving faculty member's satisfaction, the committee shall conduct an investigation of the grievance. This investigation must ensure that those grieved against are notified and given an opportunity to respond to the grievance. The committee's decision shall be presented to the dean as a recommendation within 10 class days of the investigation. The dean shall issue a decision within 10 working days of receipt of the committee's decision.

3. GRIEVING TO THE UNIVERSITY GRIEVANCE COMMITTEE

If a resolution cannot be reached at the college level, the faculty member may send their grievance to the University Grievance Committee (UGC) for redress. (Grievances related to salary are addressed in Section 8 of the rule.) The UGC will not hear grievances that have not been heard by a college grievance committee.
unless the Dean of Faculties determines that it is in the best interest of the faculty member filing the grievance and the process to go directly to the UGC. The faculty member shall submit the grievance to the UGC through the Dean of Faculties and Associate Provost.

3.1. After consultation with the faculty member and the college grievance committee, the Dean of Faculties and Associate Provost will refer the grievance to the UGC and copy those grieved against within three days of receipt. The following response times will apply after the case has been referred to the UGC. In each case, the time limit shall be in working days:

3.1.1. The UGC has ten class days to decide whether to investigate the grievance.

3.1.2. The UGC investigating subcommittee will have thirty class days from the decision to conduct an investigation to investigate the grievance and write its report and recommendations.

3.1.3. The Dean of Faculties and Associate Provost will have ten working days from the UGC submission of their recommendation to recommend action to the Provost.

3.1.4. The Provost will have ten working days from the submission of the Dean of Faculties recommendation to take final action and notify the Dean of Faculties and Associate Provost, the grieving faculty member, and the his or her dean and department head, the UGC chair, and the college grievance committee.

3.2. The grievance must set forth in detail the nature of the grievance and must state against whom the grievance is directed. It must contain all factual or other data that the grieving faculty member deems pertinent to the case.

3.3. The UGC will have the right to decide whether the grievance merits a detailed investigation by a UGC subcommittee. Submission of a grievance will not automatically result in an investigation or detailed consideration thereof. In determining whether to proceed to a detailed investigation, the UGC shall consider both the written grievance and the college grievance committee reports.

4. UGC FINDING OF INSUFFICIENT MERIT

If the UGC decides that the grievance has insufficient merit, (see 3.3), it shall so inform the Dean of Faculties and Associate Provost by means of a report containing reasons for the UGC's decision. Then the Dean of Faculties and Associate Provost shall in turn inform the grieving faculty member of the UGC finding.

5. UGC DETERMINES AN INVESTIGATION IS JUSTIFIED

If the UGC determines that a detailed investigation is warranted, the grieving faculty member and those grieved against will be provided an opportunity to present his or her case.
6. UGC RECOMMENDATION OF ACTION

The UGC investigating subcommittee shall recommend to the Dean of Faculties and Associate Provost through the chair of the UGC an appropriate course of action. The Dean of Faculties and Associate Provost shall forward the UGC recommendation to the Provost together with his or her recommendations.

7. COMPOSITION OF THE UGC

The composition of the UGC will be as follows:

7.1. The faculty of each college, the libraries, and branch campuses shall elect from their tenured faculty a representative to serve on the UGC. The term of office shall be two years. Terms begin on September 1.

7.2. The UGC shall elect from their membership a chair and vice chair/secretary. The UGC shall use a rotational system for assigning members to a five person investigating subcommittee with none of the subcommittee members being from the college of the grieving faculty member.

7.3. No administrative officer shall serve on the UGC. For purposes of this Rule, administrative officer is defined as department head, dean, director, vice president, provost or any variation thereof.

7.4. Once assigned to a specific case, the membership of the investigating subcommittee remains as originally constituted and the subcommittee must complete its responsibilities as to that specific case. In the event that the term of office on the UGC will expire for any member of the subcommittee before completion of the case, the term of office for that member shall be extended for the purpose of completion of the case.

7.5. The chair may appoint from UGC membership necessary replacements for investigating subcommittee vacancies.

7.6. A quorum for the UGC shall be seven members and a quorum for a investigating subcommittee shall be four members.

7.7. All UGC hearings and subcommittee hearings will be recorded. The hearing shall be closed unless the faculty member requests otherwise.

8. SALARY GRIEVANCES

Salary grievances are to be handled primarily through administrative appeal. The Rule for addressing salary grievances will be as follows:

8.1. A faculty member who wishes to file a salary grievance should first have a personal conference with his or her department head. Salaries can be grieved based on specific actions or combinations of actions, the result of which is believed by the faculty member to be discriminatory, arbitrary, and/or capricious in nature.

8.2. If the result of that conference is not satisfactory to the grieving faculty member, he or she may appeal to the college’s dean. Throughout this document the reference
to College's Dean shall include School's Deans, Libraries' Dean, or branch campus CEO. An appeal of the decision by the Department Head concerning a faculty member's salary grievance must be made in writing to the College's Dean to assure that all parties understand the basis of the grievance and the remedy the grieving faculty member believes would redress the salary grievance. The grieving faculty member must receive a written decision from the College's Dean, or the Dean's designee, within 40 working days from the time the grievance is filed at the Dean's level. (One extension for good cause may be granted by the Provost based upon a written request from the Dean.) If the grieving faculty member does not receive a written decision within 40 days, the grievance will be considered to have been decided in favor of the grieving faculty member and the salary remedy stated in the grievance must be made by the next pay period.

8.3. The faculty member may discuss the salary grievance with the Dean of Faculties and Associate Provost at any time in the process. It should be noted that, in these discussions, the Dean of Faculties is acting in the role of faculty ombudsperson concerning the grievance. If the College Dean's decision is not satisfactory to the grieving faculty member, he/she may ask the Dean of Faculties and Associate Provost to continue as ombudsperson in attempting to resolve the case through discussions with the College’s Dean and the grieving faculty member.

8.4. If the grieving faculty member wishes to take the grievance beyond the College's Dean’s level, then the grievance must be formally appealed to the Dean of Faculties. In this event, the role of the Dean of Faculties shifts from ombudsperson to actual participant in the adjudication process. The faculty member must present the Dean of Faculties with the written grievance (which may be updated due to new information or responses at previous levels), a copy of the College's Dean's response, whether an ad-hoc investigative faculty committee is requested and, if so, recommended members of the faculty committee and a list of at most two faculty members who should not be on the faculty committee. At this point, either the grieving faculty member or the Dean of Faculties and Associate Provost may choose to have an ad hoc faculty committee appointed to advise the Dean of Faculties and Associate Provost.

8.4.1. The ad hoc faculty committees shall be appointed by the Dean of Faculties and Associate Provost and be comprised of three faculty members normally chosen from within the grieving faculty member’s college. Prior to convening, the grieving faculty member or the College’s Dean may request the Dean of Faculties and Associate Provost to remove a member for cause. In relation to such a request, the decision of the Dean of Faculties and Associate Provost will be final. The committee's rules of operations are delineated below:

8.4.2. The grieving faculty member will provide a written statement of the basis for his or her appeal, and the committee will then decide whether the grievance merits a detailed investigation. If so, the grieving faculty member will have the opportunity to meet with the committee. If such an investigation is undertaken the committee will determine what materials it needs for the investigation. Materials which may be consulted include (but are not limited to) a salary history of the grieving faculty member in comparison with other members of the department and a curriculum vitae for the grieving faculty member as well as for other members of the department as deemed necessary. Normally detailed data only from the previous five-years will be gathered. Descriptive information from
periods prior to this five-year period may be provided by the grieving faculty member or administrators.

8.4.3. The recommendation of the committee, including a description of the committee’s proceedings and reasons for its recommendation, will be reported to the Dean of Faculties and Associate Provost and to the grieving faculty member.

8.4.4. The Dean of Faculties and Associate Provost will report his or her decision to the grieving faculty member. The grieving faculty member must receive a written decision from the Dean of faculties and Associate Provost, or the Dean of Faculties' designee, within 40 working days from the time the grievance is filed at the Dean of Faculties' level. (One extension for good cause may be granted by the Provost based upon a written request from the Dean of Faculties) If the grieving faculty member does not receive a written decision within 40 days, the grievance will be considered to have been decided in favor of the grieving faculty member and the salary remedy stated in the grievance must be made by the next pay period.

8.5. If the procedures in 8.4 do not produce a resolution acceptable to the grieving faculty member, the grieving faculty member may make a final appeal directly to the Provost, who will review the case both procedurally and substantively before making a decision. Such appeals to the Provost shall be filed in writing, with copies to the other parties (including the Ad-Hoc Committee if any), within 20 working days of receipt of the decision. The Provost may grant additional time for gathering of information upon which to base an appeal. The Provost must render a decision within 20 working days of the receipt of the appeal. If no such decision is rendered by the Provost within that time, then either the decision by the Dean of Faculties, or the recommendation of the Ad-Hoc Committee (if any), whichever is most favorable to the grieving faculty member, shall be effective immediately.

8.6. The entire appeal process should normally be completed within a single academic year and should be handled as expeditiously as circumstances permit.

OFFICE OF RESPONSIBILITY:

Dean of Faculties