

## **Current Policy**

### **3.6.2 Faculty Grievance Committee**

#### **3.6.2.1 Function**

The Faculty Grievance Committee will hear faculty grievances and make recommendations. The grievances are in matters not pertaining to promotion and tenure or dismissal of tenured faculty members.

#### **3.6.2.2 Membership**

The Faculty Grievance Committee will consist of eight faculty members. There will be four members from the School of Arts and Sciences, two from the School of Business and two from the School of Education and Behavioral Sciences. The members will be appointed by the Faculty Senate for three-year staggered terms.

#### **3.6.2.3 Procedure**

The Faculty Grievance Committee will appoint a chair, who must be tenured, whose responsibility it will be to receive grievances from the appropriate office and to assign at least three (3) members of the committee as a subcommittee to hear any grievance. A faculty member may recuse themselves from being on a subcommittee if they feel there may be a conflict of interest.

### **4.4.6 Faculty Grievance Policy**

The University recognizes the right of faculty to express their grievances and seek a resolution concerning work-related disagreements that might arise between University and its faculty. The purpose of the faculty grievance policy is to provide an avenue for the resolution of informal and formal grievances without fear of coercion, discrimination, or reprisal because of exercising rights under University policy.

#### **a. Informal Grievances**

Faculty members having complaints are encouraged to seek informal resolution. The University maintains an open-door-policy and administrators encourage faculty to communicate issues of concern to their department chair, academic dean, or administrative supervisor.

If the grievance cannot be resolved informally, the formal procedure is available. It provides for a prompt and impartial review of all factors involved in the grievance.

#### **b. Formal Grievances**

A formal grievance may be made when informal processes have not resolved a work-related issue and when a faculty member believes that he or she has been discriminated against on the basis of race, national origin, age, sex, disability or status as a veteran or that a violation of policy has occurred concerning working conditions, employment practices, individual rights, academic freedom, or due process (in matters not related to promotions and tenure). Complaints regarding promotions and tenure are addressed in the Faculty Personnel Policies section of this manual. Issues relating to salary increases, fringe benefits, and non-renewals of non-tenured track appointments are excluded from the formal grievance definition.

The Faculty Appellate Committee (FAC) is elected by the Faculty Senate and is a standing body that responds to grievances unresolved through administrative or informal procedures. The FAC on the Southeastern campus is described in detail in The Right of Appeal of Tenured Faculty, within the Tenure section of this manual.

## PROCEDURES

### Filing of Grievance:

Complaints unresolved administratively solely involving harassment based on race, ethnicity, sex, or discrimination because of race, national origin, sex, color, age, religion, disability or status as a veteran must be filed with the Affirmative Action Officer (AAO). (See University Policies, subsections Sexual Harassment and Racial and Ethnic Policy.) All other grievances must be filed with the Vice President of Academic Affairs or President's designee in the event that the Vice President is the grievant or respondent, who will then notify the Faculty Appellate Committee (FAC). The grievance must be filed with the FAC Chair (through the Vice President of Academic Affairs' office or President's designee in the event that the Vice President is the grievant or respondent) or AAO as soon as possible, but not more than one year from the date on which the faculty member knew or reasonably should have known of the violation giving rise to the grievance.

1. The grievant shall state fully in writing the facts upon which the complaint is based.

A written complaint must contain the following:

- a. a. A clear and detailed, signed statement of the grievance,
- b. b. The specific remedial action or relief sought,
- c. A summary outlining with whom the points of dissatisfaction were discussed and with what results, and
- d. A summary of any evidence upon which the charges or complaints are based.

2. Where more than one type of complaint is present (i.e., sexual harassment and violation of due process), a copy of the harassment or discrimination complaint must be sent to the AAO for investigation. A grievance with multiple grounds is heard by one hearing committee. The FAC Chair and AAO will discuss and determine the appropriate appeals process under which such a grievance will be heard.

3. The Chair of the Faculty Appellate Committee immediately will notify the respondent(s) of the grievance. The respondent will have 15 calendar days from receipt of the complaint to respond in writing to the FAC Chair or AAO.

### Confidentiality of Proceedings and Records:

Members of the FAC and other University officials are charged individually to preserve confidentiality to the extent appropriate with respect to any matter investigated or heard. A breach of the duty to preserve confidentiality is considered a serious offense and will subject the offender to appropriate disciplinary action. Parties and witnesses also are admonished to maintain confidentiality with regard to these proceedings.

All records of grievance investigation will be held by the Vice President for Academic Affairs or President's designee in the event that the Vice President is the grievant or respondent as confidential records.

### Selection of the Hearing Committee:

1. The FAC Chair will schedule a meeting within 5 classroom days to select three members to serve on the Hearing Committee.
2. Any Hearing Committee member who cannot provide a fair and impartial hearing or consideration shall not serve.

Formal Hearing Process: All hearings shall follow these procedures:

1. Within 30 calendar days after reviewing the respondent's written response, the Committee shall set a hearing date.
2. The Hearing Committee will evaluate all available evidence provided by the parties and base its recommendation upon the evidence in the record.
3. The hearing shall be closed.
4. Length of hearing sessions may be established in advance, and reasonable rest periods may be allowed for all participants throughout the duration of the hearing.
5. The Committee shall proceed by considering the statement of grounds for grievances already formulated and the response written before the time of the hearing. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter shall be received.
6. Only evidence relevant to the grievance may be introduced into the hearing. Questions of relevance shall be decided by the committee chair.
7. A confidential recording of the hearing will be made. The recording and transcription, if any, will be arranged by the Hearing Committee Chair. The tape or transcript will be accessible to the faculty members involved, to members of the committee, and to the Vice President for Academic Affairs (or President's designee in the event the Vice President is the grievant or the respondent). The AAO will keep the original recorded tape. The grievant or respondent may request a copy of the tape provided that he or she supplies a blank tape to the AAO.
8. Either faculty member may request that the Hearing Committee Chair provide a written transcript of the testimony. The cost to prepare the transcript shall be paid by the faculty member making the request.

Disposition of Charges:

The Hearing Committee normally will communicate its findings, conclusions, and recommendations in writing to the grievant and respondent and the Vice President for Academic Affairs (or President's designee in the event the Vice President is the grievant or the respondent) within 15 workdays of the conclusion of the hearing. If the Vice President for Academic Affairs (or President's designee) concurs in the recommendation of the Hearing Committee, that recommendation shall be put into effect. The Vice President for Academic Affairs (or President's designee) must report to the grievant, respondent, and the Hearing Committee his/her decision within 10 workdays of receipt of the Hearing Committee's recommendation.

If the Vice President for Academic Affairs (or President's designee) does not concur in the recommendation, he/she must meet with the committee to reach a final decision. The work of the Hearing Committee is finished when the Vice President for Academic Affairs (or President's designee) communicates this joint decision in writing to the grievant and respondent, the Hearing Committee, and necessary University officials.

Appeal:

Either faculty member has the right to appeal this determination. The appeal is made by a written request to the President of the University for review of the decision and must be made within 10 workdays of the date of the final decision. If no appeal is delivered to the President within the 10 workday period, the case is considered closed. The decision of the President shall be delivered to the appellant within 10 workdays and the President's decision shall be considered final and binding.

Disposition of Records:

At the conclusion of the hearing, and after the final report of the Hearing Committee is submitted (and appeal completed), the tapes, and all other relevant material will be maintained by the Office of Human Resources.

## Revised Policy

### 4.4.6 Faculty Grievance Policy

The University recognizes the right of faculty to express their grievances and seek a resolution concerning work-related disagreements that might arise between University and its faculty. The purpose of the faculty grievance policy is to provide an avenue for the resolution of informal and formal grievances without fear of coercion, discrimination, or reprisal because of exercising rights under University policy.

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A formal grievance may be made when informal processes have not resolved a work-related issue and when a faculty member believes that he or she has been discriminated against on the basis of race, national origin, age, sex, disability or status as a veteran or that a violation of policy has occurred concerning working conditions, employment practices, individual rights, academic freedom, or due process (in matters not related to promotions and tenure). Complaints regarding promotions and tenure are addressed in ~~the Faculty Personnel Policies~~ section [4.6](#) of this manual. Issues relating to salary increases, fringe benefits, and non-renewals of non-tenured track appointments are excluded from the formal grievance definition.

The Faculty ~~Appellate-Grievance~~ Committee (FGAC) is elected by the Faculty Senate and is a standing body that responds to grievances unresolved through administrative or informal procedures. The ~~FAC-FGC~~ on the Southeastern campus is described in detail in ~~The Right of Appeal of Tenured Faculty~~, within ~~the Tenure~~ section [3.6.2](#) of this manual.

## PROCEDURES

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The grievance must be filed with the FGAC Chair (through the Vice President of Academic Affairs' office or President's designee in the event that the Vice President is the grievant or respondent) or AAO as soon as possible, but not more than one year from the date on which the faculty member knew or reasonably should have known of the violation giving rise to the grievance.

1. The grievant shall state fully in writing the facts upon which the complaint is based.

A written complaint must contain the following:

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  - c. A summary outlining with whom the points of dissatisfaction were discussed and with what results, and
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2. Where more than one type of complaint is present (i.e., sexual harassment and violation of due process), a copy of the harassment or discrimination complaint must be sent to the AAO for investigation. A grievance with multiple grounds is heard by one hearing committee. The FGAC Chair and AAO will discuss and determine the appropriate appeals process under which such a grievance will be heard.
3. The Chair of the Faculty Greivance Appellate Committee immediately will notify the respondent(s) of the grievance. The respondent will have 15 calendar days from receipt of the complaint to respond in writing to the FGAC Chair or AAO.

Confidentiality of Proceedings and Records:

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members involved, to members of the committee, and to the Vice President for Academic Affairs (or President's designee in the event the Vice President is the grievant or the respondent). The AAO will keep the original recorded tape. The grievant or respondent may request a copy of the tape provided that he or she supplies a blank tape to the AAO.

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#### Disposition of Records:

At the conclusion of the hearing, and after the final report of the Hearing Committee is submitted (and appeal completed), the tapes, and all other relevant material will be maintained by the Office of Human Resources.