

## **FACULTY GRIEVANCE PROCEDURE**

*(Senate Council, adopted December 7, 1976; revised by Faculty Senate action, April 30, 1997; revision effective July 1, 1999; revised August 20, 2001)*

Individual faculty members may exercise their right to have personal employment grievances considered and assessed upon their merits under the general regulations, policies, and practices of the University according to the following grievance procedure.

### **Definitions**

- a. A “faculty member” who may process a grievance under this procedure is defined as a University employee assigned to the Fayetteville campus who (1) holds the academic rank of instructor, assistant professor, associate professor, or professor, or (2) performs duties, full or part-time, directly related to the instructional and/or research functions of the University. Graduate students who do not hold academic rank shall be covered by a separate procedure, copies of which are available in the Graduate Dean’s office.
- b. There are two types of grievances. The first means a charge of wrongdoing against one of more faculty members or staff on another (the claimant). Such behavior may consist of (but not be limited to) intimidation, harassment, violation of privacy, slander, or other inappropriate behavior in a professional workplace. The second means a dispute, affecting the terms and conditions of the employment of a faculty member, arising from any administrative decision which that faculty member claims is in violation of rights under, or failure to apply, established University personnel regulations, policies, or practices. Not included in this second definition are matters of nonreappointment, dismissal, tenure, or promotion decisions for which other policies and procedures exist. “Grievance” under this policy includes all alleged violations of the Affirmative Action Plan of the University as applied to a faculty member.
- c. A “decision” means a determination that the grievance issue or issues were, or were not inappropriate behavior(s) in a professional workplace, or in violation of rights under established personnel regulations, policies, or practices of the University. Each decision shall include an assessment of the issues and reasons for the position taken.
- d. This procedure confers no authority to include within a grievance, or within a recommendation or decision concerning the grievance, any amendment, deletion, addition, or modification to University personnel regulations, policies, and practices. Other procedures afford opportunities for review and revision of the existing personnel regulations, policies, and practices against which the grievance is to be assessed.

## **Grievance Procedure Steps**

A faculty member having a grievance is entitled to have the issue considered in the following manner. Written records will be maintained at all steps.

a. The faculty member discusses the grievance with the department head, chairperson, or other immediate administrative superior (hereafter called “the respondent”). If the grievance is not resolved to the satisfaction of the faculty member by discussions at the departmental level, the faculty member may discuss it with his or her dean. If the grievance is satisfactorily resolved by any of the above discussions, the terms of the resolution shall be reduced to writing, if any of the involved parties desires to have such a written statement, and signed by the faculty member, the respondent, and the dean, if involved.

b. If the grievance is not resolved by the above discussions and the faculty member then chooses to pursue the matter further, the issue must be reduced to writing by the faculty member and sent to the respondent. Within ten working days after receipt of the written statement, the respondent shall prepare a written decision on the matter and forward copies of both documents to the appropriate dean and to the faculty member. If a department has a personnel committee or other analogous committee, the written statements of the faculty member and the respondent may be brought before the committee for consideration (or reconsideration) by either party within the ten-day period referred to above and before they are presented to the dean. If such a referral is made, the ten-day period is extended to twenty working days. The committee shall make recommendations in writing for resolution of the grievance. If the grievance is not satisfactorily resolved through the mediation of the committee, the full record, including any written report of the committee, shall be forwarded by the respondent to the dean and to the faculty member in the manner described in the previous paragraph.

c. The dean shall make an effort to resolve the grievance in a mutually satisfactory manner, but in any event shall, within ten working days after receipt of the file, prepare a written decision on the matter and forward copies to the faculty member and respondent. The dean may refer the matter to an appropriate college committee for advice. If such a referral is made, the ten-day period is extended to twenty working days. The committee may make a written report on the matter, in which case that report shall become part of the record which is included with the report of the dean’s decision to the faculty member and the respondent.

d. The decision of the dean may be appealed to the Provost by letter sent by either the faculty member or the respondent within ten working days following receipt of the dean’s decision. In case of such an appeal, the entire written record of the matter shall be concluded with the appeal letter. Upon receipt of the appeal, the Provost shall

request that an *ad hoc* grievance committee be constituted from among the membership of the Faculty Grievance Panel to investigate the matter and make written recommendations for its solution.

When *ad hoc* grievance committees are needed, the Chair of the Faculty Senate shall impanel such grievance committees so as to maximize impartial evaluation of the plaintiff's grievance. Individual *ad hoc* grievance committees shall consist of five or more members of the larger Panel. Individual grievance committees shall select their own chairs who shall be responsible for reporting the recommendations of their committees to all parties in the grievances (see below), including the administrative supervisors of the faculty members involved and the Chair of the Faculty Grievance Panel who will, in turn, provide a summary annual report of the total recommendations of all *ad hoc* grievance committees to the Chair of the Faculty Senate, excluding the names of aggrieved faculty members. All records shall be maintained by the Provost for a period of three years.

The composition of the Faculty Grievance Panel shall be representative of all colleges and must not formally or in practice under represent women and minorities. Persons holding administrative positions are not eligible to serve on this Panel. The faculty member whose grievance is being considered and the respondent may each strike one member from the initial list of members of the *ad hoc* grievance committee. If the remaining grievance committee consists of four members, the Chair of the Faculty Senate shall immediately appoint a fifth member from the Faculty Grievance Panel. The *ad hoc* grievance committee shall select its own chairperson. The *ad hoc* grievance committee shall be given access to relevant witnesses and records, shall take sworn testimony, and shall tape the hearing, and attach to their recommendations the written evidence that has been assembled. The *ad hoc* grievance committee shall adopt and use fair procedures, understanding that its informal inquiry is designed to develop all pertinent factual information. Unless the time is extended by action of the Provost, the *ad hoc* grievance committee shall return its written recommendations to the Provost within one month of the date on which the committee membership was finally established. Within ten working days following receipt of the recommendations of the grievance committee, the Provost shall present a written decision on the matter, including the report of the *ad hoc* grievance committee, to the person whose appeal is being heard, with copies to the dean and the respondent.

e. The decision of the Provost may be appealed to the Chancellor within ten working days of receipt, by the faculty member, the respondent, or the dean. The Chancellor's decision shall be made promptly, and copies of it shall be sent to all of the parties involved. Any appeal to the Chancellor shall be on the basis of the complete written record only.

## **Related Policies**

In view of the fact that this policy and procedure involves personnel issues, all grievance hearings shall be conducted in private with only those involved present.

No faculty member, member of a grievance committee, administrator, or witness shall suffer loss of compensation for the time spent in any step of this procedure. The decision and relevant records shall be forwarded to and retained in the files of the Provost for a minimum of three years. No employee filing a grievance, serving on a grievance committee, or appearing as a witness in any grievance proceeding shall thereafter be discriminated against or suffer any employment disadvantage by reason of participation in grievance matters pursuant to this procedure.

## **Faculty Grievance Panel**

See "Faculty Senate Committees" in Section Three for a description of the Faculty Grievance Panel.