



# Policy and Procedures Manual

## Application: All Faculty

### Section F1.9 Faculty Grievance Policy

#### **F1.9 Faculty Grievance Policy**

University employees have the right to express their grievances and seek solutions over disagreements that may result in their working relationships, working conditions, employment practices or differences of interpretation of policy. Excluded from grievance policy are complaints concerning 1) wages and salaries; 2) performance-related dismissals during the initial probationary period of employment; 3) university statements concerning policies and rules; and falsification of application (or resume) for employment and other employment-related documents.

This policy applies to full-time and part-time faculty and is the only formal process for resolving internal employment problems for those employees protected by it. Complaints should be resolved through informal discussions by the parties involved whenever possible. If a complaint cannot be resolved informally, the grievance procedure is available.

#### **F1.9.1 Faculty Grievance**

The university recognizes the right of faculty to express their grievances and seek a resolution concerning work-related disagreements that might arise between the university and its faculty such as but not limited to their working relationships, working conditions, employment practices or differences of interpretation of policy. Excluded from grievance policy are complaints concerning 1) wages and salaries; 2) performance-related dismissals during the initial probationary period of employment; 3) university statements concerning policies and rules; and falsification of application (or resume) for employment and other employment-related documents. 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.

This policy applies to all ECU faculty, both full-time and part-time. Complaints should be resolved through informal discussions by the parties involved whenever possible. If a complaint cannot be resolved informally, the grievance procedure is available.

##### **F1.9.1.1 Informal Procedure**

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 or administrative supervisor. In situations with a potential conflict of interest or when the respondent is also the party to whom the faculty member must report the grievance, the faculty member should begin seeking resolution with the next level up (for example, if the faculty member's grievance is with their Chair, the faculty member should attempt resolution with their dean, if the grievance is with their dean, then the faculty member should enter into discussions with the President). 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.

##### **F1.9.1.2 Formal Procedure**

A formal grievance may be made when informal processes have not resolved a work-related issue and when a faculty member believes that they have 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 for East Central University is described in the Committee Handbook.

### **F1.9.2 Faculty Grievance Procedure**

Complaints unresolved administratively solely involving harassment based on race, ethnicity, sex, or discrimination because of race, national origin, sex, sexual identity, sexual orientation, color, age, religion, disability or status as a veteran must be filed with the Affirmative Action Officer (AAO). (See Employee Handbook, University Policies, subsections Sexual Harassment and Racial and Ethnic Policy.) All other grievances must be filed with the President or President's designee in the event that the President or another 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 President's office or President's designee in the event that the President or another vice President is the grievant or respondent) or Affirmative Action Officer 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 clear and detailed, signed statement of the grievance,
  - The specific remedial action or relief sought,
  - A summary outlining with whom the points of dissatisfaction were discussed and with what results, and
  - 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 FAC 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.

### **F1.9.3 Confidentiality of Proceedings and Records**

Members of the FAC and other university officials are individually 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 as confidential records by the President or President's designee in the event that the President or another vice President is the grievant or respondent.

### **F1.9.4 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.

### **F1.9.5 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 Hearing 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 President (or President's designee in the event the President or another vice President is the grievant or the respondent). The AAO will keep the original recording. The grievant or respondent may request a copy of the recording provided that they supply to the AAO blank media upon which to copy the recording.
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.

### **F1.9.6 Disposition of Charges**

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

If the President (or President's designee) does not concur in the recommendation, they must meet with the Hearing Committee to reach a final decision. The work of the Hearing Committee is finished when the President (or President's designee) communicates this joint decision in writing to the grievant and respondent, the Hearing Committee, and necessary university officials.

### **F1.9.7 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.

### **F1.9.8 Disposition of Records**

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