



# Policy and Procedures Manual

## Application: All Faculty

### Section F1.9 Faculty Grievance Policy

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

A grievance is defined as a complaint by a faculty member that the faculty member had been subject to an alleged violation, misinterpretation, or inequitable application of the provisions of the Faculty Handbook or other published University or unit policies or procedures. A grievance may also be a complaint by a faculty member who had otherwise been allegedly treated unfairly or inequitably.

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. This policy applies to full time and part time faculty members expressing grievances not otherwise excluded in this 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 4) falsification of application (or resume) or other employment-related documents for employment. Complaints regarding promotions and tenure follow the process outlined in the section of the Faculty Handbook on Tenure and Rank. This policy also does not apply to any grievance covered by Title IX, such as discrimination or harassment. Such complaints must follow the Title IX process outlined in the ECU Personnel Handbook and/or Regional University System of Oklahoma policy.

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

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

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

Faculty members having complaints are encouraged to seek informal resolution. Often, a complaint or conflict can be satisfactorily resolved through professional discussion with the involved parties. The university encourages faculty to communicate issues of concern to their Department Chair or administrative supervisor for assistance or informal mediation. In situations where the department chair or administrative supervisor's involvement represents a potential conflict of interest or is an involved party in the grievance, then the dean or deans of the relevant colleges can fulfill a similar role of informal resolution assistance or mediation. If the grievance cannot be resolved informally, this 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 must be made in writing to the provost. If the provost is an involved party in the grievance, then the president will designate someone other than the provost to handle the grievance. Any further reference to the provost in this policy also includes such a designee if the provost is an involved party. A grievance must be filed within three months of when the faculty member became aware of the grievable event. If informal procedures are still ongoing, the faculty member may choose to delay the formal procedure by notifying the provost, in writing, of the current status and requesting an extension within which to file a formal grievance. If the faculty member is unsatisfied with the ongoing

informal procedure, the faculty member may also file the formal grievance as normal and begin the formal procedure immediately.

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**

Formal faculty grievances must be filed with the provost, who notifies the Faculty Appellate Committee (FAC).

The grievance must be filed with the provost as soon as possible, but not more than three months from the date on which the faculty member knew or reasonably should have known of the violation giving rise to the grievance. The provost will share the grievance with the FAC as soon as possible upon receiving the formal 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 clear and detailed, signed statement of the grievance,
  - 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. If any aspect of the grievance is covered under Title IX, then the entire grievance should follow the Title IX process. If at any point in this process, the provost or FAC determine that the grievance is covered under Title IX, then they will immediately notify everyone involved and help to start the appropriate Title IX process.
3. The Chair of the FAC immediately will notify the respondent(s) of the grievance. The respondent will have 7 calendar days from receipt of the complaint to respond, in writing, to the FAC Chair or Office of Academic Affairs. The respondent's response must contain the following:
  - a. A clear and detailed statement of the respondent's view of the grievance.
  - b. A summary of any evidence relevant to the specific grievance.
  - c. The respondent shall not include material that is not relevant to the grievance at hand.  
Only material relevant to the grievance will be considered by the committee.

If the respondent fails to respond in writing, the process will proceed without the respondent's written statement.

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

Members of the FAC and other university officials are individually charged to preserve the privacy of people involved in the grievance to the extent appropriate with respect to any grievance. A breach of the duty to preserve this privacy is considered a serious offense and will subject the offender to appropriate disciplinary action. Parties and witnesses also are admonished to maintain this privacy with regard to grievance proceedings.

All records of grievance investigation will be held as records in the Office of Academic Affairs.

### **F1.9.4 Selection of the Hearing Committee**

1. The FAC Chair will schedule a meeting within 7 days of receiving the grievance from the provost 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 7 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 recording of the hearing will be made. The recording and transcription, if any, will be arranged by the Hearing Committee Chair. The recording or transcript will be accessible to all parties in the grievance, to members of the Hearing Committee, and to the provost. The Office of Academic Affairs will keep the original recording. The grievant or respondent may request a copy of the recording provided that the requestor supplies to the office of employment services blank media upon which to copy the recording.
8. Parties in the grievance 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 party making the request.

### **F1.9.6 Communication of Charges**

The Hearing Committee will communicate its findings, conclusions, and recommendations in writing to the parties to the grievance and the provost within 7 calendar days of the conclusion of the hearing. If the provost concurs with the recommendation of the Hearing Committee, that recommendation shall be put into effect. The provost must report their decision to the grievant, respondent, and the Hearing Committee within 7 calendar days of receipt of the Hearing Committee's recommendation.

If the provost does not concur in the recommendation from the Hearing Committee, the provost must meet with the Hearing Committee to reach a final decision. The work of the Hearing Committee is finished when the provost communicates this joint decision in writing to the grievant and respondent, the Hearing Committee, and necessary university officials.

### **F1.9.7 Appeal**

Any party in the grievance has the right to appeal this determination if the party can provide evidence that the process was not conducted according to policies in this section. 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 business days of the date of the final decision. If no appeal is delivered to the president within 10 business days, the case is closed. The decision of the president shall be delivered to the appellant within 10 business days of the president receiving the appeal and the president's decision shall be considered final and binding.

### **F1.9.8 Retention of Records**

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