ARTICLE 14

COMPLAINTS AND GRIEVANCES

14.1 Informal Procedure

a. A member of the faculty must initially discuss a complaint with the individual (faculty member, committee, chairperson, dean, et al.) responsible for the action to which the faculty member takes exception.

b. A faculty member who takes exception to a university policy may initiate a complaint with the provost.

c. The Faculty Grievance Committee may initiate a complaint with the provost.

d. A complaint must be presented within ten (10) calendar days of the occurrence or discovery of the alleged violation.

e. No grievance may be filed without the initiation of this informal complaint procedure.

f. Nonresolution of a complaint does not compromise the faculty member's grievance rights.

14.2 Grievances -- Definition

a. A grievance is herein an allegation by a faculty member or by the Faculty Grievance Committee that an action taken by a university official or committee was a violation of provision(s) of the Faculty Guide or of written university policy.

b. Grievances concerning appointments, reappointments, tenure, renewal of contract, promotion, dismissal, sabbaticals, leaves, reductions in rank or force, job evaluations, assignments and reassignments shall be limited to allegations that university policies or procedures have been violated, and shall not include the merits of the particular case except as otherwise provided in the Faculty Guide (e.g., 6.1.b6 and 5.1.n).

14.3 Grievances -- Limitations

a. Nothing in the resolution of a grievance shall be inconsistent with terms of the Faculty Guide.

b. Nothing in the resolution of a grievance shall be deemed a grant of power to a chairperson or administrator of any power(s) not otherwise his/hers, nor to provide a remedy that is not within the scope of power of said chairperson or administrator.
14.4 Grievance Procedure -- Step 1

a. A grievance shall be filed, on forms prescribed by the provost, with the administrator of the unit in which the alleged violation occurred. Grievances against individual faculty members or department committees shall be filed with the appropriate chairperson; against chairpersons or college committees with the appropriate dean; against a dean or university committee with the provost.

b. A grievance against the provost or the president shall be filed with the Faculty Grievance Committee.

c. A copy of the grievance shall be provided to the individual whose action is being grieved.

d. A grievance must be filed within twenty (20) calendar days of the occurrence or discovery of the alleged violation but not fewer than five (5) calendar days after the initiation of an informal complaint.

e. The appropriate administrator shall communicate his/her decision in writing to the aggrieved party within fifteen (15) calendar days of filing.

14.5 Grievance Procedure -- Step 2

a. The aggrieved party may appeal a chairperson's or dean's decision up the academic chain of command to the provost. Each appeal must be filed with the appropriate supervisor within fifteen (15) calendar days of receipt of the decision reached below. Each administrator shall communicate his/her decision in writing to the aggrieved party within fifteen (15) calendar days of filing, unless there is an investigation by the Faculty Grievance Committee pursuant to articles 14.5b, 14.5c, 14.5d below.

b. Whenever a grievance is appealed from the departmental level, the aggrieved faculty member may request an investigation and written report by the Faculty Grievance Committee. This request must be made simultaneously with filing an appeal to the dean. The Faculty Grievance Committee shall, within ten (10) calendar days, communicate to the dean and faculty member whether or not it intends to examine the grievance. If the intention is to examine, the Faculty Grievance Committee shall have an additional fifteen (15) calendar days within which to issue its report to the dean. Copies of the report shall be made available by the chairperson of the Faculty Grievance Committee to the faculty member and the department chairperson. The dean shall not take final action on the appeal until receipt of this report. The dean shall communicate his/her decision in writing to the aggrieved party within fifteen (15) calendar days after receipt of the report of the Faculty Grievance Committee.
When a grievance is appealed from the dean to the provost, the rights of the grievant under article 14.5b, if not exercised heretofore, shall be available to the grievant. The request of the Faculty Grievance Committee shall be filed simultaneously with the appeal to the provost. If the faculty member has already exercised those rights, the report of the Faculty Grievance Committee shall be appended to the appeal at the time appeal is made to the provost.

d. If the aggrieved party decides to appeal the decision of the provost, the aggrieved party must notify the chairperson of the Faculty Grievance Committee in writing within fifteen (15) calendar days. A copy of such notice must be sent to the president of the university.

e. When a decision of the provost is appealed (article 14.5d) or when a grievance is filed against the provost or the president (article 14.4b), the Faculty Grievance Committee shall investigate the grievance and issue a written report within twenty (20) calendar days of receiving the grievance. If the grievance is filed against the provost or the president by the Faculty Grievance Committee, itself, the period of twenty (20) calendar days begins when the grievance is filed.

f. Formal approval of the Faculty Grievance Committee along with a written report are required to initiate fact-finding procedures of article 14.6.

14.6 Grievance Procedure -- Step 3

a. The Faculty Grievance Committee shall have the sole responsibility of initiating and processing for its remedy a grievance which shall use this section of the grievance procedure.

b. The Faculty Grievance Committee and the university shall agree to a list of no fewer than three (3) and no more than five (5) individuals who shall serve as fact-finders to the university. Each panelist shall be designated by number. In the event that the Faculty Grievance Committee decides to appeal a decision of the provost, the appeal shall be sent in the first instance to the person having the designation No. 1 and, in the event that panelist is unable to serve, to the person with the designation No. 2, and so on through the entire list of panelists.

Once having served as a panelist, that individual shall be given the highest number designated and all other panelists shall be given a new number in accordance with the original ranking. All panelists shall serve for a period of three (3) years, at which time the Faculty Grievance Committee and the university shall review the original list of panelists and make any additions to the list that are mutually agreeable to the parties. Either party may decide to delete the names of one of more panelists from the list at the time of the review.
c. Within ten (10) calendar days of the issuance of the written report and the formal decision to utilize this section of the grievance procedure, the Faculty Grievance Committee shall transmit a letter to the appropriate panelist as provided in article 14.6b above. The president and provost shall be provided with a copy of this letter. This individual, or any other subsequently contacted if he is not available, shall serve as fact-finder and shall conduct an investigation under the rules of the American Arbitration Association.

d. The university shall bear the expenses and fees of the fact-finder described in this section of the grievance procedure.

e. Fact-finding shall be restricted to a determination as to whether university policy was violated or whether the policies and procedures in the Faculty Guide were violated. No matter can be reviewed on its merits by the panelist. The panelist shall have no authority to add to, subtract from, modify, change, alter, or ignore in any way the provisions of the Faculty Guide or any expressly written amendment or supplement thereto unless the parties have expressly agreed in writing to give explicit authority to do so. The panelist shall arrive at a decision solely upon the facts and conditions as presented by the parties. The panelist shall not consider any facts which were not introduced by the parties in the steps of the grievance procedure as set forth herein unless either party could not have at that time reasonably known such facts.

f. The findings of the panelist shall be transmitted in writing to the chairperson of the Faculty Grievance Committee and to the president of the university within thirty (30) calendar days after the close of hearings. The findings of the panelist are not binding on the university, but the president shall inform the chairperson of the Faculty Grievance Committee in writing of a final decision after receiving the findings of the panelist.

g. The president's decision shall be communicated to the chairperson of the Faculty Grievance Committee and, where appropriate, to the individual grievant within fifteen (15) calendar days after receipt of the panelist's findings.