

Report of the Senate HOP Committee
Changes to HOP 2.34 Faculty Grievance Procedure
Sept 11, 2014
Revised following Senate meeting.

The Senate HOP Committee recommends that the proposed changes in HOP2.34 be accepted contingent on the addition of one change in red below (IX. G.2.c.). A number of minor editorial changes are also listed below.

G. Formal Grievance :Procedure

1. Initiation of the Formal Grievance by Grievant

- a. The Grievant initiates the formal grievance procedure by the submission of the written Complaint, with supporting materials, to the Chair of the Committee. *This will be the only opportunity for the Grievant to present materials related to the grievance.*

Comment:

The italicized language establishes a major procedural disadvantage to the grievant. That is because the respondent can, in his or her response, make unsupported, misleading, or even false statements and the grievant is left with no opportunity to rebut the statements.

We recommend allowing the submission of a response by the grievant to the respondent's statement. This seems particularly fair since section IX (G)(1)(d) provides that the burden of proof is on the grievant. Therefore insert new section (IX) (G) (2) (c).

- 2.b. The Respondent shall be given the opportunity to file a written response to the Complaint, with any relevant supporting materials (hereafter, the "Response"),

Proposed New G. 2. c. The Grievant has ten (10) work days to file a response to the respondent's statement.

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Editorial Changes

F. Informal Resolution Process.

3. Committee Assistance

e. Successful informal resolution **by both parties** of a grievance shall be documented in writing by the Subcommittee and submitted to the Chair of the Committee and the Vice Provost, thereby concluding the grievance process.

Move G. 4. b. to follow G.4.e.

1. Review of Grievance by Review Panel and Final Administrative Decision (the timeline referenced below may be altered during the summer months or between the fall and spring semesters contingent on the availability of faculty to serve on a Review Panel)
 - a. If the proposed resolution is not accepted by both parties, the Chair of the Committee shall notify both parties and the Vice Provost. Within five (5) work days of such notification, the Grievant may make a recommendation that the Review Panel consider the matter. The Chair of the Committee shall choose three members of the Committee at random within ten (10) work days to serve on a Review Panel.
 - b. The Grievant and/or Respondent may request that the Review Panel: (move to follow G.4.e.
 - i. Review the Printed Material;
 - ii. Seek or receive additional information;
 - iii. Submit written questions; and/or
 - iv. Interview witnesses
 - c. The final decision as to which of the above actions the Review Panel pursues is made by the Review Panel, but it must minimally review the Printed Material and receive and review additional information if offered.
 - d. delete
 - e. The Review Panel shall select its own chair and no member of the panel shall have been involved in the grievance in any way. Review panel membership is defined further by the following:
 - i. If any member of the Review Panel is of the view that he or she cannot serve with fairness and objectivity, that person shall not participate in the review of the grievance from whatever time that member becomes aware of the impediment to continued service.
 - ii. Either party may move to disqualify a Review Panel member whose service is alleged to be in violation of these provisions. It shall be up to the Chair of the Committee to determine whether the challenged member can serve with fairness and objectivity in the matter.
 - iii. If a Review Panel member should need to be replaced, the Chair of the Committee shall assign a substitute chosen at random from the membership of the Committee.
 - iv. Either party may challenge the overall composition of the Review Panel. Such challenges must be made within five (5) work days of the appointment of the Review Panel. If the challenge is upheld by the Chair of the Committee, a new Review Panel will be selected by the Chair of the Committee in accordance with Section IX.G.4.b. (check this referent)