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Proposed Revisions to the Faculty Grievance Procedures

Clara Krug

Georgia Southern University

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Ruth Ann,

Here ~~are~~ a cover memo
and the proposed
revisions to the
Faculty Grievance
Procedures. They
are for discussion and
action at the
April 15 meeting.
Clara

A UNIT OF THE UNIVERSITY SYSTEM OF GEORGIA • AFFIRMATIVE ACTION/EQUAL OPPORTUNITY INSTITUTION

*Fac. Senate
file*

MEMO



4-9-99
To: Members of the Faculty Senate
From: Clara Krug, Chair of the Faculty Grievance Committee
Date: April 9, 1999
Re: Proposed Revisions to the Faculty Grievance Procedures

*Clara
Krug*

The Faculty Grievance Committee has approved the attached revisions to current Faculty Grievance Procedures. We now propose them for adoption.

The proposed revisions include:

1. Additional alternate members, in case we need to form investigative panels for more than one grievance during the same semester, and/or members need to recuse themselves because of a conflict of interest or other reasons (illness, leave of absence, a death in the family, etc.). Please refer to page 2.
2. Examples of a conflict of interest and procedures to follow if a committee member or the chair has a conflict of interest. Please refer to pages 5-7.
3. Additional information related to confidentiality. Please refer to pages 5 and 7.
4. Additional information related to procedures prior to a complainant's filing a grievance (page 3) and during an investigation (pages 8-9).

RECEIVED

APR 09 1999

PRESIDENT'S OFFICE

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indicates new material
[indicates material deleted]

FACULTY GRIEVANCE PROCEDURES

The Faculty Grievance Committee is established by the Statutes (Article IV, Section 4), but it is not a standing committee of the Faculty Senate. Its purposes are to conduct inquiries into faculty grievances and to make recommendations. It is not to create policy.

A. Grievance Committee Purpose

1. There shall be a standing Faculty Grievance Committee to which all members of the faculty shall have access. The Faculty Grievance Committee shall have the authority to conduct inquiries into faculty grievances and to present to the Provost/Vice President for Academic Affairs its recommendations.
2. With the exception of the circumstances mentioned in 3, a grievance may be filed for any reason.
3. Grievances involving non-renewal of contracts or denial of tenure or promotion shall be appropriate for the consideration of the Grievance Committee only if the aggrieved faculty member alleges discrimination on the basis of sex, race, religion, national origin, or other non-academic criteria such as harassment, retaliation, illegal discrimination, or denial of academic freedom.

B. Composition of Faculty Grievance Committee

1. Any full-time faculty member who will have completed a minimum of three years as a full-time faculty member at Georgia Southern at the time of assuming regular or alternate

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membership on the committee is eligible for election.

2. The Faculty Grievance Committee shall consist of nine regular members, with the colleges and the library represented in the following proportions: two members each from Liberal Arts and Social Sciences, Allen E. Paulson College of Science and Technology, and Education; one member each from Business, Health and Professional Studies, and the Library. It shall also include fifteen alternate members in the following proportions: three members each from Liberal Arts and Social Sciences, Allen E. Paulson College of Science and Technology, and Education; two members each from Business, Health and Professional Studies, and the Library. Academic department chairs or other individuals who are one third or more on administrative time are not eligible for election to the Faculty Grievance Committee.

3. The term of regular membership shall be two years, and the term of an alternate shall be two years. An individual may be reelected to an unlimited number of successive terms. Terms of membership shall begin and terminate on August 1.

4. At the end of each year of service, vacancies in the elected contingent from each college shall be filled by electoral procedures as determined by the college or library, but no later than the first Monday in May [of the calendar year in which the vacancy is to arise]. Between August 1 and the first Monday in May of an academic year, should a vacancy arise among the regular members, an alternate member from the same unit (the college or the library) shall fill it.

Should a vacancy arise among the alternate members, it shall remain unfilled until the next regular election.

5. If a grievance is unresolved on August 1 and continues into the next academic year, any committee member whose term should end on August 1 shall continue to serve for that particular case until the committee has made a recommendation as outlined in these procedures.

6. Annually, at the earliest convenient time following August 1, the committee shall select a chair from among its membership.

7. The committee shall communicate to the Provost/Vice President for Academic Affairs the name of the chair following each annual election, and the Provost/Vice President shall send an announcement of the name of the chair to each member of the faculty of the University.

8. The presence of five members of the committee shall constitute a quorum, except in cases where a vote is required. In all cases where a vote is required on a faculty grievance, the outcome will be determined by a majority vote of all nine members serving on the committee for that case.

C. Informal Procedures

1. An aggrieved faculty member shall first seek redress in consultation with his or her department chair. If the grievance is not resolved at the department level, he or she shall then seek redress in consultation with the dean of the appropriate college.

2. If earlier efforts to obtain redress have been unsuccessful, prior to considering the complaint, the Provost/Vice President for Academic Affairs will meet together with the complainant and the Chair of the Faculty Grievance Committee (or a member of the Faculty Grievance Committee designated by the chair).

The purpose of this meeting will be to establish the path to be followed to resolve the complaint. It will then be the faculty member's decision whether to take the complaint to the Faculty Grievance Committee or whether to have it acted on by the Provost/Vice President for Academic Affairs.

3. If the faculty member does not desire to have the complaint reviewed by the Faculty Grievance Committee, then the Provost/Vice President for Academic Affairs will act on it. Also, if the Faculty Grievance Committee does not find the grievance to be appropriate for its inquiry[--] (as described in D. 8 below), then the complaint shall be returned to the Provost/Vice President for Academic Affairs for action. Such action will typically include a discussion between the Provost/Vice President and the complainant in an attempt to resolve the issue. Other processes that may be used by the Provost/Vice President include a trained mediator and/or an ad hoc administrative review committee.

If the faculty member chooses to have the Faculty Grievance Committee hear the complaint, he or she shall bring the matter to the Chair of the Committee. To receive a hearing by the Faculty Grievance Committee, the faculty member must 1) make a written request for a hearing within four weeks of meeting with the Provost/Vice President for Academic

Affairs and the Chair of the Faculty Grievance Committee and 2) present to the Chair a signed and notarized written statement of complaint which includes the following information:

- a. Name of complainant
- b. Name of person(s) against whom the complaint is made
- c. Conduct complained of and explanation of the complaint
- d. Redress sought.

D. Operation of the Faculty Grievance Committee

1. All information presented during proceedings and discussions will be confidential, within the constraints provided by Open Records legislation.
2. All plenary sessions of the Faculty Grievance Committee concerning a grievance shall be recorded on audiotape. When the taping begins, the Committee Chair will identify all who attend that session. These tapes are for use of the Faculty Grievance Committee only, within the constraints provided by Open Records legislation.
3. On receipt of the request for a hearing, the Faculty Grievance chair will summon a plenary session of the regular members of the committee at the earliest convenient time in a letter stating the nature of the grievance.
4. Any regular member of the committee with a conflict of interest shall not serve on the committee for that grievance. Committee members will contact the chair immediately if they perceive a conflict; the chair will

notify the appropriate alternate(s), who will then attend the plenary session. This shall be done prior to the convening of the plenary session. The alternate(s) will continue to serve in the place of (a) regular member(s) for that case only.

If the chair has a conflict of interest, with committee approval, he or she will appoint a replacement to serve as chair for that case only. This shall be done prior to the convening of the plenary session.

Conflicts of interest include the following:

a. A complainant or respondent is in a committee member's department.

b. Someone brings a grievance against a committee member's department chair.

c. A member of the family of a committee member brings a complaint or is named in a complaint.

d. There is another professional or personal reason that might mitigate against a committee member's impartiality.

5. Any regular member of the committee who finds it necessary to be excused from considering a grievance for another reason will contact the chair immediately; the chair will notify the appropriate alternate(s), who will then attend the plenary session. This shall be done prior to the convening of the plenary session. The alternate(s) will con-

tinue to serve in the place of (a) regular member(s) for that case only.

If the chair finds it necessary to be excused from considering a grievance for another reason, with committee approval, he or she will appoint a replacement to serve for that case only. This shall be done prior to the convening of the plenary session.

6. If a committee member brings a grievance, he or she shall resign from the committee for the remainder of his or her term.

7. When the plenary session is convened, the aggrieved faculty member will appear in person to present the grievance.

All committee members' notes about this plenary session, any other plenary session, any meeting of the investigative panel, or any interview related to an investigation shall remain confidential. They are the property of the individual committee member, within the constraints provided by Open Records legislation.

8. After presenting the grievance and answering such questions as the committee members think appropriate, the aggrieved faculty member shall retire, and the committee shall vote to determine whether the grievance is a matter appropriate to its further inquiry. A written summary of the decision of the committee will be supplied to all interested parties and the Provost/Vice President for Academic Affairs.

9. In those cases in which it appears essential to the questions at issue, the committee may make the acceptance of a case contingent upon permission from the aggrieved faculty member to allow access by the committee to the faculty member's administrative files. Such permission shall be given in writing.

10. If the committee determines that its intervention is warranted, the chair shall appoint a three-member investigative panel from among the membership of the committee to assume responsibility for the case. [Members of the investigative panel shall disqualify themselves on grounds of perceived personal bias or conflict of interest. Members so disqualifying themselves shall be replaced by the chair from among the remaining membership of the committee.]

11. The aggrieved faculty member may exercise peremptory challenges of up to two members of the panel. Panel members so challenged shall be removed from the panel and replaced by the chair from among the remaining members of the committee.

12. When duly constituted, subsequent to [disqualifications and] challenges, the panel shall select one of its members to serve as chair.

13. Only the three members of the investigative panel shall conduct the investigation. Whenever possible, all three shall attend every interview related to the investigation. Under no circumstance should only one of them conduct an interview.

The Chair of the Faculty Grievance Committee shall serve as a resource person for the panel. The panel shall have access to administrators involved in the grievance. If written permission has been granted by the faculty member, the panel shall also have access to the personnel files about the aggrieved faculty member which are in the possession of members of the administration.

14. Under normal circumstances, the panel shall complete its work within three months of the plenary session. It shall report to a plenary session of the Faculty Grievance Committee the results of its inquiries. The Faculty Grievance Committee may agree to consider the report of the investigative panel or may request additional information. Either action requires a majority vote of the full committee.

15. The plenary session shall prepare its recommendation for appropriate action in the case. The Chair of the Committee and the Chair of the Investigative Panel shall communicate this recommendation orally and in writing to the Provost/Vice President for Academic Affairs.

16. The two chairs shall prepare for the aggrieved faculty member a letter indicating only the Committee's recommendation. The letter will not include reasons or other confidential information gathered during the investigation. The letter shall be given to the aggrieved faculty member in the presence of the members of the investigative panel and the Chair of the Faculty Grievance Committee, unless there is a reason to involve the entire committee. The Chair of the

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Committee shall send a copy to the Provost/Vice President for Academic Affairs.

17. If dissatisfied with the recommendation of the Faculty Grievance Committee or with the subsequent action of the Provost/Vice President for Academic Affairs, the aggrieved faculty member may request implementation of procedures for appeal to the President as described in Step 11 of the Consolidated Grievance Procedures, excerpted as follows:

Step 11. page 5, Consolidated Grievance Procedures

If the complainant appeals to the President, then one and only one of the following paths of resolution will be followed based upon the desire of the complainant:

- a. The complainant follows the procedures for a formal hearing before a Consolidated Grievance Panel.

OR

- b. The complainant requests that the complaint be considered as an administrative appeal to the President, [and] The President will render an administrative decision.