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4 220 Grievance Procedures

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6 The Faculty Senate is responsible for determining the Faculty Grievance procedures and submitting  
7 them for Senate and Presidential approval.

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9 Conflict is a normal aspect of university life, arising over many issues: competition for limited  
10 resources; insufficient information, misinformation, and misunderstandings; or differences in interests,  
11 personality, and perspectives. At times conflict can be positive, and its resolution can result in better ideas  
12 or modes of operation. Unresolved conflict, however, can grow into more serious disputes. Georgia  
13 Southern University encourages resolution of conflicts at their source—between two persons. A situation  
14 that escalates to the point of filing a formal grievance involves many more people and becomes far more  
15 costly in time, relationships, and money.

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17 Alternative Dispute Resolution

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19 As methods of dispute resolution, Georgia Southern offers two alternative procedures:

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

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25 2. Mediation. In mediation, the two disputing parties negotiate in the presence of a trained, neutral  
26 third party who has no power and no role in deciding what to do. The disputing parties decide the course of  
27 action that will reduce their conflict. The mediator facilitates the mediation process and may assist  
28 communication by restating and clarifying each person's concerns and interests. Mediation is voluntary and  
29 confidential. Agreements between disputing parties are binding only by choice. The issues negotiated must  
30 be within the power of the disputing parties to resolve.

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32 Mediation is appropriate in at least three circumstances: (1) two parties cannot work together  
33 because of a dispute; (2) work performance is negatively influenced by a dispute; and/or (3) one party  
34 complains about another party's action/decision. Mediation has the potential to increase or improve  
35 communication between parties; to assist parties in looking at issues and deciding whether either person  
36 may expect the other to resolve an issue; to clarify the issues or source of the conflict leading to the best  
37 way to approach a resolution; and to result in a mutually satisfying resolution that improves the work  
38 environment.

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40 Faculty may follow the formal Grievance Procedure outlined in *Section 220.01*.

43 220.01 Faculty Grievance Procedures

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45 Should informal conciliation or mediation prove unfruitful or inappropriate, the University has  
46 established the Faculty Grievance Committee (*Statutes*, Article IV, § 4). Faculty are not defined as classified  
47 employees according to the Board of Regents' *Human Resources Administrative Practice Manual: Classification, Compensation, and Payroll*. The Committee's purpose is to conduct inquiries into faculty  
48 grievances and to make recommendations. It is not to create policy. These procedures shall be subject to and  
49 consistent with the Faculty Handbook and the *Statutes* of Georgia Southern University, unless superseded  
50 by the written *Bylaws* and Policies of the Board of Regents of the University System of Georgia. The Chair  
51 of the Faculty Grievance Committee will be notified within 15 days of receipt of said changes by the  
52 appropriate administrator of Georgia Southern University.  
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55 A. GRIEVANCE COMMITTEE PURPOSE AND JURISDICTION

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57 1. There shall be a standing Faculty Grievance Committee to which all members of the faculty shall have  
58 access. The Faculty Grievance Committee shall have the authority to conduct inquiries into faculty  
59 grievances and to present to the responsible administrator its recommendations (see § 220.01.C5 and H4  
60 below). The intent is to provide fair procedures to all parties to the grievance. All parties should enter the  
61 proceedings in good faith.

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63 2. With the exception of the circumstances mentioned in items 3, 4, 5, and 6, a grievance may be filed for  
64 any reason.

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66 3. Grievances against the President must be pursued at the Board of Regents level and not through the  
67 Faculty Grievance Committee. Matters resolved by the Board of Regents shall not be in the purview of the  
68 Faculty Grievance Committee (*Bylaws of the Board of Regents*, Article VIII).

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70 4. Complaints alleging discrimination, harassment, or retaliation on the basis of sex, race, religion, national  
71 origin, disability, age, sexual orientation, veteran status, or other "protected class" basis cannot be pursued  
72 through the Faculty Grievance Committee, but must be pursued through the Office of Diversity Services. If  
73 a satisfactory solution is not reached the faculty member may pursue the action privately through other legal  
74 means.

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76 5. Grievances involving nonrenewal of contracts or denial of tenure or promotion shall be appropriate for  
77 the consideration of the Grievance Committee only if the complaint alleges violations of published written  
78 procedures and/or criteria available to all faculty members, harassment (except as specified in item 4),  
79 retaliation (except as specified in item 4), or denial of academic freedom.

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81 6. While salary issues may be collateral to many grievances, salary disputes based on disagreement over  
82 qualitative judgments are not in the purview of the Faculty Grievance Committee; such concerns may be  
83 pursued via the relevant department chair, dean, and the Provost. Grievances directly involving salary are

84 appropriate for consideration by the Faculty Grievance Committee only if the complaint alleges violations  
85 of established practices, procedures, and/or criteria.

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87 *B. COMPOSITION OF FACULTY GRIEVANCE COMMITTEE*

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89 1. Any non-temporary full-time faculty member who will have completed a minimum of three years as a  
90 full-time faculty member at Georgia Southern at the time of assuming regular or alternate membership on  
91 the committee is eligible for election.

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93 2. The Faculty Grievance Committee shall consist of 30 regular members, with the colleges and the Library  
94 represented in the following proportions: five members each from Liberal Arts and Social Sciences, Science  
95 and Mathematics, Education, and Business Administration; three members each from Health and Human  
96 Sciences and Engineering and Information Technology; two members each from the Jiann-Ping Hsu College of  
97 Public Health, and the Library. Academic department chairs, division directors, interim department chairs, or  
98 other individuals who are one-third or more on administrative time are not eligible for election to or service on  
99 the Faculty Grievance Committee.

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101 3. The term of regular membership shall be two years. An individual may be re-elected to an unlimited  
102 number of successive terms. Terms of membership shall begin and terminate on August 1.

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104 4. At the end of each year of service, vacancies in the elected contingent from each college and the Library  
105 shall be filled by electoral procedures as determined by the college or Library.

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

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111 6. Annually, at the earliest convenient time following August 1, the elected members of the committee shall  
112 select a chair from among their membership. The committee chair votes only in the event of a tie.

113

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

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118 *C. CONFLICTS OF INTEREST*

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120 A conflict between the private interests of an individual and the official responsibilities of that  
121 individual when in a position of trust creates a conflict of interest that must be avoided to ensure fair and  
122 impartial treatment of complainants and respondents alike.

123

124 1. Conflicts of interest include, but are not limited to the following:

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- 126 a. A complainant or respondent is in a committee member's college.  
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- 128 b. Someone brings a grievance against a committee member's department chair, division director, or interim  
129 department chair.  
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- 131 c. A member of the family of a committee member brings a complaint or is named in a complaint.  
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- 133 d. There is another professional or personal reason that might impair or appear to impair a committee  
134 member's impartiality.  
135
- 136 2. Any elected member of the grievance committee with a conflict of interest shall not serve on the  
137 committee for that grievance. The chair will contact elected committee members immediately to determine  
138 whether they perceive a conflict in a particular case. The chair will determine the validity of conflicts.  
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- 140 3. If the grievance committee chair has a conflict of interest, with committee approval, he or she will  
141 appoint a replacement to serve as chair for that case only. This shall be done prior to the convening of the  
142 initial hearing.  
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- 144 4. If a grievance committee member is a complainant in, or a respondent to, a grievance, he or she shall  
145 resign from the committee for the remainder of his or her term.  
146
- 147 5. Conflicts of interest may also arise for the administrator charged with receiving and acting upon Faculty  
148 Grievance Committee reports. If the highest-ranked named respondent is subordinate to the Provost, the  
149 Provost shall be the responsible administrator; if the Provost is a named respondent, the President shall be  
150 the responsible administrator (see § 220.01.A2 above regarding grievances against the President).  
151
- 152 6. During a grievance procedure, all members of the Faculty Grievance Committee must avoid ex parte  
153 communication or other means of creation of conflicts of interest during contacts with any involved party  
154 and must not discuss the grievance with anyone except other members of the grievance committee or the  
155 responsible administrator.  
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#### 157 *D. CONFIDENTIALITY AND OPEN RECORDS PROCEDURES* 158

159 Grievance Committee records are subject to the Georgia Open Records Act, O.C.G.A. section 50-18-  
160 70 et seq. All identifying information presented will be kept confidential to the extent permitted by law.  
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- 162 1. All plenary sessions of the Faculty Grievance Committee concerning a grievance shall be audio-recorded.  
163 When the recording begins, the committee chair will identify all who attend that session. These recordings  
164 and any personal notes are for the use of the Faculty Grievance Committee only for duration of the  
165 grievance process and appeal process as identified in the Board of Regent's *Human Resources*  
166 *Administrative Practice Manual: Employee Relations Grievance Policy* and then will be destroyed.  
167

168 2 Open Records Request procedures are as follows:

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170 a. The Faculty Grievance Committee chair, or his/her designee, and the University's designated Open  
171 Records custodian shall arrange the examination and copying of records.

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173 b. Conditions under which the complainant(s) or respondent(s) examines the records shall be such that they  
174 reasonably respect privacy while complying with the law.

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176 *E. INITIATING FORMAL PROCEEDINGS*

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178 If earlier efforts to obtain redress (see § 220 above) have been unsuccessful, prior to considering the  
179 complaint, the responsible administrator will meet with the complainant and the chair of the Faculty  
180 Grievance Committee (or a member of the Faculty Grievance Committee designated by the chair). The  
181 purpose of this meeting will be to establish the path to be followed to resolve the complaint. It will then be  
182 the faculty member's decision to follow one of the following courses.

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184 1. If the complainant does not desire to have the complaint reviewed by the Faculty Grievance Committee,  
185 then the responsible administrator will act on it.

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187 2. If the complainant chooses to have the Faculty Grievance Committee hear the complaint, he or she shall  
188 bring the matter to the chair of the committee. To receive a hearing by the Faculty Grievance Committee,  
189 the faculty member must (a) make a written request for a hearing within four weeks of meeting with the  
190 responsible administrator and the chair of the Faculty Grievance Committee, and (b) present to the chair a  
191 signed and notarized written statement of complaint which includes the following information:

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193 a. Name of complainant

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195 b. Name of person(s) against whom the complaint is made

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197 c. A listing and description of the complaint

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199 d. The redress sought

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201 *F. INITIAL HEARING*

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203 1. On receipt of the request for a hearing, the Faculty Grievance chair will convene a meeting of a minimum  
204 of eight members to form a plenary session of the full committee. This meeting shall be scheduled in  
205 writing. This document shall state the date and time of the meeting and the nature of the grievance.

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207 2. When the plenary committee meets, the aggrieved faculty member will appear in person to present the  
208 grievance. All members of the plenary committee [See F1.] must attend this session (subject to substitutions  
209 for conflicts of interest noted above).

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3. After presenting the grievance and answering such questions as the committee members think appropriate, the aggrieved faculty member will retire, and the plenary session shall discuss the matter and vote to determine whether the grievance is a matter appropriate to its further inquiry. A majority vote of the plenary session of the full committee is necessary for further inquiry into the grievance.

4. 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 personnel files and pertinent records. Such permission will be given in writing within five working days of receiving the letter notifying him or her that the committee has decided to investigate the complaint.

5. If the Faculty Grievance Committee determines that the matter is appropriate to its further inquiry, the committee, through the chair, shall inform the faculty member, the respondent(s), and the responsible administrator of this decision in writing. The letter to the aforementioned interested parties will include a listing and description of the complaint(s) being investigated, the redress sought by the complainant, and a statement of the reasons the complaint(s) is (are) appropriate for the committee to investigate.

6. If the Faculty Grievance Committee does not find the grievance to be appropriate for its further inquiry, then the committee, through the chair, shall inform the aggrieved faculty member and the responsible administrator of this decision in writing.

*G. INVESTIGATION*

1. If the committee determines that its assistance is warranted, the chair shall appoint a three-member investigative panel from among the membership of the plenary session to assume responsibility for the case.

2. The aggrieved faculty member and the respondent(s) may each exercise preemptory challenges of up to two members of the panel. Such challenges must be made in writing within five working days of receipt of the letter notifying them of the composition 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.

3. When duly constituted, subsequent to challenges, the panel shall select one of its members to serve as chair; all interested parties will be informed in writing of the names of the members of the investigative panel.

4. 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 will only one of them conduct an interview.

5. The panel shall have cooperation from administrators involved in the grievance and access to pertinent public-domain documents and other data sources. Respondents shall make themselves available in a timely

252 manner to the investigative panel for interviews. If written permission has been granted by the faculty  
253 member, the panel shall also have access to the personnel files about the aggrieved faculty member which  
254 are in the possession of members of the administration.

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256 6. Under normal circumstances, the investigative panel shall complete its work within three calendar months  
257 of the plenary session (see F above). The Faculty Grievance Committee will determine what constitutes  
258 normal circumstances. The procedures of the panel will not be interrupted or terminated other than by  
259 majority vote of the plenary session of the full committee hearing the grievance, with a listing and  
260 description of the reason(s) for this decision supplied in writing by the Faculty Grievance chair to all parties  
261 to the grievance; or by mutual agreement, in writing, between respondent(s) and complainant(s), which  
262 agreement will be forwarded in writing to all parties to the grievance by the chair of the Faculty Grievance  
263 Committee.

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#### 265 *H. FINAL REPORT*

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267 1. The investigative panel shall report the results of its inquiries to a plenary session of the full committee  
268 hearing that grievance. A quorum must be present to vote.

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270 2. Upon reading the panel's report and hearing the panel's recommendation, the plenary session of the full  
271 committee will discuss the report and vote to:

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- 273 a. accept the panel's recommendation, or
- 274 b. reject it in favor of an amended recommendation, or
- 275 c. request additional information.

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277 Either action (a) or (b) requires a majority of affirmative votes of the plenary session of the full committee.  
278 If neither (a) nor (b) receives a majority of affirmative votes, the full committee will request additional  
279 information. Only members present may vote. No proxy votes are accepted.

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281 3. The plenary session shall prepare its recommendation for appropriate action in the case and the chair of  
282 the committee and the chair of the investigative panel shall communicate this recommendation orally and in  
283 writing to the responsible administrator.

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285 4. The two chairs shall prepare for the aggrieved faculty member a letter indicating the committee's  
286 recommendation and the reasons for that recommendation. The letter will not include confidential  
287 information gathered during the investigation. The letter shall be given to the aggrieved faculty member in  
288 the presence of the members of the investigative panel and the chair of the Faculty Grievance Committee,  
289 unless the chair determines that there is a reason to involve the entire committee. The chair of the committee  
290 shall send a copy to the responsible administrator. Within 30 working days, the responsible administrator  
291 will provide to the aggrieved faculty member and the Faculty Grievance Committee a written report that  
292 details what action(s), if any, the University will take in response to the recommendations made, and the

293 reasons for the University's action(s) or inaction, including details of any claimed extenuating  
294 circumstances (or words to that effect).

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296 5. If dissatisfied with the subsequent action of the responsible administrator, the aggrieved faculty member  
297 may appeal that recommendation to the President in writing within 30 working days, and if resolution is not  
298 achieved the decision can be appealed to the Chancellor and to the Board of Regents pursuant to Article  
299 VIII of the *Bylaws of the Board of Regents of the University System of Georgia*.