

## Faculty Grievance Procedures

Should informal conciliation or mediation prove unfruitful or inappropriate, the University has established the Faculty Grievance Committee (*Statutes*, Article IV, § 4). Its purposes are to conduct inquiries into faculty grievances and to make recommendations. It is not to create policy. These procedures shall be subject to and consistent with the *Statutes* of Georgia Southern University and the *Bylaws* and policies of the Board of Regents of the University System of Georgia.

### A. GRIEVANCE COMMITTEE PURPOSE AND JURISDICTION

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 responsible administrator its recommendations (see § 219.02.C5 and H4 below). The intent is to provide fair procedures to all parties to the grievance. All parties should enter the proceedings in good faith.
2. With the exception of the circumstances mentioned in items 3, 4, 5, and 6, a grievance may be filed for any reason.
3. Grievances against the President must be pursued at the Board of Regents level and not through the Faculty Grievance Committee. Matters resolved by the Board of Regents shall not be in the purview of the Faculty Grievance Committee (*Bylaws of the Board of Regents*, Article VIII).
4. Complaints alleging discrimination, harassment, or retaliation on the basis of sex, race, religion, national origin, disability, age, sexual orientation, veteran status, or other “protected class” basis must be pursued through the Office of Institutional Compliance.
5. Grievances involving nonrenewal of contracts or denial of tenure or promotion shall be appropriate for the consideration of the Grievance Committee only if the complaint alleges violations of established procedures and/or criteria, harassment (except as specified in item 4), retaliation (except as specified in item 4), or denial of academic freedom.
6. While salary issues may be collateral to many grievances, salary disputes based on disagreement over qualitative judgments are not in the purview of the Faculty Grievance Committee; such concerns may be pursued via the relevant department chair, dean, and the Provost. Grievances directly involving salary are appropriate for consideration by the Faculty Grievance Committee only if the complaint alleges violations of established practices, procedures, and/or criteria.

### 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 membership on the committee is eligible for election.
2. The Faculty Grievance Committee shall consist of ten regular members, with the colleges and the Library represented in the following proportions: two members each from Liberal Arts and Social Sciences, Science and Technology, and Education; one member each from Business Administration, Health and Human Sciences, Information Technology, and the Library. It shall also include 17 alternate members in the following proportions: three members each from Liberal Arts and Social Sciences, Science and Technology, and Education; two members each from Business Administration, Health and Human Sciences, Information Technology, 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 re-elected 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 and the Library shall be filled by electoral procedures as determined by the college or Library, but no later than the last day of spring term. Between August 1 and the last day of spring term 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 regular members of the committee shall select a chair from among their membership. The committee chair votes only in the event of a tie.
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.

#### C. *CONFLICTS OF INTEREST*

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

1. 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 impair or appear to impair a committee member's impartiality.
2. Any regular member of the committee with a conflict of interest shall not serve on the committee for that grievance. The chair will contact regular committee members immediately to determine whether they perceive a conflict in a particular case. The chair will determine the validity of conflicts. If a committee member has a conflict, the chair will notify the appropriate alternate(s), who will then attend the plenary session for the initial hearing. This shall be done prior to the convening of the initial hearing. These alternate(s) and the remaining regular committee members will form the ten-member full committee for that case.
3. 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 initial hearing.
4. If a committee member is a complainant in, or a respondent to, a grievance, he or she shall resign from the committee for the remainder of his or her term.
5. Conflicts of interest may also arise for the administrator charged with receiving and acting upon Faculty Grievance Committee reports. If the highest-ranked named respondent is subordinate to the Provost, the Provost shall be the responsible administrator; if the Provost is a named respondent, the President shall be the responsible administrator (see § 219.02.A2 above regarding grievances against the President).
6. During a grievance procedure, all members of the Faculty Grievance Committee must avoid *ex parte* communication or other means of creation of conflicts of interest during contacts with

any involved party and must not discuss the grievance with anyone except other members of the committee or the responsible administrator.

#### *D. CONFIDENTIALITY AND OPEN RECORDS PROCEDURES*

Open Records legislation applies to all Grievance Committee procedures. Within the constraints provided by law, including the Georgia *Open Records Act*, however, all information presented during proceedings and discussions will be confidential.

1. 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 the use of the Faculty Grievance Committee only.
2. All committee members' personal notes about any hearing, session, meeting, or interview related to an investigation shall remain confidential.
3. Open Records request procedures are as follows:
  - a. The Faculty Grievance Committee chair, or his/her designee, and the University's designated Open Records custodian shall arrange the examination and copying of records.
  - b. Conditions under which the complainant(s) or respondent(s) examines the records shall be such that they reasonably respect privacy.

#### *E. INITIATING FORMAL PROCEEDINGS*

If earlier efforts to obtain redress (see § 219.01 above) have been unsuccessful, prior to considering the complaint, the responsible administrator will meet 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 to follow one of the following courses:

1. If the complainant does not desire to have the complaint reviewed by the Faculty Grievance Committee, then the responsible administrator will act on it.
2. If the complainant 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 (a) make a written request for a hearing within four weeks of meeting with the responsible administrator and the chair of the Faculty Grievance Committee, and (b) present to the chair a signed and notarized written statement of complaint which includes the following information:
  - Name of complainant
  - Name of person(s) against whom the complaint is made
  - A listing and description of the complaint
  - The redress sought

#### *F. INITIAL HEARING*

1. On receipt of the request for a hearing, the Faculty Grievance chair will summon a plenary session of the ten regular members of the committee at the earliest convenient time in a letter stating the nature of the grievance.
2. When the plenary session is convened, the aggrieved faculty member will appear in person to present the grievance. All ten members of the full committee must attend this session (subject to substitutions for conflicts of interest noted above).
3. After presenting the grievance and answering such questions as the committee members think appropriate, the aggrieved faculty member will retire, and the committee shall discuss the matter and vote to determine whether the grievance is a matter appropriate to its further inquiry. A minimum of five affirmative votes 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. 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 committee to assume responsibility for the case.
2. The aggrieved faculty member and the respondent(s) may each exercise peremptory 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 and alternates 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 manner to the investigative panel for interviews. 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.
6. Under normal circumstances, the panel shall complete its work within three calendar months of the plenary session (see F above). The Faculty Grievance Committee will determine what constitutes normal circumstances. The procedures of the panel will not be interrupted or terminated other than by majority vote of the ten-member committee hearing the grievance, with a listing and description of the reason(s) for this decision supplied in writing by the Faculty Grievance chair to all parties to the grievance; or by mutual agreement, in writing, between respondent(s) and complainant(s), which agreement will be forwarded in writing to all parties to the grievance by the chair of the Faculty Grievance Committee.

#### *H. FINAL REPORT*

1. The investigative panel shall report the results of its inquiries to a plenary session of the full committee hearing that grievance. The presence of seven members shall constitute a quorum.

2. Upon reading the panel's report and hearing the panel's recommendation, the full committee will discuss the report and vote to:
  - a. Accept the panel's recommendation, or
  - b. Reject it in favor of an amended recommendation, or
  - c. Request additional information.

Either action (a) or (b) requires a minimum of five affirmative votes of the full committee. If neither (a) nor (b) receives five affirmative votes, the full committee will request additional information. Only members present may vote. No proxy votes are accepted.
3. The plenary session shall prepare its recommendation for appropriate action in the case and the chair of the committee and the chair of the investigative panel shall communicate this recommendation orally and in writing to the responsible administrator.
4. The two chairs shall prepare for the aggrieved faculty member a letter indicating the committee's recommendation and the reasons for that recommendation. The letter will not include 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 the chair determines that there is a reason to involve the entire committee. The chair of the committee shall send a copy to the responsible administrator.
5. If dissatisfied with the subsequent action of the responsible administrator, the aggrieved faculty member may appeal that recommendation decision to the Board of Regents pursuant to Article VIII of the *Bylaws of the Board of Regents of the University System of Georgia*.

*The Georgia Southern University Faculty Grievance Procedures were approved by the Faculty Senate on May 24, 1995, and amended June 30, 1999, and October 19, 2004.*