

XIV. GRIEVANCE PROCEDURES (Faculty)

A. Functions of Grievance Procedures

1. To determine whether an injury alleged by the grievant was a result of an error in the institution's policies, procedures, or their administration and to determine an equitable redress for the grievant if error is established. Such grievances typically address policies and procedures for faculty recruitment and selection, their assignment, working conditions, promotions, salaries, layoff, termination, retirement and fringe benefits, or the grievance procedures themselves.
2. To provide an avenue by which professional conflicts between a faculty member and one or more faculty colleague may be resolved in cases in which the conflict directly, adversely, and reasonably affect professional and academic capacity.

B. Status and Composition of the University Grievance Committee.

The University Grievance Committee shall be a permanent committee of the University Faculty and shall consist of seven faculty members serving two-year terms elected by the faculty bodies they represent. The Committee shall be composed of one member from the Faculty of the Caspersen School of Graduate Faculty, the Faculty of the Theological School, the four divisions of the Faculty of the College of Liberal Arts, and the Library Faculty respectively. Alternate members from the same bodies are to be elected to serve whenever one or more of the regularly elected members resign, are unable to serve or are otherwise unavailable, or choose to disqualify themselves from a particular case.

When both the elected representative and the elected alternate committee members prove unable to serve, the appropriate Dean will nominate someone from the appropriate constituency to serve for the case in question. All parties directly involved in the grievance can challenge anyone serving on the committee providing evidence indicating why that individual or those individuals cannot objectively serve on the case. The majority of other members of the committee will make the determination of whether or not a challenged individual should be removed from the case.

C. Sequence of Steps for Resolving a Grievance. A faculty member wishing to resolve a grievance shall attempt to do so at the first opportunity possible in the following sequence:

1. The grievant shall engage in informal talks within the department or equivalent administrative unit and with the appropriate Dean, if necessary. It is the intent of the University that most grievances will be resolved informally and that the parties involved will make every effort to resolve their differences.
2. If the grievance is not redressed as in 1, the grievant shall send a written complaint to the appropriate Dean who will forward it to the University Grievance Committee for investigation. When a grievance is brought against a Dean, the Provost and Academic Vice President performs all functions described for the Dean.
3. The Grievance Committee shall review the written complaint along with such additional information as the Committee may solicit. If the Committee decides that a *prima facie* case of error has not been made (case A.1) or that there are insufficient grounds to substantiate the grievant's claim of unfair or unprofessional treatment by a colleague (case A.2) or, in the case that revisits a previous claim, that there is insufficient new evidence to constitute a new claim, it may refuse further action, giving its reasons for doing so. In the event the ~~The committee may also~~ Committee decides that the grievance may fall under the jurisdiction of a different university policy or body (e.g., Human Rights, Professional Policies and Conduct) it may ~~and~~ forward the case to another, more appropriate, review body without any further action. If the grievance indicates a possible human rights violation, the Grievance Committee is obligated to forward the case to the Human Rights Committee.
4. The grievant shall have the right to appeal the University Grievance Committee's decision to refuse further action to the University Faculty Committee on Professional Policies and Conduct. Its action is binding, either to accept the University Grievance Committee's refusal or to direct a reconsideration of the matter in which case a new grievance committee will be constituted as described under XIV.B.
5. If the Grievance Committee decides that a *prima facie* case (case A.1) has been made or that there are sufficient grounds to believe initially that a

professional conflict between a faculty member and one or more colleagues would directly, adversely, and reasonably affect professional and academic capacity, it may take one of the following actions:

- a. Engage in more formal fact-finding and/or mediation. This action should be possible in most cases brought to the Committee when no major institutional policy is being questioned.
 - b. Remand the case for a re-enactment of the procedures that led to the grievance (case A.1). The purpose of a re-enactment is to give the grievant a second chance under corrected conditions or to complete an inadequate record of the first round.
 - c. Forward the case to the University Faculty Committee on Professional Policies and Conduct in cases that involve a quasi-judicial due process hearing, such as those that require severe sanctions (e.g., nonreappointment or dismissal), those that the Grievance Committee cannot handle promptly because of the need for a major change in policy or procedure, or those that require financial redress. A case of termination for cause requires mandatory consideration by the University Faculty Committee on Professional Procedures and Conduct. (See above.)
 - d. Refer the case immediately to the appropriate Dean or the Provost and Academic Vice President.
 - e. After additional fact finding, if it is determined that a prima facie case has not been made (A.1) or there are insufficient grounds to conclude that a professional conflict between a faculty member and one or more colleagues would directly, adversely, and reasonably affect professional and academic capacity, the committee, may refuse further action.
 - f. Separate the elements of the case and take two or more of the above actions simultaneously.
6. Upon completion of its review, the Grievance Committee will submit its findings and recommendations to the appropriate Dean, who then reviews the report, communicates the Grievance Committee's findings and recommendations to both the complainant and the parties named in the grievance, and renders in writing a final decision on the case. Records of the grievance procedures (including the finding of the Committee, the finding of the Dean, and the statements and evidence from the case) shall be retained in the appropriate Dean's office, separate from the files of the individual parties involved.

7. Either party involved has the right to appeal the Grievance Committee's findings on the grounds of procedural error or new information to the University Faculty Committee on Professional Policies and Conduct.
8. A decision on a grievance case requiring financial redress shall be transmitted by the University Faculty Committee on Professional Policies and Conduct to the President and the Board of Trustees for consideration. The action by the Board of Trustees on the decision is binding.
9. Upon request of the parties concerned, the mediatory role of the President is possible at any stage in the grievance procedures.
10. When the same facts or circumstances involve violations of different university policies, all related complaints or grievances should be addressed, heard, and resolved in one forum and should not be pursued in multiple forums or on a serial basis. Complaints that have previously been heard under a different university policy (e.g., Human Rights) should not be considered subsequently for resolution under the grievance procedure nor should complaints heard previously under the grievance procedures be brought forward subsequently for resolution in accordance with a different university policy unless recommended by the initial reviewing body. This includes complaints heard prior to the adoption and implementation of a policy that was not then in effect.