

University Handbook, Appendix G: General Grievance Policy and Hearing Procedures (FSM 9-8-81, 2-16-88, 9-10-91, 1-21-92, 12-14-99)

Proposed changes approved by Faculty Affairs on September 18, 2007

Ombudspersons are available to provide assistance to faculty and unclassified professionals in the resolution of concerns and disputes that arise within the university. Faculty and unclassified professionals are encouraged to contact an ombudsperson as a dispute resolution step prior to filing an appeal (see C190-194).

Mediation is also an option available to faculty and unclassified professionals at any time, including during the process of filing or actively going through the grievance process. See Appendix U: Policy on Mediation. If mediation is entered into during the pre-hearing grievance process, the calendar clock as defined by the grievance process will be stopped and if the mediation is unsuccessful, the calendar is resumed where it was interrupted (see Appendix G:I.). In cases of unsuccessful mediation when a grievance panel has been assembled but the hearing has not yet convened, and the faculty or unclassified professional wishes to continue with the grievance process, the calendar clock will resume as defined in Appendix G: I.7.

A representative is a person who may advocate on behalf of the complainant or grievant. The representative may assist in the preparation and presentation of information as part of an administrative appeal or grievance. The representative may not be an attorney; however, complainants or grievants may have the assistance of attorneys to advise them at any time, including having them present during grievance hearings as provided in the grievance hearings section of this policy.

A. Administrative Appeals

A written appeal to the appropriate administrator is the first step in the grievance process and must be carried out before proceeding to a grievance hearing. This appeal should include all issues of concern to the complainant that will be brought up during the grievance process. The written appeal must be submitted within thirty (30) work days from the latest administrative action or inaction. Issues not raised in this appeal may not be included in the grievance hearing. Possible remedies may also be included in the appeal.

1. Tenure-related. For a complaint regarding tenure, the complainant shall follow the procedures in sections C114.2-C114.3 of the University Handbook. For a complaint regarding promotion, the complainant shall follow the procedures in section C154.2-C154.3 of the University Handbook. For a complaint against the primary action of a dean or regarding reappointment of a tenure-track faculty member, the complainant shall have presented the complaint in writing to the provost.
2. Other. For all other complaints, the complainant shall have presented the complaint in writing to the appropriate dean or vice president. Once the written complaint is submitted, the administrator will investigate and arrange a meeting with the complainant

to discuss and attempt to resolve the complaint. Except under extenuating circumstances, the administrator will contact the complainant within ten (10) work days after receiving the complaint to arrange a meeting. An ombudsperson and/or a representative may be included in the meeting at the request of the complainant. Within ten (10) work days after the meeting, the administrator will provide the complainant with a written response.

If the appeal is not resolved satisfactorily by the appropriate administrator, the complainant may submit a written request for a grievance hearing to the general grievance chair within thirty (30) work days following the receipt of the administrator's written response.

B. Function

A General Grievance Chair is appointed by and responsible to the executive committee of the faculty senate. The general grievance chair is selected from faculties who have experience with dispute resolution at the university and serves a three year term beginning on the first day of the fall semester. The role of the general grievance chair is to:

1. Receive complaints and review them to determine if the criteria for grievances have been met.
2. Participate with administration in the selection of the grievance hearing panel.
3. Assist in organizing and conducting the grievance hearing.

A grievance hearing panel (hereafter referred to as a "panel") is convened for the purpose of hearing each grievance. The panel shall hear grievances to provide peer review for faculty and unclassified professionals of Kansas State University.

Functions of each panel shall be to:

1. Hear all evidence pertinent to the grievance provided in time periods specified.
2. Make findings of fact.
3. Decide whether the findings of fact substantiate the allegations of the grievance.
4. Recommend a specific course of action to be taken.

C. Jurisdiction

The general grievance policy and hearing procedures jurisdiction shall extend to charges or allegations (hereafter referred to as grievances) arising out of administrative action or for which administrative action could provide a remedy, provided that all administrative remedies have been exhausted.

1. Nature of grievances: Grievances may arise out of decisions concerning reappointment, tenure, dismissal, promotion, salary, working conditions, discrimination, or any other

matters related to the employment of a faculty or unclassified professional member or other unclassified personnel.

2. Eligibility: A grievance may be filed by faculty or unclassified professionals. Grievances must be submitted within thirty (30) work days of the latest incident or the administrative action/inaction or inaction at issue.
 - a) Grounds: Grounds for a grievance shall include, but shall not be limited to a violation or misapplication of the written rules, regulations, or established practices governing the university and its units;
 - b) improper, arbitrary, or capricious action of the university or its agents;
 - c) violation of academic freedom; and
 - d) discrimination.
3. Exhaustion of administrative remedies: Exhaustion of administrative remedies includes attempting to resolve the grievance through normal administrative and dispute resolution channels, culminating in the required administrative appeal specified by section A. For a grievance alleging discrimination, racial/ethnic harassment, sexual harassment, or retaliation resulting from participation in the resolution of a complaint of the preceding issues,, the exhaustion of administrative remedies also includes a review of the discrimination allegations by the Office of Affirmative Action.
4. Deadlines:
 - a) A written administrative appeal is the first step in the grievance process and must be filed within thirty (30) work days of the latest administrative action or inaction at issue.
 - b) If the appeal is not resolved satisfactorily by the appropriate administrator, the complainant may then submit a written request for a grievance hearing to the general grievance chair within thirty (30) work days from receipt of the administrator's decision.

In cases regarding the dismissal of a tenured faculty member, the policies and procedures of Appendix M shall be followed.

D. Grievance Hearing Initiation

The grievance hearing process shall be initiated by a written request, submitted by the grievant to the general grievance chair, with a detailed statement of the grievance, which shall include:

1. an account of the alleged administrative action or inaction that gave rise to the grievance and the respective dates;
2. the name(s) of the administrator(s) who will be the respondent(s);
3. the precise grounds upon which the grievance is based;
4. whether an "open" or "closed" hearing is requested; and
5. the nature of the relief sought.

When terms such as “capricious,” “arbitrary,” “collegiality,” etc. are used as the basis of a grievance or an administrative response, it is incumbent upon the person who uses these terms to demonstrate by example or specific evidence the meaning of such terms and how they apply.

Any issues not cited in this written grievance hearing request and in the preceding written administrative appeal may not be brought up in the grievance procedure hearing. After the initial hearing request, additional supporting documentation may be submitted.

E. Composition of General Grievance Hearing Panel

1. For faculty grievances, panel shall be composed of five tenured faculty members and two alternates, none of whom shall be administrators or faculty with administrative tenths time. One of the five shall serve as the presiding officer and vote only in case of a tie. Faculty of the college in which the grievant member holds an appointment shall not be eligible with the exception of College of Arts and Sciences. In the instance of Arts and Sciences, faculty of the department in which the faculty member holds an appointment shall not be eligible. Members of panel shall hold appointments of at least nine-tenths time at or above the academic rank of the grievant. Panel members shall be selected from among eligible faculty according to the procedures specified in section G. below.
2. A grievance brought by an unclassified professional who is not a faculty member, shall be reviewed in accordance with the provisions of Appendix G (G.E.1.), and the grievant shall have a choice of:
 - a) a panel of the composition specified in Appendix G.E.1. or
 - b) a panel selected from a separate pool that shall include all unclassified professionals who are not faculty members, except persons holding positions in the administrative unit in which the grievant or respondent(s) are appointed.
3. Service on a hearing panel shall be considered as service to the University and shall be considered as part of each member’s responsibility during the term of appointment. The department head or functional equivalent shall ensure that service on a panel shall be given consideration in decisions affecting the teaching and department assignments, salary merit increases, and promotion of the faculty member or similarly, job responsibilities, salary, and promotion of the unclassified professional. A letter from the provost or appropriate vice president shall be sent to each department head stating the need for participating panel members to be awarded appropriate merit for hearing panel service.

F. Policies for Scheduling and Participation in Grievance Hearings

1. The grievance hearing procedures are to respect the ordinary standards of fairness but are not intended to be equivalent to a judicial hearing. The goal is to provide the panel with the best opportunity to determine the truth and to make a recommendation to the president of the university as to the most appropriate resolution on the matters in dispute. The hearing shall be held as expeditiously as possible, but in any event the

grievant shall have the right to a hearing within thirty-five (35) work days after submission of a grievance to the general grievance chair, provided that extensions may be granted by the chair for cause and within a specified period of time consistent with the other provisions of this document.

2. For the purpose of Appendix G a “work day” is defined as any weekday that is part of the regular nine-month academic calendar, including all days that classes are conducted, the period of final examinations, and intersessions. Legal holidays and the period when summer school is in session are excluded from the definition of “work day.” However, if it is agreed to by the parties that a hearing can be conducted and/or the process completed during a vacation period, those members of the panel who are not on scheduled work time will be compensated for their time at their normal rate.
3. Each grievance shall be heard by a panel composed of four voting members, a presiding officer, and two alternates, appointed by the general grievance chair as specified in E.1 and E.4 of Appendix G. The presiding officer chairs the hearing but shall vote only to break a tie vote of the panel. During the course of a hearing, a panel member may be replaced by an alternate by the general grievance chair based on justification(s) provided by the presiding officer. The general grievance chair and the panel alternates will attend the hearing.
4. Hearings are generally scheduled to occur on two consecutive work days. One work day extensions may be granted by the general grievance chair, upon justification by the presiding officer, and should be scheduled, if possible, to take place not more than one calendar week after the first day of the preceding panel meeting. In scheduling the hearing, the general grievance chair will determine whether or not conflicts are sufficiently valid to warrant a rescheduling of the hearing to a different date. Otherwise, the individual is obliged to attend the hearing (see Appendix G.2).
5. Members of the university community are encouraged to participate in the grievance process. In the event that a respondent (administrator[s] whose action or inaction is the basis of a grievance) refuses to participate, the matter will be resolved administratively by agreement between the next higher-level administrator and the grievant. The person who refuses to participate cannot use the grievance process on any matter related to the original charge or its resolution. Witnesses called by either party are expected to participate as a responsibility of being a member of the university community.
6. As a component of their duties, eligible members of the university community are expected to serve on a grievance hearing panel when called to do so. It is recognized that to fulfill this obligation may require reasonable adjustments in other responsibilities, which should be facilitated by their supervisor. Appropriate reasons for being excused from service (including conflict of interest and commitments) will be determined by the general grievance chair, whose determination will be final. Service on a hearing panel must receive positive recognition and shall not jeopardize the person's yearly evaluation for performance, merit increases, or promotion. Some form of additional compensation is expected for faculty or unclassified professionals on nine-month appointments who are involved in a hearing that takes place during the summer (see 0.2). As state employees,

when acting within the scope of their employment, individuals who serve on a panel are eligible for legal representation and indemnification under the Kansas Tort Claims Act.

7. The panel's deliberations are confidential and closed to all persons including the alternates and the general grievance chair. Panel members are not permitted to individually contact persons involved in the grievance or conduct any form of fact-finding or investigation outside the grievance hearing. Furthermore, panel members shall not discuss case-specific aspects of a grievance hearing or panel deliberations outside of the grievance hearing.
8. Before the hearing is convened, each party may designate one or both of the following to assist the party in the hearing:
 - a) a representative, who is neither an attorney nor an ombudsperson, to serve as an advocate and/or assist in the preparation and presentation of the grievance;
 - b) a second person, who may or may not be an attorney, and who may advise the party but not otherwise participate in the proceedings. Each party should inform the general grievance chair of the person, if any, designated to fill each role.

If the grievant chooses not to be accompanied by an attorney, the respondent(s) also will have no attorney present.

9. Representatives who are state employees and are acting within the scope of their employment are eligible for legal representation and indemnification under the Kansas Tort Claims Act. The representative is only expected to make a best effort and the outcome of the hearing cannot be appealed based on the actions/performance of the representative. While the representative can aid in preparing the presentation and can participate in the hearing, the primary responsibility for establishing the validity of the grievance or presenting a defense rests with the grievant and the respondent(s). Representatives will appropriately respect the confidential nature of information and materials that they are exposed to during the course of a grievance hearing. Activities as an representative will be considered service to the university which must receive positive recognition and shall not jeopardize the person's yearly evaluation for performance, merit increases, or tenure/promotion.
10. The goals of the panel are to:
 - a) establish the facts of the matter in question;
 - b) decide whether or not it believes university policy or generally accepted principles of academic conduct have been violated;
 - c) if one or more violations have occurred, decide whether these are sufficiently serious that some corrective action(s) should take place;
 - d) recommend to the president of the university what, if any, action(s) should take place.
11. Role of Faculty Senate

The faculty senate president and the chair of the faculty affairs committee shall represent the Faculty Senate during the grievance hearing process, and will provide support throughout the process to the general grievance chair. Support activities include but are not limited to the following:

- a) pre-hearing activities such as panel establishment and physical exchanges of documents
- b) physical arrangements for hearings, including hearing room and separate rooms for the parties, witnesses and panel for private deliberations or consultations
- c) physical needs and direction for parties and witnesses during the hearing
- d) physical needs for panel during their deliberations.

G. Procedures for Selecting Hearing Panel Members

1. Within twenty (20) work days from the receipt of the request for a grievance hearing, the general grievance chair shall designate a list of thirteen (13) eligible tenured faculty members or unclassified professionals, by random selection, from a list of eligible faculty or unclassified professionals. There shall be at least one member from each college, except that of the grievant, unless the grievant holds an appointment in the College of Arts and Sciences. If the grievant holds such an appointment, the list may not include any member of the grievant's department. In addition, the composition of the panel shall reflect as nearly as possible the numerical balance of faculty in each of the remaining colleges.
2. Within ten (10) work days from the designation of the panel, the president of faculty senate shall call together the respondent and the grievant, and/or their representative(s), for the purpose of selecting the panel. From the list of thirteen (13) names, each party shall remove three names, one at a time, in alternating sequence, with the respondent striking the first name. From the remaining seven names, five shall be selected at random; the sixth and seventh shall serve as alternates.
3. Within five (5) work days after the panel has been named, the general grievance chair shall convene the panel, whose members shall select one member as their (nonvoting) presiding officer. At this meeting, the general grievance chair shall make known to the panel the specific grounds for the grievance. Prior to the hearing, the general grievance chair will convene a pre-hearing meeting of the panel to review the procedures that will take place during the hearing.

H. Legal and Ethical Preparation for Hearing Panel Service

1. Legal counsel. Each panel shall have the continuing assistance of legal counsel, invited by the general grievance chair, who may provide information about the role of the members of the panel in the grievance proceeding, requirements of due process with respect to the panel's procedures, the mechanisms of fact-finding, prejudicial actions/information, and liability of panel members. The administration will arrange for the attorney and will provide the attorney's contact information to the general grievance chair. The panel's

attorney shall be present during the grievance hearing and be available to the presiding officer for pre-hearing counsel.

2. Training for Hearing Panel and Participants. Prior to hearing panel service, members shall attend an educational preparation session, which is in the form of an online tutorial prepared by the Kansas State legal team prior to and independent of any grievance hearing. Topics for discussion shall include but may not be limited to requirements of due process and open meetings law, ethical responsibilities to be observed during and after the hearing, mechanics of fact finding, and liability of panel members. Parties, witnesses, and other interested members of the university community may also access the on-line tutorial. The hearing panel also meets with the assigned legal counsel prior to the scheduled hearing to review any issues or questions members may have specific to the particulars of the grievance or the hearing process.

I. Pre-Hearing Activities

1. The grievant will be assisted by the general grievance chair in obtaining relevant documents and information when such items are judged to be of critical importance in supporting the request for a grievance hearing. The general grievance chair shall determine whether the grievance falls within the jurisdiction of the General Grievance Policy, and whether the materials presented by the grievant meet adequate standards of detail and clarity. The general grievance chair may consult with the attorney specified in section H. to make these determinations.
2. Within five (5) work days from the date of acceptance of the grievance by the general grievance chair, the general grievance chair shall give to both parties written notification of same, including a copy of the grievance.
3. Within ten (10) work days following such notification, each party shall submit to the general grievance chair, with copies to the other party, a preliminary list of:
 - a) all documents to be introduced;
 - b) witnesses to be called;
 - c) documents requested from the other party;
 - d) the name of the attorney, if an attorney is to accompany the party to the hearing; and
 - e) the name and title of the non-lawyer representative, if one is to accompany the party to the hearing.

In addition, the respondent(s) shall submit a written response to the allegations contained in the grievance.

4. Within fifteen (15) work days from the date of notification prescribed by I.2., the parties shall provide each other, with a copy to the general grievance chair, the documents requested in I.3 or a statement as to why the documents are not being provided (e.g. they are irrelevant or nonexistent) and all other documents to be introduced during the hearing. The claim that documents are privileged or confidential shall not in itself be sufficient justification for withholding them from the other party. The validity of the

basis for not producing a requested document will be judged by the general grievance chair, whose ruling can be appealed to the panel at the time of the hearing.

5. Within fifteen (15) work days from the date of notification prescribed by I.2., the general grievance chair shall provide to each party:
 - a) a list of the members of the panel, the presiding officer, and two alternates; and
 - b) notification of the date(s), time(s), and place(s) of the hearing.
6. Within twenty (20) work days from the date of notification prescribed by I.2., each party may strike name(s) from the list of panel members for conflict of interest or for other just and sufficient cause, which shall be determined by the general grievance chair. The general grievance chair shall appoint replacements as necessary. Both parties will also exchange, with copies to the general grievance chair, an updated list of documents to be introduced and witnesses that may be called. Within thirty-five (35) work days from the date of acceptance of the grievance by the general grievance chair, as prescribed by sections D. and I.1., the hearing shall begin, except as provided by F.2. and F.4.
7. If the pre-hearing grievance process was stopped because a faculty or unclassified professional entered into mediation and that mediation was unsuccessful, the calendar clock as defined by the grievance process will be resumed where it was interrupted. In cases of unsuccessful mediation when a grievance panel has been assembled but the hearing has not yet convened, and the faculty or unclassified professional wishes to continue with the grievance process, the calendar clock will resume as provided below to allow the general grievance chair to assemble a new panel if necessary and reschedule the hearing.
8. Within ten (10) work days of the process resuming, the general grievance chair shall provide to each party:
 - a) a list of the members of the new panel, the presiding officer, and two alternates; and
 - b) notification of the date(s), time(s) and place(s) of the hearing.
9. Within five (5) work days from the date of notification prescribed by 0.8, each party may strike name(s) from the list of new panel members for conflict of interest or for other just and sufficient cause, which shall be determined by the general grievance chair. The general grievance chair shall appoint replacements as necessary. Both parties will also exchange, with copies to the general grievance chair, an updated list of documents to be introduced and witnesses who may be called. In no more than twenty-five (25) work days for the date of the resumption of the grievance the hearing shall begin, except as provided by F.1. and F.4.
10. After the on-line tutorial is completed by all panel members and prior to the beginning of a hearing, the panel will meet to review procedures and to confer with the counsel specified in section H.

J. Policies for Conduct of Grievance Hearings

1. Supplementary procedures. In addition to the preceding provisions, the presiding officer, in consultation with the general grievance chair, shall have the discretion to establish supplementary procedural rules and shall inform both parties of such rules at least five days prior to the hearing. At the discretion of the presiding officer and general grievance chair, a pre-hearing meeting of the parties and/or their non-lawyer representatives may be convened to consider specific issues related to the procedures to be followed.
2. Audio recordings and transcripts. It shall be the responsibility of the general grievance chair to ensure that a good-quality audio recording is made of the hearing. An audio recorder and recording media shall be provided by the office of the president. A court reporter also shall be provided by the office of the president. With the consent of both parties, a video recording can be made at the expense of the requesting party.
3. Venue, equipment, and supplies. At the direction of the general grievance chair, the university will provide suitable space, associated equipment, supplies, and refreshments necessary to meet the reasonable needs of the panel and the parties involved.
4. Legal counsel for panel. During the hearing, the presiding officer and/or panel may adjourn to privately discuss specific issues related to the hearing and to confer with its counsel, specified in section H. The panel is not to rely on its legal counsel for interpretation or judgment of fact.
5. Security. An officer of the university police shall attend the door of the hearing room when the hearing is in session. The duties of the officer are to maintain order. The general grievance chair will arrange for the security presence and administration will cover the cost.

K. Grievance Hearing Procedures

All grievance proceedings shall be conducted in accordance with the Kansas Open Meetings Act (KOMA). The hearing of the evidence shall be conducted in closed executive session, unless the grievant requests the hearing to be open. Deliberations of the panel shall be in closed executive session. Any vote or other decision making action must occur in open session. (Refer to the University Committee Handbook for further information about KOMA.)

1. The presiding officer shall call the hearing to order, state the nature of the grievance, and review the rules (including those appropriate for an open or closed hearing). Because the hearing is a peer review, the panel shall not be bound by strict legal rules of evidence; it may admit any evidence it considers pertinent to the grievance, and may exclude evidence it considers not pertinent. On issues of procedures, evidence, relevance, and all other items related to the hearing, the presiding officer in consultation with the panel and, if so desired, legal counsel is the final authority. The presiding officer may call upon the general grievance chair or designee to manage aspects of the hearing.
2. The grievant and the respondent(s), in that order, will make short opening statements not to exceed twenty (20) minutes. The panel members will then have an opportunity to

ask questions of either party in order to clarify specific issues before presentation of evidence and testimony of witnesses.

3. The grievant shall present evidence, which may include testimony by supporting witnesses, documents, and/or other relevant material. The respondent(s) may:
 - a) cross-examine each witness following his or her testimony, and
 - b) object to any testimony on the grounds that it is irrelevant or repetitive.

Members of the panel will have the opportunity to ask questions of each witness after each cross examination.

4. The respondent(s) shall present evidence, which may include testimony by supporting witnesses, documents, and/or other relevant material. The grievant may:
 - a) cross-examine each witness following his or her testimony, and
 - b) object to any testimony on the grounds that it is irrelevant or repetitive.

Members of the panel will have the opportunity to ask questions of each witness after each cross examination.

5. The grievant and the respondent(s), in that order, may then present evidence in rebuttal of previously introduced evidence. The other party may object to any rebuttal testimony on the grounds that it is a new subject, is irrelevant, or is merely repetitive. Members of the panel will have the opportunity to ask relevant questions of each rebuttal witness.
6. Witnesses shall not be present at the hearing until called to testify and then shall be excused, unless either party or the panel requests that they remain available. Only witnesses who have been excused may remain in the audience and then only when it is an open hearing. Witnesses called by the grievant who are also persons against whom the grievance has been brought may be present prior to giving testimony.
7. The respondent(s) and the grievant, in that order, may make a closing statement.
8. Members of the panel may question the parties and/or recall witnesses for questioning. At any time during or after the close of the hearing, the presiding officer after consultation with the panel may request from the grievant or respondent(s) the production of any other information the panel deems relevant. Refusal to comply with this request and the reason(s) will be noted in the panel's report. If such additional information is acquired by the panel, the presiding officer will reopen the hearing to afford all parties an opportunity to respond with comments or additional evidence. The schedule outlined in the next section for presenting the panel's report will be based on the closing date of the reopened hearing.

L. Findings, Recommendations, Appeals, and Reporting Responsibilities

1. The decision of the panel shall be based only upon the testimony and other evidence presented at the hearing. The grievant shall bear the burden of demonstrating, by a preponderance of the evidence, that relief should be granted. The report of the panel shall include:

- a) an evaluation of the evidence and findings of fact,
- b) a description of the recommended specific relief or course of action that should be taken, and
- c) the reasons supporting the decision.

The panel may consult with its counsel to obtain recommendations for appropriate and legally sanctioned remedies.

A minority statement(s) may be appended to the report.

In instances where the panel determines that there has been a blatant or persistent violation of university policies or procedures by a respondent, the panel may recommend that the grievant be reimbursed for documented expenses involved in pursuing the grievance, including attorney fees, up to a maximum of \$2,500 of all expenses.

2. The panel shall have discretion to recommend that the relief sought should be granted or denied, or that some other form of resolution should be employed as long as such relief is consistent with policies set forth in the University Handbook. In the event of a finding that university policy has been violated, the panel may recommend that a brief statement of the finding become a part of the offending party's personnel file(s). Any disciplinary action that may be suggested will be in accordance with university policies and procedures, and depending on the severity of the offense, such sanctions may include, but are not limited to, a letter of reprimand, a formal warning, suspension, demotion, or termination of employment.
3. Within twenty-one (21) work days after the completion of the final hearing session (including reconvened hearings as specified in section K.8.), the presiding officer shall present the report to the general grievance chair, who shall within the following five work days, send copies to:
 - a) the president of the university,
 - b) both parties, and
 - c) the president of the faculty senate.

The findings of the panel are final and cannot be appealed

4. The president of the university shall respond to the recommendations of the panel within ten (10) work days of receiving the report. Copies of the response and notification of subsequent actions taken should be sent to the general grievance chair, the parties of the grievance, and the president of the faculty senate. If confidentiality of the nature of the implementation of the president's decision is part of the disposition and is agreed to by both parties, the president of the faculty senate shall receive notice only of the fact that disposition has taken place and that it is confidential.
5. The complete record, including all evidence presented and all recordings or transcripts that have been made shall be retained in the files of the faculty senate for at least three years following the conclusion of the grievance hearing. Each party may, at its own expense, copy the record or any part thereof at a place and time to be determined by the president of the faculty senate.

6. Without regard to the panel's finding or the response from the president of the university, the administration will make every effort to ensure that anyone participating in the grievance hearing is not subjected to retaliation.
7. At the first meeting of faculty senate each fall semester, the general grievance chair who served the preceding year shall report:
 - a) the number of grievances heard during the preceding year;
 - b) the nature of these grievances;
 - c) if consistent with other provisions of this document, other information about individual grievances considered to be a concern of the faculty senate and may suggest recommendations for modification of relevant policies and procedures.

Without regard to the panel's finding or the response from the University president of the university, the administration will make every effort to ensure that anyone participating in the grievance hearing is not subjected to retaliation.