

ATTACHMENT 4
Proposed Changes to University Handbook, Appendix G:
Administrative Appeal and Grievance Policy and Hearing Procedures
Approved by Faculty Affairs and Professional Staff Affairs

The Faculty Affairs Committee and the Professional Staff Committee request that the following changes to Appendix G be approved. These changes address what types of issues are eligible for a grievance hearing.

As historical background, the general substance of this change was requested by Faculty Senate leaders and the administration some time ago in order to reduce the waste of time and resources expended in hearings for “thermostat” cases (full panel grievance hearings on relatively minor issues). In addition, hearing participants, including faculty witnesses, as well as department heads and Faculty Senate leaders who have observed or assisted with hearings, have complained that a University policy allowing minor issues to be brought before a full hearing panel gives individual faculty an untenable amount of power to disrupt a department and ties the hands of department heads who are trying to address difficult personnel problems such as departmental bullies. There have been concerns that when a bully can drag a department head, dean and many faculty and students in the department through a polarizing, extremely time-and energy-consuming grievance hearing just to grieve a statement in an annual evaluation, department heads are understandably unwilling to address the behavior and, as a result, subject the departmental community to stress and disruption.

With this amendment, grievances on **all** matters may still proceed through all dispute resolution, complaint and appeal steps all the way through the administrative appeal, only stopping short of a grievance panel hearing. Matters considered to be significant will be eligible to proceed beyond the formal administrative appeal to a grievance hearing. Significant matters are those that concern on-going employment and an individual’s earning capacity. This change is intended to save valuable faculty time and University resources while still preserving individual grievance rights.

Jurisdiction

The Administrative Appeal and Grievance Policy and Hearing Procedure's jurisdiction shall extend to charges or allegations, hereafter referred to as complaints, arising out of administrative action or for which administrative action could provide a remedy. It is required that a complainant pursue administrative appeal prior to requesting a grievance hearing.

1. Nature of complaints: Complaints may arise out of decisions concerning reappointment, tenure, dismissal, promotion, salary, working conditions, or any other matters related to the employment of a faculty or unclassified professional member or other unclassified personnel.
2. Eligibility: Administrative appeals and requests for grievance hearings may be filed by current faculty or unclassified professionals.
3. Grounds: Grounds for a complaint shall include, but are not 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; and
 - c. violation of academic freedom.
4. Exhaustion of administrative remedies: Before submitting a request for a grievance hearing, the complainant must attempt to resolve the complaint through normal administrative processes, culminating in the required administrative appeal specified by Section I. The complainant should pursue all appropriate avenues of dispute resolution prior to requesting a grievance hearing.
5. Grievance hearings: For most complaints, the final step available in the process is the Administrative appeal. Only complaints based on the following actions are eligible to proceed to a grievance hearing:
 - a. termination for cause of a continuous appointment or dismissal for cause previous to the expiration of a term appointment;
 - b. non-reappointment of tenure-track faculty;
 - c. denial of tenure;
 - d. denial of promotion of tenure-track or tenured faculty; or
 - e. an evaluation rating of fails to meet minimum-acceptable levels of productivity as referenced in Section C31.5

I. Administrative Appeals

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