

REDBOOK Chapter 4.4 – Summary of Changes July 5, 2011

Background

On July 18, 2008, President Ramsey charged the Chair of the Faculty Senate with “reviewing our grievance process so that those who believe university policies have been violated will feel comfortable bringing those concerns forward through approved and sanctioned university procedures.” The senate formed the Ad Hoc Grievance Process Review Committee (GPRC) for this purpose. Over the 2008 fall semester, the committee examined the existing process, reviewed benchmark institutions’ processes, surveyed faculty members, and interviewed faculty, administrators and others involved with the administration of faculty grievances.

Major findings of the GPRC:

1. Many in the university community were either not familiar with or misinformed about the grievance process. This includes both faculty members and administrators.
2. Those who had been involved in a grievance did not have confidence that the current system was working for either faculty or administration. As one person noted during the interviews, there was not much value added by existing procedures. Consequently, many disputes were either never initiated or resolved, leading to further hostility among the parties and breakdown in communications.
3. Although university grievance policies encouraged informal resolution of disputes, there was very little infrastructure or procedure for supporting this approach.
4. Existing mediation services were not effectively integrated into the dispute resolution process and there were no incentives for participation.
5. There needs to be an Ombuds Office where off-the-record, confidential matters can be heard by a neutral person and where informal options can be explored.
6. The grievance process was cumbersome and overly complex.
7. The adversarial approach to dispute resolution made it difficult to resolve problems quickly and without the involvement of lawyers, resulting in significant time and resources being spent by both the university and individual faculty to resolve issues.
8. The grievance process was highly segmented with little information exchange among the participants, making it difficult to track outcomes or to evaluate the success or failure of the process.
9. Many faculty expressed a fear of retribution for using the grievance process.
10. The due process rights of part-time or term faculty were not well-defined.
11. Chapter 4.4 of *The Redbook* needed major revision.

Changes

As a result of the findings and recommendations of GPRC, Provost Willihnganz charged a second committee with drafting Redbook changes that would improve the dispute resolution process. The major recommendations of this committee and the proposed changes to the Redbook include:

1. Places the focus of the article on dispute resolution instead of grievance procedures.
2. Adds a strong anti-retaliation clause to the Redbook process (4.4.1.D.)
3. Includes term faculty in the dispute resolution process. (4.2.3.)
4. Simplifies the definition of a grievable problem. Defines what can, and what cannot be grieved. (4.4.4. A and B)
5. Creates two types of disputes and dispute resolution procedures. Type 1 disputes do not involve termination and potentially could be resolved through informal means. Type 2 disputes involve termination of an appointment. (4.4.4. A and B)
6. Requires the involvement of the Ombuds for Type 1 disputes in an attempt at informal resolution. The faculty member may not pursue a formal grievance without first consulting the Ombuds. Participation in mediation or other form of facilitated resolution is not required, although refusal of any party to participate in Ombuds-suggested informal resolution will be reported to next higher level of administration. (4.4.5.A.1)
7. Establishes Type 1 grievance hearings as a peer-review process. No attorneys may be present and the grievance committee panel is responsible for conducting the meeting. (4.4.5.A.3.)
8. Establishes the result of a Type 1 hearing as a grievance resolution plan, that recommends actions for resolving the dispute. If the parties and the Dean of the unit agree with the plan, the grievance is resolved without intervention of the Provost for a decision. (4.4.5.A.4)
9. Sets an appeal process for disagreements with the grievance resolution plan. This may be appealed to the next higher level of administration, but there is no further appeal for this type of dispute. (4.4.5.A.5)
10. Establishes Type 2 grievances hearings as formal hearings. These do permit attorneys to attend the hearing, although if the grievant does not bring an attorney, the respondents may not be accompanied by counsel either. A Hearing Officer may be appointed at the request of the Grievance Committee. (4.4.5.B)
11. Establishes the result of the Type 2 grievance hearings as a recommendation to the Provost who renders a final decision. The Provost's decision may be appealed. (4.4.B.3)
12. Simplifies the process, timelines, and the required documentation for both types of disputes.
13. Sets a panel of the Faculty Grievance committee to determine whether or not to accept jurisdiction for a grievance and to clarify the grievable issues. If the grievance is accepted, a separate panel will conduct the hearing. This is for both types of disputes.
14. Describes the duties of the Ombuds, the role in the grievance procedures and the relationship of the office to other faculty dispute offices. (Appendix A.1)

15. Updates the duties of the Faculty Grievance Officer to reflect these process changes. (Appendix A.2)
16. Updates the duties of the Chair of the Faculty Grievance Committee to reflect the process changes. Redefines this role as one of the key administrators of the process and places more focus on management of the committee's process. (Appendix A.3)
17. Expands the size of the grievance committee in order to seat panels more quickly. Changes the composition of the Grievance Committee to reflect the size of the various units. (Appendix A.4.B) In addition, five seats have been added for term faculty member who will serve only on grievances for term faculty.
18. Allows faculty members to serve on hearing panels for disputes originating in their own units. For jurisdiction panels, there must be at least one person from the unit. (Appendix A.5)
19. Requires documentation of each stage of the dispute resolution process and reporting to key process administrators so that there is more opportunity for oversight and evaluation of the process.