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Annual Report to the University of Louisville Faculty Senate

September 5, 2018

This report is submitted as required by the Faculty Senate Redbook, Section 4.4.1.A, and covers the period from June 7, 2017 through August 3, 2018 unless otherwise noted.

The Dispute Resolution Process

The touchstone of the dispute resolution process is that all disputes should be resolved informally within the unit itself or through the University Ombuds office. A dispute is a difference of opinion between a faculty member and another faculty member or administrator that has led to a perceived material disadvantage by the faculty member. If a dispute cannot be resolved through the informal process, then it becomes a complaint when the faculty member contacts either the University Ombuds or the FGO. If the University Faculty Grievance Committee accepts the complaint, it becomes a grievance. Redbook, Section 4.4.5.

Under the Redbook, there are two types of disputes, each with distinct procedural prerequisites. Most cases are categorized as Type 1 disputes, which cover circumstances where there is alleged to have been a violation of a university rule or policy, misapplication of a rule, or differential application of a university rule, policy, procedure, or usual unit practice or custom. A full list of covered Type 1 Disputes is set out in Redbook, Section 4.4.4.A.1 (a)-(i). A list of circumstances that are not covered under the Type 1 Dispute category is described in Redbook, Section 4.4.4.A.2 (a)-(g).

Before a Type 1 grievance complaint can be filed with the FGO, informal consultation within the unit should be attempted; and, if this informal attempt at resolution is unsuccessful, then the Ombuds must be contacted and consulted. The faculty member must take action within 60 days of the decision (or action) being disputed or when the faculty member reasonably should have learned of the decision (or action). Redbook, Section 4.4.5.A.1. The faculty member must submit a written request for consultation with the Ombuds Office. If informal dispute resolution is unsuccessful, the Ombuds Office will confirm the consultation occurred with a written statement provided to the faculty member. If the faculty member chooses to file a grievance complaint, it must be submitted to the FGO within thirty (30) calendar days of receipt of the Ombuds Office written statement. Redbook, Section 4.4.4.A.1.

Type 2 disputes, which cover a decision that results in the termination of an appointment, proceed directly to the grievance complaint stage and are initiated with the FGO. Redbook, Section 4.4.4.B. Instructions for potential grievants are available on the FGO website, as well as forms for Type 1 and 2 grievance submissions.

Grievance Statistics and Activity

This report covers the period from June 7, 2017 through August 31, 2018 unless otherwise noted. A chart of activity during this period summarizing the grievance activity by unit is also included in this report. Some of the grievances (Speed and Pan-African Studies) noted in the chart are carried over from the last reporting period, and are listed here to document how they were resolved.

During this reporting period, ten (10) Type 1 grievances have been filed: four (4) formal grievances have been filed from the School of Nursing (three grievances have been granted hearings, and one jurisdictional hearing is pending; there is a possibility that this matter will be resolved informally through consultation with the Ombuds); three (3) formal grievances were filed from the School of Education (one complaint was denied jurisdiction; one hearing was completed and the parties have 30 days to respond; and one hearing is pending); one (1) grievance was filed from Medicine (BMT) (a negotiated settlement was reached and the grievance was withdrawn); and two (2) grievances were filed from Arts and Sciences (one grievance was resolved informally and closed; one grievant appealed and the grievance was closed).

There has been one (1) Type 2 grievance complaint filed, and the Hearing Panel Report is pending in this matter. I met with each of these faculty members at least once and provided information on the grievance process and offered guidance on how their complaints should be drafted to fully comply with the procedural requirements of the Redbook. In total, I have consulted and advised on eleven (11) matters during the reporting period.

Grievance-Related Issues

I served as Interim Ombuds from December 2017 to April 2018. In this capacity, I consulted informally with eight (8) faculty members from different units. Most of these consultations resulted in no further action being taken by the faculty member.

Unit	Consultations	Grievances File (Type 1 or Type 2)	Concluded or Pending	Resolved Informally (Ombuds)	Other Resolutions
Medicine (BMT)	1	Type 1			Settlement reached; grievance withdrawn
Speed	2	Type 1	1 Jurisdiction denied		1 Resolved with minor modifications
A & S	2	Type 1			1 Grievance resolved informally and closed; 1 Grievant appealed and grievance closed
Nursing	4	Type 1	Jurisdiction Granted in 4 cases		
Education	3	Type 1	Jurisdiction granted in 2 cases; jurisdiction denied in 1 case		1 Final Report sent to grievant and respondent, 30 days to respond; 1 hearing pending
Neurosurgery	1	Type 2	Pending		

Pan-African Studies-Art	1	Type 2 hearing granted			Resolved Acting Provost accepted unanimous decision

Consultations, Grievances, and Resolutions: June 7, 2017-August 30, 2018