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Annual Report to the University of Louisville Faculty Senate

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This report is submitted as required by the Faculty Senate Redbook, Section 4.4.1.A, and covers the period from September 20, 2018 through September 30, 2019 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 September 20, 2018 through September 30, 2019 unless otherwise noted. A chart of activity during this period summarizing the grievance activity by unit is also included in this report.

During this reporting period, nine (9) Type 1 grievances were filed: four (4) formal grievances from the School of Nursing (three grievances have been closed, and one was withdrawn after the matter was resolved by the parties); two (2) formal grievances were filed from the School of Education (one was closed; the other grievant sought a direct appeal to President Bendapudi which was denied); one (1) grievance was filed from the School of Medicine (this grievance has been closed); and two (2) from the law school (this was from the same grievant advancing distinct claims which were later withdrawn).

There have been four (4) Type 2 grievances filed: two (2) grievances from the School of Education were closed; there is a pending settlement and mediation process for one (1) grievance from Arts & Sciences and there is a pre-hearing pending for one (1) grievance from the School of Medicine.

Grievance-Related Issues

I was on sabbatical during the spring 2019 semester. Thus, there are no consultations listed for some of the matters in the chart. My colleague, Professor Enid Trucios-Haynes, served as Interim FGO during my leave. I greatly appreciate her help and consummate collegiality.

Unit	Consultations	Grievances File (Type 1 or Type 2)	Concluded or Pending	Resolved Informally (Ombuds)	Other Resolutions
Medicine		Type 1	Grievance Closed		
Medicine		Type 2	Pre-hearing pending		
A & S		Type 2			Settlement and Mediation process pending
Nursing	4	Type 1	3 Grievances Closed		1 Grievant withdrew grievance after matter was resolved by the parties
Education	4	2 Type 1 2 Type 2	1 Type 1 Closed 2 Type 2 Closed (dismissed both for lack of jurisdiction)		1 Type 1 Grievant sought a direct appeal to President Bendapudi which was denied, affirming Provost Boehm's decision
Law		Type 1			Grievant advanced two distinct claims which were later withdrawn

Consultations, Grievances, and Resolutions: September 20, 2018-September 30, 2019