

**University Faculty Grievance Officer
Enid Trucios-Haynes
Annual Report to the University of Louisville Faculty Senate
Prepared January 15, 2014**

This report is submitted as required by the Faculty Senate Redbook, Section 4.4.1.A, and covers the period from July 1, 2012 through December 31, 2013, unless otherwise noted. My appointment as Faculty Grievance Officer [FGO] was effective January 1, 2010.

The Revised Dispute Resolution Process

Changes to the informal dispute resolution procedure at the University of Louisville were approved by the Board of Trustees on October 13, 2011, effective immediately. A dispute is defined as 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. A dispute becomes a complaint if the faculty member is unable to resolve the dispute personally and formally contacts either the University Ombudsperson or the Faculty Grievance Officer. If the complaint is accepted by the University Faculty Grievance Committee it becomes a grievance. Redbook, Chapter 4, Article 4.4.5.

As amended, Redbook, Chapter 4, Article 4.4 recognizes two types of disputes; each with distinct procedures. Some disputes, referred to as Type 2 disputes, proceed directly to the grievance complaint stage of the process and are initiated with the FGO. In most cases, a Type 1 dispute exists and consultation with the Ombuds Office is a requirement before a grievance complaint can be filed with the FGO. There are a number of options to resolve disputes including facilitated and other informal discussions as well as formal mediation. These options are available through the Ombuds Office generally and, for purposes of filing a grievance complaint, under the procedures specified in Redbook, Chapter 4, Article 4.4.

The faculty member must take action within 60 days of the decision/action being disputed or the date when the faculty member reasonably should have learned of the decision/action. Within that 60 day timeframe, the faculty member must submit a written request for consultation with the Ombuds Office in a Type 1 dispute or submit a written statement of complaint with the FGO in a Type 2 dispute. In the case of a Type 1 dispute, if informal dispute resolution is not successful or the faculty member chooses to proceed with a grievance complaint without pursuing informal dispute resolution, 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, Chapter 4, Article 4.4.5.A.1.

Instructions for potential grievants are available on the FGO website, as well as forms for Type 1 and Type 2 grievance submissions.

Grievance Statistics and Activity

This report covers the period from July 1, 2012 through December 31, 2013, unless otherwise noted. A chart of activity during this period summarizing the grievance activity by unit is also included in this report. My last report was submitted in October 2012 and included information from July 1, 2011- June 30, 2012.

During this 1.5 year period of time, three new grievances were filed and two grievances remained pending from the prior year which had been filed under the prior grievance process in place as of October 10, 2011. The Redbook amendments were approved by the Board of Trustees on October 11, 2011. Currently there are three grievances pending. Five grievances were concluded under the grievance process during this time period, and one grievance was resolved outside of the grievance process.

During the time period, I consulted with a total of 13 individuals. A few of these consultations were one-time meetings to discuss the nature of the faculty member's dispute as well as the Redbook procedures and options for dealing with a dispute. In these cases, I invariably referred the faculty member to the Ombuds Office. Some faculty members returned months later to the FGO after consulting with the Ombuds Office.

A significant number of these consultations consisted of on-going meetings over the course of several months or longer as the circumstances of a dispute changed over time. Often the consultation process involves a number of conversations before the faculty member can fully explain the situation and I can provide appropriate information. Faculty members who are in the midst of a dispute are in distress and often it can take some time to determine the precise nature of a dispute. I also remind faculty members about the University's Employee Assistance Program (EAP) which provides confidential counseling assistance to faculty.

In several instances, a faculty member filed more than one grievance complaint over the course of several months as a dispute continued to develop. One grievant had filed complaints under the prior policy and under the current policy over the course of two years.

Other Grievance-Related Issues

There are some issues that have arisen in the current cases. One issue is a misunderstanding by some Type 1 grievants about whether an attempt at informal dispute resolution is required before a grievance complaint can be filed with the FGO. This has been clarified with the Ombuds Office and the particular grievant who raised the issue. Redbook, Section 4.4.5.A.1 preserves the choice to the faculty member of whether or not to participate in any of the options for dispute resolution proposed by the Ombuds. In my experience, faculty members who consult with me have tried informal dispute resolution either on their own or with the assistance of the Ombuds.

A number of grievances have been terminated when the faculty member ended employment with the University, either as a term faculty member at the end of a contract or due to retirement. Delays in the adjudication of grievances continue often due to scheduling issues with all of the parties to a dispute. A faculty member faces the risk that his or her employment will be terminated with the University and, as a result, the grievance process will end before the resolution of their dispute. In other grievances the University has argued a complaint is moot when a dean or administrator leaves the University (or their position) while a grievance is pending, thereby requiring a faculty member to refile the grievance complaint against the new dean or administrator. As noted last year, another looming Redbook interpretation issue is whether all aspects of a dispute leading to the termination of a probationary or term faculty contract are considered part of a Type 2 dispute or whether Type 2 disputes are limited only to the actual termination decision which may be related, in part, to these earlier aspects.

Respectfully submitted,

Enid Trucios-Haynes
University Faculty Grievance Officer
January 15, 2014

Statistics Chart Attached