

## **2014 Annual Report to the University of Louisville Faculty Senate**

This report is submitted as required by the Faculty Senate Redbook, Section 4.4.1.A, and covers the period from January 1, 2014 through December 31, 2014, unless otherwise noted. My appointment as Faculty Grievance Officer [FGO] was effective January 1, 2010.

### **The Dispute Resolution Process**

Amendments 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.

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, the faculty member, after this consultation, has the option of choosing whether to pursue informal dispute resolution under the auspices of the Ombuds Office or file a grievance complaint with the Faculty Grievance Officer. 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

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 the required forms for Type 1 and Type 2 grievance submissions.

### **2014 Grievance Statistics and Activity**

This report covers the period from January 1, 2014 through December 31, 2014, 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 February 2014 and covered the eighteen month period from July 1, 2012 through December 31, 2013.

During 2014, four new grievances were filed and four grievances remained pending leaving a total eight grievances in the system. Four grievances were concluded under the grievance process. Three were Type I grievances and one was a Type II grievance. At the end of 2014, two grievances filed in 2014 remain pending, and two are pending but not moving through the grievance process at this time. These latter two were filed under the prior grievance process in place prior to October 10, 2011. Two grievances were terminated in 2014 due to the termination of the faculty member's employment.

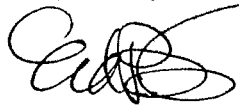
During 2014, I consulted with a total of 15 individuals. A few of these consultations were one-time meetings to discuss the nature of the faculty member's dispute as well as the Redbook procedures and options for dealing with a dispute. In these cases, I invariably referred the faculty member to the Ombuds Office. Some faculty members returned months later to the FGO after consulting with the Ombuds Office. In several cases, a faculty member filed more than one grievance complaint related to a dispute, either concurrently or in separate grievance complaints filed over the course of several months as a dispute continued to develop. This includes one case where a Type I grievance was filed and concluded in 2013, and another related grievance complaint was filed in 2014.

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. Some faculty members are in distress, often after the failure of the informal dispute resolution using the services of the Ombuds Office. I regularly remind faculty members about the University's Employee Assistance Program (EAP) which provides confidential counseling assistance to faculty.

### **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, however faculty members continue to be confused about this option. 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.

Respectfully submitted,



Enid Trucios-Haynes  
University Faculty Grievance Officer  
February 4, 2015

Statistics Chart Attached

**TABLE -- Grievance Activity Statistics - January 2, 2014 to December 31, 2014**

UNIT	# of New Consultations	# of New Grievances Filed Type I (T I) Type II (T II)	Grievances Concluded from Prior Year & Grievances Pending From Prior Year(s)	# Resolved Informally	Other Resolutions
A & S	6	1 – Type I  1 – Type II	2 concluded	Unknown	1 Referral to Vice Provost for Faculty Affairs 5 Referrals to Ombud
CEHD	4	1 – Type I	1 Pending	Unknown	2 Referrals to Ombud
SPHIS	1		2 Concluded - Dismissed due to end of employment	Unknown	1 Referral to Ombud
Medicine	2		2 Pending – Old Process	Unknown	2 Referrals to Ombud
Speed School	2	1 – Type I	1 Pending	Unknown	2 Referrals to Ombud
<b>2014</b>	<b>15</b>	<b>4</b>	<b>8 Total: 4 Concluded 2 Pending 2 Pending – Old Process</b>	<b>Unknown</b>	<b>12 Referrals to Ombud  1 Referral to Vice Provost</b>
7/2012-12/2013	11	3	5 Concluded 2 Pending – Old Process		1 Resolved* 4
2011-12 TOTALS	12	4 1 New Process 3 Old Process	2 Concluded	1 Known to FGO	10 2 Grievances Pending as of 6-30-12
2010-11	12	0	12 Resolved 2 Pending	2 Others have unknown resolution	2 Pending as of 6-30-2011
2009-10	19	14	6	1	11 Pending as of 6-30-2010
2008-09	19	26	3	1	12 Pending as of 6-2009
2007-08	17	22	4	1	n/a

\* Resolved outside of the university grievance process