

2015 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, 2015 through December 31, 2015, unless otherwise noted. My appointment as Faculty Grievance Officer [FGO] was effective on January 1, 2010.

Dispute Resolution Process Overview

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 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 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.

2015 Grievance Statistics and Activity

This report covers the period from January 1, 2015 through December 31, 2015, unless otherwise noted. A chart of activity during this period summarizing the grievance activity by unit is also included.

During 2015, three new grievances were filed and four grievances remained pending leaving a total seven grievances in the system. One of these pending grievances was concluded under the grievance process. Two new grievances were filed and resolved in 2015. Of the three new grievances filed in 2015, two were Type I grievances and one was a Type II grievance. At the end of 2015, one grievance filed in 2014 remained pending, and two remain pending but are not moving through the grievance process at this time. These latter two were filed under the grievance process in place prior to October 10, 2011. One grievance was concluded when employment terminated in 2015, and the second grievance concluded in 2015 was resolved through administrative processes outside of the grievance mechanism.

During 2015, I consulted with a total of 10 individuals. Two 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.

One particularly time-consuming grievance required numerous consultations over the course of several months and involved many additional email contacts. Generally, the FGO consultation 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 who believe that an attempt at informal dispute resolution is required

before a grievance complaint can be filed with the FGO. The Redbook is confusing to many on this point. 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.

Another issue is the FGO's lack of information about the success of alternative dispute resolution processes at the University. Faculty members who seek consultation with the FGO often are undecided about how to proceed and whether informal options might be helpful. I generally recommend that faculty attempt to resolve matters informally, however I cannot provide any concrete information about the success or failure of the efforts by the Ombuds Office.

Respectfully submitted,



Enid Trucios-Haynes
University Faculty Grievance Officer
April 5, 2015

Statistics Chart Attached

TABLE -- Grievance Activity Statistics - January through December 2015

UNIT	# of New Consultations	# of New Grievances Filed Type I (T1) Type II (T2)	Grievances Concluded from Prior Year & Grievances Pending From Prior Year(s)	# Resolved Informally	Other Resolutions
A & S	4	2 -T1 Grievances		Unknown	1 - Grievance Filed & Concluded in 2015 4 – Referrals to Ombud
CEHD	2		1 – Pending since 2014	Unknown	2 Referrals to Ombud
Speed			1 –Filed in 2014 & Concluded in 2015	Unknown	<hr/>
Medicine	2		2 Pending old process	Unknown	2 Referrals to Ombud
Dental School	1	1 - T2 Grievance		Unknown	1 Filed & Concluded in 2015
Nursing	1			Unknown	1 Referral to Ombud
2015	10	3	4 Total: 1 Concluded 1 Pending 2 Pending – Old Process	Unknown	9 Referrals to Ombud 2 Grievances Filed & Concluded in 2015
2014	15	4	8 Total: 4 Concluded 2 Pending 2 Pending – Old Process	Unknown	12 Referrals to Ombud 1 Referral to Vice Provost
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 Others have	2 Pending as of 6-30-

TABLE -- Grievance Activity Statistics - January through December 2015

			2 Pending	unknown resolution	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