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Annual Report to the University of Louisville Faculty Senate

June 7, 2017

This report is submitted as required by the Faculty Senate Redbook, Section 4.4.1.A, and covers the period from September 7, 2016 through June 7, 2017, unless otherwise noted. My appointment as Faculty Grievance Officer (“FGO”) was effective September 7, 2016.

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 7, 2016 through June 7, 2017, unless otherwise noted. A chart of activity during this period summarizing the grievance activity by unit is also included in this report. This is my first report as FGO.

During the nine-month period since my appointment, three Type 1 grievances have been filed: two were dismissed on jurisdictional grounds and one has just been filed and a jurisdictional determination is pending. Two other Type 1 disputes are at various stages of informal resolution, with one of these being completely resolved through informal processes within the unit. 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.

There has been one Type 2 grievance complaint filed, jurisdiction has been accepted, and a hearing scheduled. I met with this faculty member on several occasions, and provided advice and guidance on the Type 2 grievance process.

In total, I have consulted, advised, or responded to inquiries from twelve (12) faculty members. Of these, three (3) have filed Type 1 disputes and one (1) has filed a Type 2 dispute. I have consulted with six (6) faculty members either through scheduled meetings or emails. None of these faculty members filed formal grievances. Of the two remaining consultations, one has been resolved informally within the unit and the other is pending resolution through the informal process.

Grievance-Related Issues

It is still relatively early in my tenure as FGO. I have reviewed previous reports of the FGO, and I have not encountered any of the issues highlighted in past reports at this point in time. There have been some minor issues about timing and statute of limitations as they relate to claims that occur over the summer months, but this has been addressed through discussion between the parties.

Another emerging issue is how the grievance process may be limited in addressing issues that are more appropriately treated as a human resource issue. This is something that will be monitored in the future.

Unit	Consultations	Grievances File (Type 1 or Type 2)	Concluded or Pending	Resolved Informally (Ombuds)	Other Resolutions
Dentistry	1	Type 1	Jurisdiction denied		
Speed	2	Type 1	Jurisdiction denied; 1 pending		
Humanities	1				
Nursing	2				1 resolved within the unit
Neurosurgery	2				
History	1				
Criminal Justice	1				
Law	1				Resolved internally and by Associate Provost
Pan-African Studies-Art	1	Type 2 hearing granted			

Consultations, Grievances, and Resolutions: September 7, 2016-June 7, 2017