

TO: Faculty Senate
FROM: Enid Trucios-Haynes, FGO
RE: FGO Report to the Faculty Senate (2022-2023)
DATE: October 4, 2023

This report contains information about the number of FGO consultations, and grievance complaints filed with the FGO, from July 1, 2022 to June 30, 2023. The chart below indicates the units or schools in which these originated. This report also highlights some implications of the new Faculty Accountability Policy (FAP), and includes new information about the intersection of Ombuds Office practices, the Redbook Type 1 Grievance Policy, and the FAP.

I served as Acting FGO during 2022-23, and in Spring Spring 2020. I previously served as FGO from Fall 2010 to Fall 2016. I was reappointed as FGO in July 2023.

I. FGO Actions

FGO Grievance Complaints & Consultations – July 1, 2022 to June 30, 2023

School	Arts & Sciences	College of Business	Music	CEHD	Kent	TOTAL	
Grievance Complaints Filed w/FGO	2	1	1			4	
Consultations Only	1		1	1	1	4	

This chart indicates the number of faculty members who consulted and/or filed a grievance complaint with the FGO. Nearly all of the grievance complaints involve several discussions. Similarly, the consultations with faculty members often involve more than one discussion.

II. Challenges from the Intersection of the Redbook Type 1 Grievance Policy, Ombuds Office Practices, and the Faculty Accountability Policy

In the past year, I had several consultations about the application of the new Faculty Accountability Policy. As a result, I revised the information I share about faculty dispute resolution at UofL. Generally, there are four distinct ways that faculty disputes may be resolved: (1) informal resolution with the [Ombuds Office](#); (2) a faculty grievance complaint under [Redbook 4.4](#); (3) a dispute resulting in application of the Faculty Accountability Policy; or (4) a dispute culminating in the termination of a faculty appointment under [Redbook 4.5](#).

The existence of these distinct processes can create confusion, making it challenging to provide advice to faculty members. In particular, the new FAP policy and its intersection with current Ombuds Office practices and the Redbook grievance policy for Type 1 grievances is unclear. The Vice Provost for Faculty Affairs has helped resolve some of this confusion in a recent meeting with the FGO, Ombud, Co-Chairs of University Faculty Grievance Committee, and one of UofL's lawyers in the University Counsel's office. We confirmed several information items listed below.

Confusion arises in several circumstances. First, a faculty member may be required to respond to an alleged violation of the Faculty Accountability Policy which contains much shorter deadlines, typically ten days, compared to a Redbook Type 1 grievance deadlines. The Redbook generally requires: consultation with the Ombud within 60 days of a challenged action; allows an indeterminate amount of time for an Ombuds-assisted resolution; and thereafter allows up to 30 days to contact the FGO after concluding the Ombuds process (or consultation). Second, the faculty member responding to an FAP issue might wish to resolve the dispute informally by consulting the Ombuds. Third, the faculty member could have a Type 1 grievance dispute about whether the FAP procedures were followed properly.

Although each of these processes may operate simultaneously, it can be difficult for a faculty member to work effectively with the Ombuds Office once the FAP policy is implemented. The FAP ten-day response time generally would not provide enough time to consult with the Ombuds Office and then schedule a meeting to try to resolve the dispute informally. In the event a faculty member believes the FAP policy has been misapplied or otherwise implemented creating a [Type 1 grievance](#), they might only have time to file a grievance after the FAP process is completed.

III. New Information about the intersection of the Redbook Type 1 Grievance Policy, Ombuds Office Practices, and the Faculty Accountability Policy

As noted above, a recent meeting helped clarify some practical issues of implementing these three processes. I learned several points of information relevant to FAP timeframes, as well as the options for simultaneous consultations with the Ombuds Office and/or filing a Type 1 grievance complaint.

New Information Items:

- (1) During the timeframe while an FAP process is ongoing, a faculty member also may consult the Ombuds to resolve the FAP dispute informally, and may file a Type 1 grievance complaint about the FAP procedures, after satisfying the grievance filing requirements.
- (2) A faculty member must follow the different deadlines and procedures for each process, e.g. an FAP matter and a related Type 1 grievance complaint.
- (3) A faculty member may request the extension of an FAP deadline which may be granted on a case-by-case basis.

Respectfully submitted,

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Pronouns: she, her, hers