

TO: Faculty Senate

FR: Enid Trucios-Haynes, Professor of Law, University Faculty Grievance Officer

RE: FGO Report to the Faculty Senate (AY2023-2024)

DT: December 4, 2024

This report contains information about the number of FGO consultations, and grievance complaints filed with the FGO, from July 1, 2023 to June 30, 2024, and includes 1 grievance complaint filed at the beginning of AY 2024-25.

Key takeaways:

- Only four grievance complaints were filed in AY23-24 and early AY24-25, and all were Type 1 Grievances under [Redbook 4.4.4](#)
- Numerous consultations happen, many occurring over months
- Grievance complaints can be resolved fairly quickly. Two have been resolved in 4-6 months in the past year
- Faculty members often reach out to the FGO while continuing to work with the Ombuds Office

I've attached two charts to enhance transparency about the grievance process. The first chart contains details about the FGO activity during AY23-24. The second chart offers some comparative information with details about grievances and FGO consultations from 2007-2013.

I've also attached a general overview of the Type 1 grievance process. I share this information with faculty members who reach out about a potential grievance. Finally, I'm sharing an PPT overview of the process. A version of this PPT was shared with department chairs and other administrators earlier this semester.

Consultations happen regularly. Consultations with one faculty member often happen over the course of several months. Faculty members may reach out to me and continue to work with the Ombuds toward informal resolution. In the past year, I have consulted with faculty members about a variety of issues, such as: whether a dispute meets the criteria for a grievance; post-tenure review procedures; the application of the [Faculty Accountability Policy](#) (FAP); a unit's process to reward research/scholarship; and termination procedures under [RB 4.5.3](#), and the [Appendix to Redbook 4.5](#).

Grievance complaints can be resolved fairly quickly. Two grievance complaints filed in 2024 were resolved at the University Faculty Grievance Committee (UFGC) level within 4 to 6 months (one in AY23-24 and one in AY24-25). Generally, the timeframe from the initial FGO consultation to the submission of the grievance complaint to the UFGC in the past year was between thirty and sixty days.

The Redbook contains detailed procedures for the resolution of faculty disputes. In particular, the UFGC follows detailed Redbook procedures for each type of grievance complaint (Type 1 or Type 2) found in [RB 4.4.5.A.3](#).

My report last year shared information about the rising number of consultations with faculty members subject to the [Faculty Accountability Policy](#). I continue to have a small number of consultations about the FAP, as well as the termination of a tenured appointment under [Redbook 4.5](#). Each of these matters involve separate procedural requirements and the application of these procedures can raise Type 1 grievance issues.

The FAP policy timeframes differ from the Type 1 grievance deadlines, resulting in potential confusion if a faculty member believes they have a Type 1 grievance about how the FAP is applied to them. Last year I shared the following information about this intersection: (1) During the timeframe while an FAP process is ongoing, a faculty member also may consult the Ombud to resolve the FAP dispute informally, and may file a Type 1 grievance complaint about the FAP procedures, after satisfying the grievance filing requirement; (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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Attachments: Charts; Overview of Type 1 Grievances

TABLE -- Grievance Activity Statistics-July 1, 2023 to June 30, 2024

UNIT	# of New Consultations	# of New Grievances Filed	Grievances Concluded from Prior Year & Grievances Pending From Prior Year	# Resolved Informally	Other Resolutions
A & S	6	1	1 Pending from 22-23		Withdrawn by grievant to pursue mediation Review at Provost level pending (?)
CEHD					
COB	1 (AY 23-24)	1 (AY 24-25)			UFGC Hearing Report issued
Dentistry					
SPHIS	1	1			Resolved in grievant's favor
Social Work	1				Issue did not meet Type 1 grievance criteria
Music	1	1			(Unknown)
Speed	1				Grievance not filed
Medicine					
Other	2				Staff referred to staff grievance officer
TOTALS 7/1/2023-6/30/2024	13	4 (1 filed in AY 24-25)	1 Pending – filed AY22-23 (?)		2 Resolved 3 Grievances Pending as of 12/4/24 from AY 23-24

TABLE -- Grievance Activity Statistics-July 1, 2012, to December 31, 2013

UNIT	# of New Consultations	# of New Grievances Filed	Grievances Concluded from Prior Year & Grievances Pending From Prior Year	# Resolved Informally	Other Resolutions
A & S	5	1			1 - Referral to Vice Provost for Faculty Affairs 4 – Referral to Ombuds
CEHD	2		2 Concluded - New 1 Concluded - Old 1 Resolved*		1 - Resolved* 2 – Referral to Ombuds
COB	1				1 Information Requested & Referral to Ombuds
Dentistry	1				1 Information Requested & Referral to Ombuds
SPHIS	2	2			<u>2 – Referral to Ombuds</u>
Medicine	2		2 Pending - Old Process		
7/2012-12/2013	13	3 2 Concluded in Jan 2014	5 Concluded 2 Pending – Old Process		1 Resolved* 9 Referrals to Ombuds 1 Other 3 Grievances Pending as of 1/30/14
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 - 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

TYPE 1 GRIEVANCE OVERVIEW

December 4, 2024

UofL would like faculty members to engage in informal dispute resolution using the [Ombuds Office](#) prior to filing a grievance complaint. The Ombud can assist a faculty member with informal approaches including confidential meetings and mediation to help resolve disputes. Consultation with the Ombud's Office is required before a Type 1 formal grievance complaint can be filed with the Faculty Grievance Officer (FGO). Faculty members have the discretion to pursue or not pursue the informal options offered by the Ombud.

TYPE 1 & TYPE 2 GRIEVANCES

Type 1 grievances generally involve the violation, misapplication, differential, or discriminatory application of UofL rules or policies, as well as retaliation and decisions based on misrepresentation of material facts. One requirement is the faculty member must demonstrate a "material disadvantage," e.g., "professional damage, loss of resources or significant changes in work assignment" as a result of administrator or other faculty decisions or actions. The complete list of specific actions covered in Type 1 grievances can be found in [Redbook 4.4.4.A.1](#). Type 2 grievances generally involve the termination of an appointment (denial of tenure, and nonrenewal of appointments) due to improper process as outlined in [Redbook 4.4.4.B.1](#).

Type 2 grievances generally involve the termination of an appointment (denial of tenure, and nonrenewal of appointments) due to improper process as outlined in [Redbook 4.4.4.B.1](#). The procedures for filing a Type 2 grievance complaint are outlined in [Redbook 4.4.5.B](#). The faculty member must submit the grievance complaint form to the FGO within thirty (30) days of receiving the notification.

The Redbook also outlines the situations in which the grievance process is unavailable (Redbook 4.4.4.A.2 and 4.4.4.B.2). Specifically, RB 4.4 does not cover "[d]isagreements about the content of a policy or established procedure, rather than with their application or enforcement, shall be addressed through policy-making bodies, including the unit faculties, the Faculty Assembly, the Faculty Senate, and the Board of Trustees."

TYPE 1 – FGO FILING PROCEDURES

If a faculty member wishes to file a grievance complaint, the form to file a grievance complaint can be found here: <https://louisville.edu/provost/what-we-do/grievance>. The written narrative about the violations should be as specific as possible, connecting the challenged action to the types of grievances recognized in [Redbook 4.4.4.A](#). The faculty member will need to submit supplementary information with the grievance complaint.

A Type 1 grievance complaint may be filed with the FGO *only after consultation with the Ombud's Office* under [Redbook 4.4.5](#). The timeframe for this consultation is delineated in Redbook 4.4.5.A.1 and requires that the faculty member consult with the Ombud "within sixty (60) calendar days of the disputed condition or action. . ." Generally, the Ombud will inform the faculty member of the available informal dispute resolution services the Ombuds Office provides to the University. The Ombud consultation can take the form of multiple meetings or just one meeting. Faculty members have the discretion to choose whether to try one of the Ombud's options, or to file a grievance immediately after the Ombud consultation.

After the formal grievance complaint is filed with the FGO, the FGO reviews it to verify it meets Redbook requirements. If not, the FGO will reach out to the faculty member to identify any information needed for the complaint.

TYPE 1 – UFGC PROCEDURES

After the complaint is finalized, the FGO forwards it to the UFGC Co-Chairs for further hearings as outlined in [Redbook 4.4.5.A](#). The procedures for the hearings are in [Redbook 4.4.5](#) and [Chapter 4 Appendix](#).

In a Type 1 grievance, the UFGC will forward the complaint to those individuals against whom the grievance complaint has been filed (the respondents). Next, the faculty member can expect to hear from one of the Co-Chairs about scheduling the Jurisdiction Hearing Panel for the formal determination of whether the complaint meets the requirements for a Type 1 grievance. This panel will evaluate the grievance complaint and any supplementary documents, as well as any rebuttal submitted by the respondent(s). Under RB 4.4.5.2.C. (for Type 1 grievance complaints) the Jurisdictional Panel will decide whether to accept the grievance complaint, and the panel's decision is final and not appealable. The Jurisdiction Panel is composed of five faculty members, and the decision to accept jurisdiction will be based on the documentation filed by the faculty member, the respondent, and any additional documentary evidence the Panel requests. The faculty member will be notified of the Jurisdiction Hearing Panel members and will have an opportunity to challenge the membership of this hearing panel. Neither party to the grievance attends the Jurisdiction Hearing Panel meeting.

If the Jurisdiction Panel agrees that the UFGC has jurisdiction, then a second hearing will be scheduled regarding the merits of the complaint. The Hearing Panel makes recommendations about how to resolve the grievance called a Resolution Plan which will include proposed remedies. The co-chairs will provide more details about the procedures of the Hearing Panel.

There are several steps before this Hearing Panel meets including a pre-conference hearing with one of the UFGC co-chairs. Under RB 4.4.5.A.3.C this includes an exchange of the list of materials to be presented and the witnesses list (annotated to indicate the purpose and general content of anticipated testimony), and notification of whether the witness will be present at the hearing or will provide a written statement.

After the Hearing Panel provides its recommendations, the faculty member and respondent can challenge the findings. Under [RB 4.4.5.A.4](#), if both the parties to the grievance agree or if either does not respond within thirty (30) calendar days to the proposed remedies, the conclusions are final contingent on agreement of the Dean or next highest level of administration if the dispute directly involves the Dean. If either party does not agree with the grievance resolution plan, then the plan is sent to the next level of authority who shall implement the plan. Under [RB 4.4.5.A.4.B](#), the parties have "thirty (30) calendar days to respond in writing to the Grievance Committee's resolution plan."

Faculty members also may appeal the Hearing Panel's recommendation under RB 4.4.5.A.5 "to the Executive Vice President and Provost [which] must be made within twenty-one (21) calendar days of receipt of the plan." The Redbook includes specific requirements for any appeal, generally in cases where the decision of the hearing panel was arbitrary or capricious, was based on material misrepresentation of the facts, or there is new evidence. Appeals of the Provost's decision are also available as specified in the Redbook.