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

**October 4, 2021**

This report is submitted as required by the Faculty Senate Redbook, Section 4.4.1.A, and covers the period from October 1, 2020, through September 1, 2021 unless otherwise noted.

### **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 October 1, 2020, through September 1, 2021, unless otherwise noted. There was a total of five (5) grievances during this period: three (3) Type 2 grievances, one of which was dismissed for lack of jurisdiction; two (2) Type 1 grievances, one of which was dismissed for lack of jurisdiction. A chart of activity during this period summarizing the grievance activity by specific unit is also included in this report.

In the chart below, Consultations reference meetings either by phone or in person during the time when the potential grievant asked for assistance in understanding the grievance process and ensuring that the grievance forms comported with the requirements of the Redbook.

There were two (2) grievances that were filed from the School of Medicine: in 2020, a Type 1 grievance; and in 2021, a Type 2 grievance both of which did not meet the jurisdictional requirements for a formal grievance, the complaints were dismissed, and no further action was taken.

During this reporting period, there have been two (2) Type 2 grievances filed: a Type 2 grievance from A&S went through the formal grievance process and appeal with the opinion of the Faculty Grievance Committee being affirmed by the President.

A Type 2 grievance from the College of Business went through the formal grievance process and appeal with the opinion of the Faculty Grievance Committee being affirmed by the Provost.

During this reporting period, there was one (1) Type 1 grievance from the law school which went through the formal grievance process and was resolved with an affirmation of the Faculty Grievance Committee's decision by the President.

**Note:** There will be ongoing discussions about the grievance process, specifically the concept of faculty "wins" or "loses." While the Resolutions section in the chart below attempts to respond to this query, it cannot completely address the nuance and complexity of this issue. Indeed, it is inaccurate to view grievance process results as singular events of "wins" or "losses" when such results are part of a process. Decisions often have numerous components that cannot be simply conceptualized as "favorable" or "unfavorable." Since this will be an issue in forthcoming discussions about the efficacy, scope, and function of the grievance process, the outcomes listed here are an attempt to reference an issue that will be discussed in the future.

<b>Unit</b>	<b>Consultations (meetings to discuss the complaint)</b>	<b>Grievances File (Type 1 or Type 2)</b>	<b>Concluded or Pending</b>	<b>Resolved Informally (Ombuds)</b>	<b>Other Resolutions</b>
A&S	2	Type 2	Grievance Closed		Appealed to President; resolved in favor of Respondent
COB	3	Type 2	Grievance Closed		Appealed to Provost; resolved in favor of Respondent
Law	1	Type 1	Grievance Closed		Appealed to President; resolved in favor of Respondent
Medicine	1	Type 1	Dismissed for lack of jurisdiction		
Medicine	1	Type 2	Dismissed for lack of jurisdiction		

**Consultations, Grievances, and Resolutions: October 1, 2020-September 1, 2021**