

# FAC 491. Faculty Grievance Procedures

**491.1 Purpose.** The objective of this policy is to provide an expeditious and fair method for resolving faculty grievances. The procedure intends to define clearly the matters that are at issue, to assure the faculty member that his/her complaint or problem has been presented to and considered by appropriate college officials, and to assure the college community that decisions involving faculty members are made professionally and ethically.

Without limitation, grievances covered by this policy include promotion, assignment of duties, academic freedom, or working conditions. Note that *all allegations of unlawful discrimination or harassment are to be processed according to "ADM 180 Discrimination and Harassment" or "ADM 185 Sexual Harassment"* (Appendices 17 and 18 in this Faculty Handbook) rather than through the faculty grievance procedure described here.

**491.2 Procedures.** Faculty are encouraged to resolve disputes with the college or with colleagues through reasoned discussion with their department chair, the chief academic officer, the director of human resources, or other colleagues deemed relevant to or helpful in resolving the dispute.

*Mediation.* Before or at any time during an investigation, the CAO and other parties may jointly choose mediation. If all parties agree, mediation can be provided by the college's human resources office. If any party objects to using an in-house mediator, human resources will provide an external mediator at the college's expense. At any point, any party may unilaterally end mediation.

*Investigations.* A faculty member who is unable to resolve a

grievance through reasoned discussion or mediation or who believes that reasoned discussion is not an alternative given the nature of the grievance may initiate the formal grievance procedure by petitioning the CAO for an investigation. If the grievance is against the CAO, the president or the president's designee shall serve the function of the CAO for the duration of the investigation.

Whenever possible, the Faculty Review Committee shall serve as the Grievance Committee; however, if the grievance derives from a decision rendered by FRC, the Grievance Committee shall be comprised as follows: one faculty member chosen by the grievant, another chosen by the CAO, and a third member chosen jointly by the other two Grievance Committee members. If the two members cannot agree upon a third member in a timely fashion, the CAO or the director of human resources can negotiate with the grievant to appoint the third person.

Within 15 days of the Grievance Committee's appointment, the grievant will submit a statement that details his or her case. Within 15 days of receiving the grievant's statement, the Grievance Committee will determine whether an investigation is warranted or unwarranted and report that finding to the grievant.

If an investigation is warranted, the affected parties will present committee members with all relevant information. The Grievance Committee may solicit the testimony of witnesses and/or request additional documentary evidence to ensure that the investigation is fair and that all relevant facts are presented. The Grievance Committee will report its findings and recommendations to the grievant and the CAO within 60 days following its determination that an investigation is warranted. The Grievance Committee may (1) determine that a settlement is not possible or is inappropriate or (2) recommend actions to the CAO to redress the grievance.

Within 15 days of receiving the Hearing Committee's report,

the CAO shall (1) accept the Hearing Committee's recommendations, (2) state in writing to the Hearing Committee and to the parties involved in the grievance the reasons for rejecting the recommendations, or (3) indicate in writing why a decision is delayed and when a resolution is expected.

Should the CAO reject the recommendation of the Grievance Committee, the Grievance Committee will reconsider its recommendation, taking into account the CAO's objections. If necessary, it may receive new evidence or convoke a supplemental hearing. The Grievance Committee should report its final recommendation to the CAO within 15 days of receiving the CAO's objections. Only after studying the Grievance Committee's reconsidered recommendation may the CAO make a decision that overrules the Grievance Committee's final recommendation. The CAO's decision shall be released within 15 days of receipt of the Grievance Committee's final recommendation.

### 491.3 Grievance Timeline

	Grievant pursues reasoned discussion with CAO and other relevant parties.
	Grievant and CAO discuss whether mediation is an option.
	Grievant petitions CAO for an investigation.
15 days	Appointment of Grievance Committee completed; grievant provides a statement detailing complaints.
15 days	Grievance Committee rules on whether an investigation is warranted. If so...
60 days	... the investigation is conducted; Grievance Committee reports its findings.
	<i>If CAO objects to the Grievance Committee findings, the process continues:</i>

15 days	CAO responds in writing to Grievance Committee's recommendation.
15 days	Grievance Committee reports its final recommendation.
15 days	CAO reports final decision to grievant and other relevant parties.