

## FACULTY GRIEVANCE PROCEDURE

## INTRODUCTION

A grievance is any controversy, dispute, or disagreement between faculty members and/or administrators. Any aggrieved faculty member should first seek to resolve the grievance through the appropriate Department Head. If the matter is not resolved at this level, the faculty member, Department Head, and Dean shall meet to seek a solution. If the grievance cannot be resolved at the college level, the concerned parties shall meet with the Vice-President for Academic Affairs to seek a solution. The faculty member who is unable to achieve a satisfactory solution at this stage may file a petition with the President of the University for a hearing by committee. This petition must include a statement of the issue, a statement of actions taken prior to this time, and a summary of facts supporting the need for a hearing. The President shall forward this petition to the University Faculty Grievance Committee for action.

The Faculty Grievance Procedures at Western Kentucky University shall provide hearings for grievances relating to tenure, promotion, termination for cause, non-renewal of contract, salary, working conditions, annual evaluation of faculty, work assignment, teaching load, and other similar job-related matters.

Preliminary Investigation Committees and Evidentiary Hearing Committees shall be formed from the membership of the University Faculty Grievance Committee according to methods outlined later in this document.

Upon receipt of a petition for hearing by committee, a Preliminary Investigation Committee shall be formed to conduct a private, informal inquiry. This committee shall be responsible for determining whether or not a legitimate grievance has been presented. If the grievance is determined to be legitimate,

the committee shall seek to resolve the matter by informal consultation, discussion, and confidential mediation. If no resolution is attained within three weeks of the conclusion of the preliminary investigation, the committee shall provide both the President of the University and the complainant with a written report containing its advice and recommendation as to whether the matter should be pursued in a formal evidentiary hearing.

If a formal evidentiary hearing is recommended by a Preliminary Investigation Committee and, in addition, is requested by either the President of the University or the complainant, then an Evidentiary Hearing Committee shall be formed.

In a formal evidentiary hearing, legal counsel may be utilized. The information obtained by an Evidentiary Hearing Committee shall be accurately and completely preserved by stenographic, mechanical, or electronic device. A complete transcript of the investigation together with a written report that includes the findings, conclusions, and recommendations of the Evidentiary Hearing Committee shall be provided the President for further action.

#### UNIVERSITY FACULTY GRIEVANCE COMMITTEE

The following sections outline the requirements for the selection and operation of the University Faculty Grievance Committee.

- A. Committee Membership: The University Faculty Grievance Committee shall consist of a pool of faculty members, one elected from each of the academic departments.
- B. Election: The University Faculty Grievance Committee shall be elected by the following guidelines:
  1. The election of the University Faculty Grievance Committee members shall be held during the month of April.
  2. To be eligible for election a faculty member must be assigned to full-time teaching, research, and/or academic service duties. The faculty regent shall be ineligible.

3. Every two years, each Academic Department shall elect one eligible faculty member.
  4. Committee members shall be elected by secret ballot by all members of the department holding academic rank and assigned to full-time teaching, research, and/or academic service duties.
  5. Faculty members eligible to hold membership on the University Faculty Grievance Committee will normally be required to serve if elected. Resignations from the University Faculty Grievance Committee may be approved by the Vice President for Academic Affairs following consideration of a documented request.
  6. Duly elected members shall serve for a period of two years beginning on August 16 of the year they are elected and ending on August 15 two years later, and shall be eligible for re-election. Members shall complete committee action on any grievance proceedings which continue past the end of their regular term, but no new cases shall be begun by a committee member whose term has expired.
  7. The first election shall occur within 30 days of approval of this document by the President.
  8. Committee vacancies shall be filled by special departmental election. Replacement members shall serve until the next regularly scheduled election and shall be eligible for re-election.
- C. University Faculty Grievance Committee Chairperson: The University Faculty Grievance Committee shall annually elect a chairperson and vice-chairperson. The chairperson and vice-chairperson shall be elected at the first meeting called by the President within two weeks of the establishment of the committee. In the absence of the chairperson,

the vice-chairperson shall assume the responsibilities of the chair of the committee.

D. Establishment of a Preliminary Investigation Committee:

1. Upon the request of the President, the University Faculty Grievance Committee chairperson shall select by lot from the membership, a five member Preliminary Investigating Committee. The investigating committee may not include a faculty member from the grievant's department. The Preliminary Investigation Committee shall be responsible for conducting an inquiry and making a report to the President. The University Faculty Grievance Committee chairperson shall designate one member of the Preliminary Investigation Committee to serve as Chairperson for the duration of proceedings.
2. Faculty members shall remove themselves on their own initiative, if they deem themselves disqualified because of bias or interest. Each of the parties in the grievance shall have the option of two peremptory challenges of the Preliminary Investigation Committee membership. Challenged committee members shall be replaced using the same selection procedure as was used in the selection of the original committee, and a new committee chairperson shall be appointed if necessary.

E. Establishment of an Evidentiary Hearing Committee:

1. Upon the request of the Preliminary Investigation Committee, the President of the University or the complainant, the Faculty Grievance Committee chairperson shall select by lot from the membership a ten member Evidentiary Hearing Committee. The committee may not include members of the preliminary investigation committee

or a faculty member from the complainant's department. The Evidentiary Hearing Committee should meet with all deliberate speed and at its first meeting elect a chairperson and a vice-chairperson.

2. Faculty members shall remove themselves on their own initiative, if they deem themselves disqualified because of bias or interest. Each of the parties in the grievance shall have the option of two peremptory challenges of the Evidentiary Hearing Committee. Challenged committee members shall be replaced using the same selection procedure as was used in the selection of the original committee, and a new committee chairperson shall be elected if necessary.

F. Conduct of Investigations:

1. First, the Preliminary Investigation Committee shall determine if a legitimate grievance exists. Legitimate grievances will consist of: (1) Apparent violations of official university policy, (2) apparent deviations from past procedure and/or practice not covered in official university policy, or (3) actions which are in accord with official university policy, past procedures, and/or practice but considered by the Committee to apparently not be in the best interest of the aggrieved faculty member.
2. If the Preliminary Investigation Committee determines that a legitimate grievance does not exist, they shall inform the President and those parties involved that an investigation will not be conducted.

3. If the Preliminary Investigation Committee determines a legitimate grievance exists, the Committee shall conduct a thorough inquiry, ensure that its deliberations are prompt, and provide a written report and recommendations to the President. After his review, the President shall forward a copy of the request and his recommendations to the grievant and to the University Faculty Grievance Committee chairperson.
4. The Preliminary Investigation Committee shall conduct its investigation as a private inquiry and seek to resolve the matter by informal interviews, conferences, and discussions.
5. The President or his designee shall have the option of attendance during the inquiry.
6. The Preliminary Investigation Committee will normally conduct the questioning of witnesses and shall secure the presentation of evidence important to the case.
7. The complainant and the respondent shall have the opportunity to question all witnesses during the course of the investigation.
8. After a thorough review of all issues, the Preliminary Investigation Committee shall make its final decision(s) in closed session by secret ballot.

G. General Requirements and Responsibilities:

1. All individuals named in a grievance at the time it is received by the President shall be so informed by the President.
2. The President shall provide the Preliminary Investigation Committee with the time and resources needed to render an effective investigation.

3. The President shall inform the chairperson of the University Faculty Grievance Committee and all individuals named in the grievance of his actions taken on recommendations made by the Preliminary Investigation Committee.
4. On or before August 15 each year, the chairperson of the University Faculty Grievance Committee shall file in the permanent records of the committee a yearly report of committee actions including the action taken by the President on Preliminary Investigation Committee recommendations.
5. If a formal evidentiary hearing is requested, the information obtained during the investigation shall be accurately and completely preserved by stenographic, mechanical, or electronic device and delivered to the President along with the report. Upon request, a complete transcript of the investigation shall be made available in whole or in part to the grievant at no more than cost.
6. If a formal evidentiary hearing is requested the University will provide legal counsel for the Evidentiary Hearing Committee.
7. All steps in this procedure shall be carried out with due expedience. In situations where any party(s) involved in the proceedings feel that proper expedience is not being utilized, the party(s) may petition the Faculty Senate Executive Committee requesting action by the Faculty Senate.