

File

September 28, 1977

M E M O R A N D U M

TO: Members of the Faculty Senate

FROM: James Worthington
P R & C Committee

SUBJECT: Faculty Grievance Procedures

After nearly a year of gathering information, writing and rewriting of draft copies of the faculty grievance procedures, we are ready for guidance from the entire Faculty Senate.

Please examine the attached draft very carefully so that we may incorporate your ideas and correct any errors.

It is our intention that this procedure would replace existing faculty grievance procedures.

JPW

JPW:cc

DRAFT
SEPT. 28, 1977

FACULTY GRIEVANCE PROCEDURES

INTRODUCTION

A grievance is defined as any controversy, dispute, of 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 situation 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 grievance with the President of University (for action by appropriate committee) including a statement of actions taken prior to this time, a statement of the issue, a summary of facts supporting the need for the grievance, and a suggested solution.

Faculty Grievance Procedures at Western Kentucky University shall provide for three kinds of committees: (1) college faculty grievance committees, (2) a university faculty grievance committee, and (3) a committee for plenary proceedings.

College Faculty Grievance Committees will consider and attempt to informally resolve grievances related to salary, working conditions, annual evaluation of faculty, work assignment, teaching load, and other similar job-related matters. The committee will render a report, including findings, conclusions, and recommendations to the President.

The University Faculty Grievance Committee will consider grievances relating to tenure, promotion, termination for cause, and non-renewal of contract and will attempt to resolve the grievances in an informal manner. Grievances related to denial of tenure, denial of promotion, termination for cause, and non-renewal of contract which are not resolved with the aid of the committee or are not approved favorably to the faculty member by the President will be considered in a plenary hearing.

A committee for plenary proceedings may be established as stated in Part IV of this document.

PROCEDURES

I. INITIATION OF GRIEVANCE PROCEDURES:

- A. Procedures for processing grievances must be initiated in accordance with existing University Policy and as set forth in this document.
- B. Nothing in these Faculty Grievance Procedures shall be construed to preclude a faculty member from attempting to resolve his grievance by informal conferences with the appropriate administrative officials of

the academic unit in which he is employed before filing a formal complaint with the President.

- C. It should be incumbent upon academic administrative officials at all levels to informally and personally apprise faculty members of decisions adverse to their interests.

II. UNIVERSITY FACULTY GRIEVANCE COMMITTEE - SELECTION AND OPERATION:

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

- A. Election: A University Faculty Grievance Committee shall be elected by the University faculty to investigate and seek by informal means the resolution of complaints filed by faculty members with the University President.
- B. Committee Membership: The University Faculty Grievance Committee shall consist of a pool of faculty members, elected from each of the academic departments. Each member shall be a faculty member holding any position in the college other than that of dean. Election to the committee will normally be for a period of two years.
- C. Election of Members:
 - 1. The election of the University Faculty Grievance Committee members shall be held each year during the month of April.
 - 2. A committee of eligible faculty members assigned to full-time teaching, research, and/or academic service duties, other than the faculty regent, shall be elected as follows:
 - a. Every two years, each Academic Department shall elect one eligible faculty member;
 - b. Committee members shall be elected by secret ballot by all members of the faculty unit holding academic rank as defined in the Faculty & Staff Handbook;
 - c. The election of committee members shall be conducted under rules and procedures developed by the Bylaws, Amendments and Election Committee of the Faculty Senate.
 - 3. 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.

4. 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.
 5. The first election shall occur within 30 days of approval of this document by the president.
 6. 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.
- D. 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.
- E. Establishment of the 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 investigating committee. The investigating committee may not include a faculty member from the grievant's department. The 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 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 (2) peremptory challenges of the 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.
- F. Conduct of Investigations:
1. The Investigation Committee shall conduct a thorough inquiry, ensure that its deliberations are prompt, and provide a written report and recommendations to the President within 30 days after being convened. After his review, the President shall forward a copy of the report and recommendations to the grievant and to the University Faculty Grievance Committee chairperson.

2. The Investigation Committee shall conduct its investigation as a private inquiry and seek to resolve the matter by informal interviews, conferences, and discussions.
3. The President or his designee shall have the option of attendance during the inquiry.
4. The Investigation Committee will normally conduct the questioning of witnesses and shall secure the presentation of evidence important to the case.
5. The complainant and the respondent shall have the opportunity to question all witnesses during the course of the investigation.
6. After a thorough review of all issues, the Investigation Committee shall make its final decision 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 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 those shown in G.1. above of his actions taken on recommendations made by the 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 Investigation Committee recommendations.

III. COLLEGE FACULTY GRIEVANCE COMMITTEES:

The following sections outline the requirements for the membership and operation of a College Faculty Grievance Committee to handle faculty grievances.

- A. Committee Membership: Unless otherwise provided by majority vote of the faculty of the college with notification given to the college dean, the vice-president for Academic Affairs, and the chairperson of the Faculty Senate, each college shall have a College Faculty Grievance Committee composed of all the senators of that college currently serving on the Faculty Senate; the Faculty Senate Executive Committee representative shall act as chairperson of the College Faculty Grievance Committee.

- B. Investigation of Grievances: For each grievance investigation the chairperson in consultation with the committee shall randomly select no less than three committee members to conduct the investigation and shall designate one of these to act as the College Investigation Committee chairperson. 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 one (1) peremptory challenges of the 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.
- C. Conduct of Investigations: The President shall provide this committee with the time and resources needed to render an effective investigation. The President shall see that the committee effects a prompt and thorough investigation, that it seeks to resolve the matter by informal interviews, conferences, and discussions, and that its written recommendations are presented to him within 30 days after being charged with the responsibility.

IV. PLENARY PROCEEDINGS:

Plenary proceedings shall be conducted for those grievances related to denial of tenure, denial of promotion, termination for cause, and non-renewal of contract which are not resolved with the aid of the committee or are not approved favorably to the faculty member by the President. In these cases the President shall designate a committee of full-time, non-administrative, tenured faculty members to conduct such proceedings.

The plenary proceeding shall be conducted as a formal evidentiary hearing with the following stipulations:

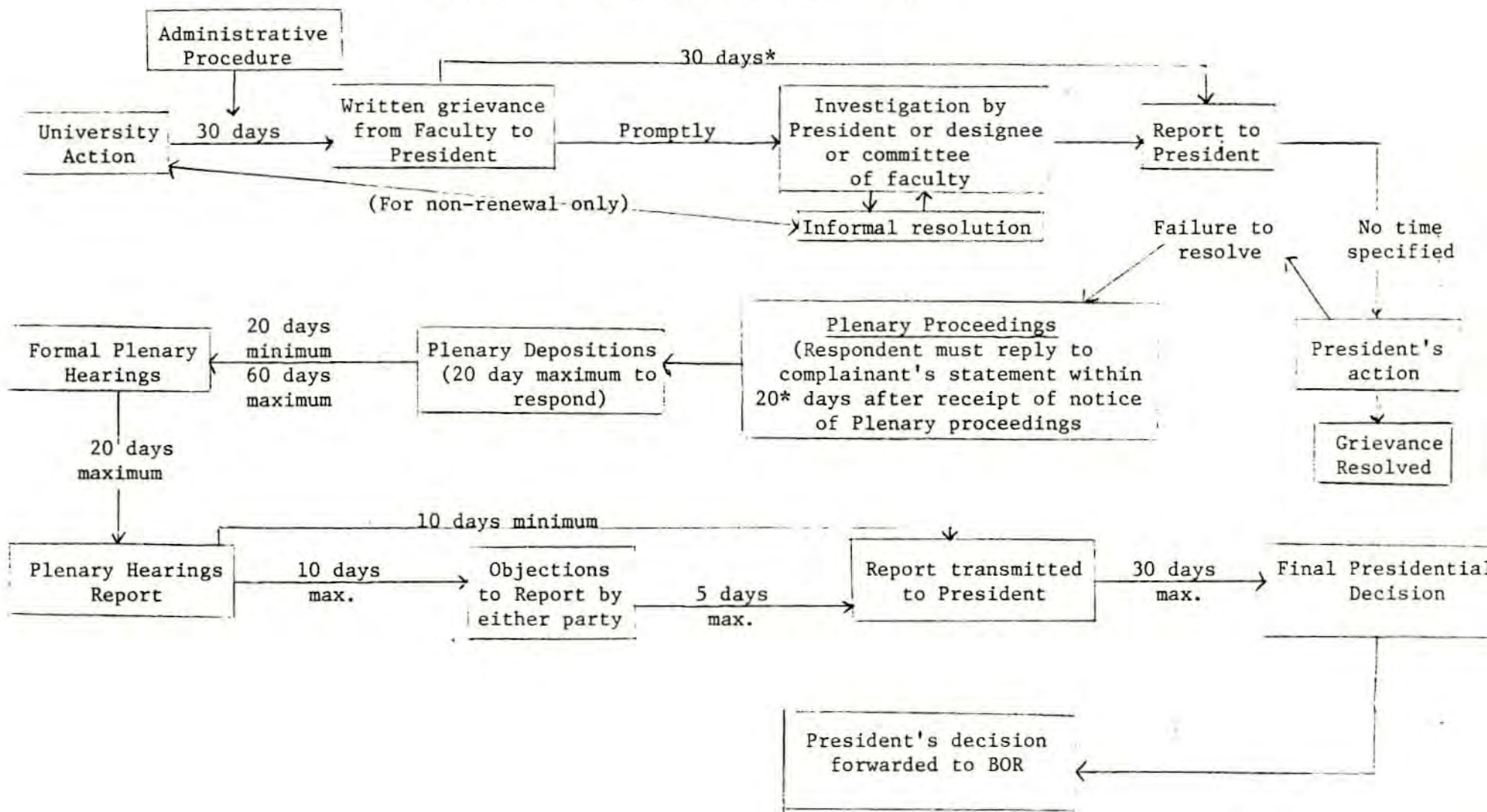
1. Faculty members shall remove themselves on their own initiative, if they deem themselves disqualified because of bias or interest. Each of the parties in the grievance shall have the option of two (2) peremptory challenges of the committee membership. Challenged committee members shall be replaced 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.
2. The complainant and the respondent or their representative shall have the opportunity to question all witnesses during the course of the investigation.
3. 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.

4. A complete transcript of the investigation shall be made available in whole or in part to the grievant at no more than cost.

V. DEFINITION OF FULL-TIME, NON-ADMINISTRATIVE, TENURE FACULTY MEMBER:

As used herein, the term full-time, non-administrative, tenured faculty member includes all tenured Assistant Professors, Associate Professors, and Professors except those holding administrative positions within the university.

GRIEVANCE PROCEDURES FOR
TENURE, PROMOTION, NON-RENEWAL TERMINATION



*Time may be extended by mutual agreement

GRIEVANCE PROCEDURES FOR

JOB RELATED CASES - SALARY, WORK ASSIGNMENT, WORKING CONDITIONS, ETC.

