Policy Number: E24.0 ~Proposed Policy to be reviewed 5/7/2015

Policy Name: FACULTY GRIEVANCE

Scope: All current RIT tenure-track (tenured and pre-tenured) and non-tenure-track faculty classified as regular employees in E1.0 Employee Classification and Status

I. Rationale

RIT’s core values establish the expectation that faculty and administrators will work together in a respectful and collegial manner. To accomplish this, it is essential that the university maintain a climate that fosters prompt and equitable resolution of concerns and grievances.

This policy provides an orderly and formal internal process for a faculty member or a group of faculty members who allege existing policies or procedures have been violated, misapplied, or misinterpreted; or a practice has been unfairly administered, and as a result one’s professional or academic standing has been adversely affected.

The grievance procedure offers a process for faculty to resolve concerns in a non-legal environment. To that end, neither the aggrieved nor the administration shall be represented by legal counsel during the grievance proceedings. Unless there is a related lawsuit pending or questions related to policy interpretation, the university shall not consult with legal counsel until the Committee has submitted its final recommendation.

A grievance cannot be filed to challenge the decision of regularly constituted authorities or committees. Examples of grieveable issues include instances when an appropriate policy, procedure, or practice has not been followed related to such things as academic standards, academic freedom, promotion, and plan of work. The tenure (E05.0) and dismissal for cause (E23.0 and E23.1) policies include provisions as to when a grievance may be filed.

II. Definitions

A. Aggrieved is defined as a currently employed faculty member or group of faculty members who bring a perceived grieveable issue forward for resolution. The aggrieved must be employed throughout the duration of the grievance.

B. Business day is defined as Monday through Friday during the academic year (fall and spring semesters and intersession) and does not include official RIT holidays or summer term.

C. Documentation is defined as the materials submitted during the grievance process. All documents shall be submitted in electronic format unless otherwise requested by the aggrieved. Communication and information sent between parties [e.g. notices, requests, responses], shall be facilitated by the committee chair using secure communication on the
D. Grievable issue is defined as an instance when an appropriate policy or procedure has been violated, misapplied, or misinterpreted; or a practice has been unfairly administered, and as a result has adversely affected the faculty member(s) professional or academic standing.

E. Majority vote by the Committee is defined as at least three out of the five members of the Committee unless otherwise stated.

F. The terms policies, procedures, and practices are defined in the Glossary.

G. Précis is a form of the documentation defined as a concise summary of essential points, statements, or facts. The précis shall include:

- the grievable issue presented to the department head and the dean,
- a copy of the specific policy or procedure that has been violated, misapplied, or misinterpreted; or practice that has been unfairly administered and an explanation of how the aggrieved perceived the policy or procedure to be violated, misunderstood or misinterpreted; or the practice unfairly administered,
- the dates of alleged perceived grievable issue,
- the date the aggrieved discovered the perceived grievable issue,
- the facts related to the perceived grievable issue,
- a description of attempts to resolve the grievable issue including the summaries provided by the department head and dean including proposed resolutions, and
- the resolution sought by the aggrieved.

H. Representative is defined as the representative for the aggrieved bringing the grievance forward or for the administration. The representative shall be an individual from within the RIT community but shall not hold a law degree. The RIT Ombuds Office maintains a list of willing representatives.

III. Grievance Procedures

A. Faculty Grievance Committee

1. Academic Senate shall appoint five (5) faculty members to the Committee and four (4) faculty members as alternate Committee members by April 30 of each year. The distribution of appointments shall be three (3) professors and two (2) alternate professors and two (2) associate professors and two (2) alternate associate professors. The Committee members and alternates shall each be tenured. The Faculty Grievance Committee is responsible only to and will report directly to the president of RIT.

2. Committee members serve on the Committee for three-year terms. Appointments are staggered so that no more than one faculty member from each of the ranks of
professor and associate professor are appointed each year. Any associate professor
member who is promoted to professor during the term of office will continue to serve
out the three-year appointment and be counted as an associate professor in the
makeup of the Committee until the next appointment(s) is made by Academic Senate.
Terms of office begin and expire at the end of the spring semester of any given year,
except that service on any individual grievance already before the Committee shall
continue until the case is resolved or concluded.

3. The chair of the Committee is elected on a yearly basis by the members of the
Committee from among the members of the Committee who have served at least one
year of their term. Before May 15 of each year, the previous year’s chair should
convene the Committee for the purposes of selecting a chair and meeting other
organizational needs for the coming year.

4. In the event the chair is unavailable to serve during his or her elected term, an
alternate chair shall be elected in accordance with this policy.

5. The Committee is in session during the fall and spring semesters and intersession of
the academic year.

6. Upon notification of a pending grievance case, and at the earliest possible time,
members of the Committee (and alternates) shall disqualify themselves if a conflict of
interest or personal bias exists related to the case under consideration.

7. In the event that the number of Committee members and alternates is not sufficient to
form a committee due to disqualifications or exclusions, the Executive Committee of
the Academic Senate shall select replacements from tenured faculty of the appropriate
rank.

B. Faculty Grievance Committee Charge

The Faculty Grievance Committee will determine whether policies or procedures have
been violated, misapplied, or misinterpreted; or practices unfairly administered, and as a
result one’s professional or academic standing has been adversely affected. The
Committee will not substitute its substantive judgment on such matters for those of
regularly constituted authorities or committees. The Committee is authorized to make
recommendations to the president it believes are necessary to assure resolution of the
grievance.

In the extraordinary circumstance that the Committee determines that the president may
have a conflict of interest or a personal bias related to the grievance, the Committee chair
shall inform the chair of the executive committee of the Board of Trustees without delay.
In these cases, the chair of the executive committee of the Board of Trustees acts in place
of the president for the remainder of this process.

C. Procedures
A faculty member or group of faculty members who perceive that existing policies or procedures have been violated, misapplied, or misinterpreted; or practices unfairly administered, adversely affecting one’s professional or academic standing may consult with the Ombudsperson at any time (see C240 – Ombuds Office). These consultations shall not be part of the Faculty Grievance procedures.

The procedures noted in this policy shall be followed by the Committee and other parties involved. On a rare occasion if all parties agree, the time lines involved in conducting the grievance process may be adjusted. See figures 1 and 2 below.

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### Faculty Grievance Timeline Table
(all days are business days)

<table>
<thead>
<tr>
<th>INFORMAL RESOLUTION STAGE</th>
<th>Day 1</th>
<th>Day 5</th>
<th>Day 10</th>
<th>Day 20</th>
<th>Day 25</th>
<th>Day 30</th>
<th>Day 40</th>
<th>Day 55</th>
<th>Day 75</th>
<th>Day 95</th>
<th>Day 105</th>
<th>Day 110</th>
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<tr>
<td>Aggrieved may submit an informal resolution to the aggrieved's supervisor(s) or department head by e-mail to the Ombudsperson at any time. If a reasonable ground exists to believe that a grievance may exist and a formal hearing is scheduled, the aggrieved may be notified.</td>
<td>Within 5 business days following the conclusion of the informal resolution process, the aggrieved may submit a written request for a formal hearing to theProvost or Dean.</td>
<td>Within 10 business days of the notification of the informal resolution process, the aggrieved shall notify the aggrieved's supervisor(s) in writing that he/she is willing to take any action concerning the grievance.</td>
<td>If reasonable grounds exist to believe that a grievance may exist and a formal hearing is scheduled, the aggrieved may be notified.</td>
<td>Within 5 business days following the conclusion of the informal resolution process, the aggrieved may submit a written request for a formal hearing to the Provost or Dean.</td>
<td>Within 10 business days of the notification of the informal resolution process, the aggrieved shall notify the aggrieved's supervisor(s) in writing that he/she is willing to take any action concerning the grievance.</td>
<td>If grievance is unresolved, the aggrieved may file a request for a formal hearing.</td>
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<td>Within 10 business days of receipt of the request for a formal hearing, the Committee Chair, within 10 business days of receiving the request, shall convene a meeting with the aggrieved and department chair.</td>
<td>Grievance is resolved.</td>
<td>Aggrieved submits a public report to the provost.</td>
<td>Within 20 business days of receipt of the request for a formal hearing, the Provost shall respond in writing, including a recommendation provided by the Committee Chair.</td>
<td>Within 15 business days of receipt of the request for a formal hearing, the Provost shall respond in writing, including a recommendation provided by the Committee Chair.</td>
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<tr>
<th>PRELIMINARY INQUIRY</th>
<th>Day 1</th>
<th>Day 5</th>
<th>Day 10</th>
<th>Day 20</th>
<th>Day 25</th>
<th>Day 30</th>
<th>Day 40</th>
<th>Day 55</th>
<th>Day 75</th>
<th>Day 95</th>
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<td>Within 10 business days after the notification of the Preliminary Inquiry, the Committee chair shall notify all parties of the results of the Preliminary Inquiry.</td>
<td>Within 10 business days following the conclusion of the Preliminary Inquiry process, the aggrieved may submit a written request for a formal hearing to the Provost or Dean.</td>
<td>If a reasonable ground exists to believe that a grievance may exist and a formal hearing is scheduled, the aggrieved may be notified.</td>
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<th>FORMAL HEARING</th>
<th>Day 1</th>
<th>Day 5</th>
<th>Day 10</th>
<th>Day 20</th>
<th>Day 25</th>
<th>Day 30</th>
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<td>At the hearing, the committee may submit a written request for a formal hearing to the Provost or Dean.</td>
<td>Within 10 business days following the conclusion of the Preliminary Inquiry process, the aggrieved may submit a written request for a formal hearing to the Provost or Dean.</td>
<td>If a reasonable ground exists to believe that a grievance may exist and a formal hearing is scheduled, the aggrieved may be notified.</td>
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<th>REPORT/DECISIONS</th>
<th>Day 15</th>
<th>Day 20</th>
<th>Day 26</th>
<th>Day 35</th>
<th>Day 40</th>
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<td>Hearing concludes.</td>
<td>Within 15 business days following the conclusion of the Preliminary Inquiry process, the committee shall submit a written request for a formal hearing to the Provost or Dean.</td>
<td>If a reasonable ground exists to believe that a grievance may exist and a formal hearing is scheduled, the aggrieved may be notified.</td>
<td>Within 5 business days following the conclusion of the Preliminary Inquiry process, the aggrieved may submit a written request for a formal hearing to the Provost or Dean.</td>
<td>If a reasonable ground exists to believe that a grievance may exist and a formal hearing is scheduled, the aggrieved may be notified.</td>
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Figure 1
Informal Resolution

- All days in this process are business days.
- Aggrieved has 90 days from the time he/she discovers a grievable issue(s) to file a grievance.
- The length of time for the Informal Resolution is 95 days.
1. **Informal Resolution**

   a. The Faculty Grievance Committee shall not consider a case until all informal possibilities for resolving the alleged grievance have been exhausted.

   b. Informal Resolution is defined as the efforts made to resolve an issue(s) prior to the involvement of the Committee. The purpose of Informal Resolution is to allow an opportunity to mutually resolve concerns. The vice chair of Academic Senate is available to clarify policy and respond to questions about the informal resolution process and is the first point of contact to begin the informal resolution process.

   c. A request by the aggrieved for an informal resolution shall be communicated via RIT e-mail to the vice chair of the Academic Senate as soon as possible after the aggrieved discovers a perceived grievable issue(s). In no case shall the request be filed later than ninety (90) business days from the time the aggrieved discovers such issues(s). The request shall include a description of the perceived grievable issue(s).
d. Within five (5) business days of the notification by the aggrieved, the vice chair of Academic Senate shall notify the aggrieved’s immediate supervisor(s) via RIT e-mail that the Informal Resolution process has commenced and include a description of the perceived grievable issue(s).

e. The aggrieved and the immediate supervisor shall meet and attempt to reach an informal resolution as soon as reasonably possible but no later than ten (10) business days from the commencement of the informal resolution process. The immediate supervisor shall document the discussions and the results and provide the aggrieved with a copy via RIT e-mail of this documentation within ten (10) business days after the conclusion of this meeting.

If the aggrieved and the immediate supervisor reach an acceptable resolution which requires any related action(s), the action(s) shall be included in the documentation provided to the aggrieved by the immediate supervisor as noted above.

f. If the aggrieved and the immediate supervisor have not reached an acceptable resolution, the aggrieved may submit an e-mail request to the dean of the college for an informal discussion of the grievance within five (5) business days of receipt of the immediate supervisor’s documentation. The request shall include the perceived grievable issue and a copy of the immediate supervisor’s documentation.

g. Within five (5) business days of receipt of the request, the dean shall establish a meeting date. This meeting date shall occur as soon as reasonably possible, but no later than ten (10) business days from the request. The dean shall document the discussions and attempts to resolve the issue and provide the aggrieved with a copy of this documentation within fifteen (15) business days after the conclusion of this meeting.

If the aggrieved and the dean reach an acceptable resolution which requires any related action(s), the action(s) shall be included in the documentation provided to the aggrieved and the department chair by the dean as noted above.

h. If the aggrieved and the dean have not reached an acceptable resolution, the aggrieved may submit a précis of the case in written and electronic format to the provost within twenty (20) business days following the receipt of the dean's documentation for an informal resolution of the grievance.

i. Within twenty (20) business days from receipt of the précis, the provost shall provide a final response to the précis in writing to the aggrieved concerning any action the provost is willing to take to resolve the grievance.
If the aggrieved and the provost reach an acceptable resolution within the twenty (20) days which requires any related action(s), the action(s) shall be included in the provost’s final response to the précis provided to the aggrieved, the dean, and the department head.

2. Request for Formal Hearing

a. If the informal steps listed above do not resolve the grievance, the aggrieved may file a written request for a formal hearing with the chair of the Committee. This request shall be filed within ten (10) business days after the provost’s final response to the précis is communicated to the aggrieved. This request initiates a preliminary inquiry (see Section C.3). This written request shall include twelve (12) copies or an electronic attachment of each of the following items:

1. The aggrieved’s précis submitted to the provost

2. The provost’s response to the précis

3. A signed statement responding to the provost’s decision that addresses points made in the provost’s response along with any available documentation supporting the aggrieved’s response. If the provost’s decision included an offer to resolve the grievance informally, the statement shall include an explanation as to why the offer was not accepted.

b. Within five (5) business days of the request for a hearing, the Committee chair shall notify the provost, the appropriate department head, and the dean of the college where the grievance originated of the request for a formal hearing; and distribute a set of copies of all submitted documents (see Section 2.a.) to the provost (2 copies of paper attachments), the appropriate dean, and department head and members of the Committee.

c. Within ten (10) business days after the distribution of all documentation (see Section 2.a.), the Committee shall complete the preliminary inquiry.

3. Preliminary Inquiry

a. The chair of the Committee shall convene the Committee for a preliminary inquiry. The purpose of this inquiry is to determine whether there are reasonable grounds to believe that a grievance may exist. The chair of the Committee may call any persons who are directly related to or can provide clarification about the grievance to this preliminary inquiry for individual questioning by Committee members only. Each party interviewed will be given an opportunity to make a final statement after the questioning by the Committee is completed.

b. Within five (5) business days following the concluding day of the preliminary inquiry, the Committee chair shall send out written notification of the
Committee’s decision to the aggrieved, the appropriate dean and department head,
the provost, and the president.

c. If the Committee unanimously agrees that there are insufficient grounds to believe
that a grievable issue may exist, the request for a formal hearing will be denied
and the grounds for this denial shall be included in the written notification of the
Committee’s decision. The committee’s decision is final and concludes the
grievance process.

If one or more members of the Committee believe that a grievable issue may
exist, the chair of the Committee shall arrange steps for a formal hearing.

4. Formal Hearing

a. In cases where the preliminary inquiry leads to a formal hearing, the chair of the
Committee shall notify each party that copies of additional materials listed below
must be provided to the Committee chair. Those materials shall include:

- A list of witnesses who have agreed to be called provided by both the
  aggrieved and the provost
- Documentation, if any, that the witnesses intend to introduce provided by both
  the aggrieved and the provost
- Other relevant documentation that either the aggrieved or the provost feels is
  helpful.

b. Witnesses or documentation not included at this time cannot be introduced during
the hearing. In extraordinary circumstances, either party may petition the
Committee to permit the introduction of additional evidence. The Committee
shall make a determination whether the evidence will be allowed. The Committee
shall inform both parties of such requests and the Committee’s determination.

c. Any additional documents must be submitted to the Committee chair in sufficient
number to allow for one copy for each member of the Committee (7), each
aggrieved faculty member, the appropriate dean and department head, the provost,
and the president within ten (10) business days following the day of
communication of the Committee’s decision that a formal hearing will take place.

d. The Committee chair shall distribute a copy of the materials to each member of
the Committee and each party within five (5) business days following the receipt
of all materials. Within this same five-day time period, the Committee chair shall
set a date to begin the formal hearing. The date for the first day of the hearing
shall be set for no sooner than five (5) business days but no later than fifteen (15)
business days, following the day of distribution of all materials from the
administration.

e. Procedures
1. The chair of the Committee will notify all persons concerned, including requested witnesses, at the earliest practical date, of the time and place of the formal hearing; the chair shall also arrange for an audio recording of the hearing. In the event that a deaf or hard of hearing-impaired person is involved in the hearing, presenting the grievance, or is a witness or counsel for the aggrieved faculty member or members, the university will provide and arrange for a sign language interpreter with comprehensive skills certification, if requested by the faculty member(s) or other participants who are deaf or hard of hearing. The Office of Human Resources shall be the repository of the audio recording. This audio recording is available only for the committee’s review during deliberations. (See Section III. C. 5 for final disposition of audio recording).

2. All grievance hearings shall be closed and private, unless the aggrieved requests an open hearing with the submission of documents to the Committee. The Committee shall abide by the faculty member’s request, unless the university can demonstrate that circumstances compel otherwise. Sufficient demonstration of circumstances shall be decided by a majority vote of the Committee.

3. If an open hearing is conducted, the Committee may close the hearing at any time to debate a question of order or to hear witness testimony in private.

4. In the case of an open hearing, witnesses may only attend after completing their testimony.

5. Every witness has the right to request and be granted their request for the hearing to be closed during his or her testimony.

f. At the beginning of the hearing, the chair shall:

- state for the official record that the purpose of the Faculty Grievance Committee is to conduct a thorough and impartial review of grievances and to submit its findings and recommendations to the president of RIT.

- review the procedures to be followed at the hearing, including that each of the parties has the right to hear all evidence produced, to cross-examine all witnesses, and to have a representative present at all times to speak on their behalf provided the representative meets the criteria noted in Section II.F. of this policy.

- Any procedural disputes arising during the hearing will be resolved by Committee majority vote.
g. At the conclusion of the hearing, the Committee shall deliberate in closed session. Concurrence by a majority of the Committee on the findings and recommendations shall constitute the findings and recommendations of the entire Committee. Minority reports may be submitted.

5. Committee Report

a. The Committee's report, written by the chair and signed by all Committee members, shall be forwarded within fifteen (15) business days following the concluding day of the formal hearing to the president of RIT, the provost, the appropriate dean and department head, and the aggrieved. The report shall include the substantiating reasons for the recommendations made by the Committee.

b. The president, provost, dean, and aggrieved faculty member or members shall be granted access to the audio recording upon request. Requests shall be made at least one (1) business day in advance. An interpreter will be provided upon request. The original recording shall remain in the Department of Human Resources at all times and copies of the recording are not permitted.

Having studied the Committee's report, the provost and the aggrieved may submit their own recommendations to the president within ten (10) business days of receipt of the Committee’s report. The president will make the final decision within twenty (20) days of the receipt of the Committee’s report and any additional recommendations provided by the provost and the aggrieved. The president's decision will be stated in writing and distributed to all parties.

b. The Committee chair shall seal and file all records of the hearing and the report(s) of the Committee and the administration in the Office of Human Resources and in compliance with C22.0 Records Management Policy.

Responsible Party: Academic Senate
Effective Date: Approved February 14, 1968
Policy History
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Edited September 2010