E24.0 FACULTY GRIEVANCE

Revision presented by the Faculty Affairs Committee
FAC’s Approach for Accomplishing Charges

- FAC works using subcommittees as well as the full committee
  - Review policies from other institutions
  - Consult with individuals outside the committee as necessary, eg. Human Resources Office, Office of Judicial Affairs

- E24.0 working group included 3 FAC members as a subcommittee, the Senior Associate Provost, the Assistant Vice President for Human Resources, and RIT’s General Counsel from the Office of Judicial Affairs
Reasons for Revision

• Address comments and suggestions from policy review committee

• Address comments and concerns experienced by those using the current policy

• Provide clarity to the grievance process

• Revise as necessary terms and references used in the policy
I. Rationale

- Provides an informative introduction to the policy
- Identifies, more clearly, the circumstances under which the policy may be implemented
II. Definitions

- Definitions were added to provide clarity of terms used.

- Examples of definitions include the following: business day, documentation, grievable issue, précis.
III Grievance Procedures

A. Faculty Grievance Committee

• Increased the number of alternates and identified the ranks of the alternates

• Changed the date of when the committee first meets to ensure the committee meets prior to the end of the academic year

• Specified when the committee is considered in session

• Provided direction for replacing recused or exempted committee members
III Grievance Procedures

B. Faculty Grievance Committee Charge

• Removed list of examples

• Added alternative procedure in the extraordinary circumstance of a president having a conflict of interest or bias related to the grievance
III Grievance Procedures

C. Procedures

• A role for the Vice chair of Academic Senate was added at the beginning of the process to provide consistency and clarity about who to contact

• Time line added for informal and formal procedures
  - It was developed to provide ample time for informal resolution, which is the goal.
  - It includes a time frame in which the grievance must begin
  - It is provided in written and figure formats
**Faculty Grievance Timeline Title**

(All days are business days)

(total days do not include the 90-day window for pursuing a grievance and exclusive of hearing days is a maximum of 180-200 business days (36-40 weeks))

A request by the aggrieved for an informal resolution shall be communicated by e-mail to the vice-chair of the Academic Senate with ninety (90) business days from the time the aggrieved discovers a perceived grievable issue(s).

### INFORMAL RESOLUTION STAGE

<table>
<thead>
<tr>
<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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<td>Aggrieved requests informal resolution to a perceived grievable issue(s)</td>
<td>Within 5 business days of the notification by the aggrieved, the vice-chair of Academic Senate notifies the aggrieved's immediate supervisor(s) by e-mail that the informal Resolution process has begun.</td>
<td>As soon as possible but no later than 10 days from the start of the informal resolution process, the aggrieved and the immediate supervisor(s) shall meet and attempt to reach informal resolution.</td>
<td>Within 10 days business days after the conclusion of the meeting, the immediate supervisor(s) must provide the aggrieved with a copy of the documentation of their meeting including either the resolution of the grievance or the attempts to resolve the issue(s).</td>
<td>If the grievance is unresolved, the aggrieved may request a meeting with the dean within 5 business days of receiving the supervisor’s documentation.</td>
<td>Within 5 business days of receiving the request, the dean establishes a meeting date with the aggrieved.</td>
<td>Dean and aggrieved shall meet to attempt to reach informal resolution as soon as reasonably possible but no later than 10 business days from the request.</td>
<td>Within 15 business days of the meeting, the dean shall provide the aggrieved with a copy of the documentation of their meeting including the resolution of the grievance or attempts to resolve the issue(s).</td>
<td>If grievance is unresolved, the aggrieved submits a précis to the provost, the provost in written and electronic format and shall include the information outlined in III.C.1.h. of the policy within 20 business days following receipt of the dean’s documentation.</td>
<td>Within 20 business days of receipt of the précis, the Provost shall respond to the aggrieved in writing concerning any action he/she is willing to take to resolve the grievance.</td>
<td>If grievance is unresolved, the aggrieved may file a request for a formal hearing with the Faculty Grievance Committee Chair within 10 business days of receiving the provost’s written response.</td>
<td>Within 5 business days of the receipt of the request for a formal grievance, the chair of the Faculty Grievance Committee notifies the provost, dean and department chair of the request for a formal hearing. AND distributes the documentation.</td>
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### PRELIMINARY INQUIRY

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<tr>
<th>Day 120</th>
<th>Day 125</th>
<th>Day 135</th>
<th>Day 40</th>
<th>Day 145</th>
<th>Day 155</th>
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<td>Within 10 business days after the distribution of the documentation, the Committee shall complete the Preliminary Inquiry.</td>
<td>Within 5 business days following the concluding day of the Preliminary Inquiry, the Committee chair shall notify all parties of the results of the Preliminary Inquiry by written notification.</td>
<td>If reasonable grounds exist to believe a grievance exists, all documents are due to the chair of the Committee within 10 business days following the day of the communication of the Committee’s decision that a formal hearing will take place.</td>
<td>Within 5 business days following the receipt of the documentation the chair of the Committee distributes a copy of all submitted documentation to the provost, dean, department head and the members of the committee. The Committee sets the date for the Formal Hearing.</td>
<td>At the maximum, the Formal Hearing is held no earlier than day 145 but no later than Day 155. The Formal Hearing may be held earlier if other steps in the process happen before the maximum time limit. See below.</td>
<td>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.</td>
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### FORMAL HEARING

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<th>Day 15</th>
<th>Day 25</th>
<th>Day 35</th>
<th>Day 45</th>
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<td>Within 15 business days following the conclusion of the Formal Hearing the Committee’s report shall be forwarded to the president, provost, dean, department head, aggrieved and shall include substantiating reasons for the recommendations made by the committee.</td>
<td>The Provost and the aggrieved may submit recommendations to the president within ten (10) business days of receiving the Committee’s report.</td>
<td>President will make 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.</td>
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**Informal Resolution**

- All days in this process are business days.
- Provost responds to précis within 20 days of receiving the précis (by day 95).
- 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. **Aggrieved** requests Informal Resolution by e-mail to AS vice chair within 90 days of learning of the grievable issue(s) (Day 1).
2. **AS vice chair** notifies aggrieved’s immediate supervisor by Day 5.
3. **Aggrieved/Dept. Chair meet** by Day 10.
4. If issues are resolved:
   - **No further action**.
   - If issues are not resolved:
     - **Aggrieved/Dean meet** by Day 40.
     - If issues are resolved:
       - **No further action**.
       - If issues are not resolved:
         - **Aggrieved submits précis to provost** within 35 days of meeting w/dean (by day 75).
         - **Provost responds to précis**.
           - If issues are resolved:
             - **No further action**.
           - If issues are not resolved:
             - **Move to Preliminary Inquiry**.
**Preliminary Inquiry**

- All days are business days
- Aggrieved has 10 days to request a formal hearing if the Informal Resolution isn’t successful
- The Preliminary Inquiry phase is 30 days

**Formal Hearing**

- All days are business days
- This phase can take up to 65-75 days, depending on the length of the Formal Hearing

**Aggrieved** requests a Formal Hearing. The Faculty Grievance Committee Chair notifies all parties and distributes relevant documentation by day 110.

**Preliminary Inquiry** is held by day 120.

The Committee chair notifies all parties of the results of the Preliminary Inquiry by Day 125.

If Bona Fide Grievance exists:

- Request for hearing is denied
- Move to Formal Hearing

**Documentation** submitted to the Committee Chair by day 135.

The Committee chair distributes documentation and schedules the Formal Hearing by day 140.

**The Formal Hearing** is held:

- No earlier than 5 and not later than 15 days following the day the documentation is distributed. (By days 145-155)

- Within 15 days of the conclusion of the hearing

**The Committee’s Report** is forwarded to the president.

- Within 10 days of receipt of the Committee’s report

**The provost or aggrieved** may submit recommendations to the president.

- Within 20 days of receipt of the Committee’s report and provost or aggrieved’s recommendations (if any)

**The President** renders his/her decision.
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.
Motion

The Academic Senate approves the revision of E24.0 Faculty Grievance as presented by the Faculty Affairs Committee
Grievance History
Period Covered: 2010-2015

17 Grievances*:

- 10 Informally Resolved: by Provost or Dean
- 7 Formally Reviewed by GC
  - 5: Review ended at preliminary inquiry stage with finding by grievance committee of no bona fide grievance
  - 2: Proceeded to Full Grievance Hearing

- Of these 17 grievances, 3 were an appeal of a tenure decision and none of these cases went to a full grievance hearing.