

## **Report of the Faculty Grievance Committee for 2011-2012**

2011-12 Committee Members: Mimi Chapman (Chair), Anna Beeber, Aysenil Belger, Claudia Fernandez, Victor Flatt, Jeffrey Greene, Lauren Leve, Jill Moore, Michael Shanahan, Jessica Wolfe.

Grievance Activity: The Faculty Grievance Committee heard three grievances during 2011-12.

The first grievance involved a faculty member in a professional school who was the subject of an administrative review that concluded he had bullied and intimidated a University staff member. The grievant disagreed with the report's conclusions and questioned aspects of the administrative review process. The Grievance Committee made recommendations regarding the administrative review process and preparation of reports, including: (1) that administrative review committees should not include individuals who have prior involvement with the situation; (2) that faculty members who are the subject of accusations of workplace violence, harassment or discrimination should receive detailed information about timelines and procedures for investigations; (3) that faculty members should be permitted an opportunity to submit written responses to administrative review reports and have their responses retained in the file with the report; and (4) that administrative review committees should receive more detailed guidance about how to prepare reports in a fashion that clearly distinguishes between statements of facts and conclusions about whether the facts substantiate the allegations under investigation.

The second grievance involved a faculty member in a professional school who was denied promotion. The grievant believed that other similarly qualified applicants had been promoted and that there may have been gender bias in the decision-making process. The Grievance Committee requested additional information regarding other promotion applications and concluded that the denial in this case was consistent with other promotion actions and not the result of bias. The Grievance Committee nevertheless recommended that the school clarify certain aspects of its promotion policies and provide more direction and mentoring to faculty members in putting together their promotion applications.

The third grievance involved a faculty member in a professional school who was the subject of an administrative review and report that recommended a letter of reprimand for inappropriate behavior. The grievant believed the report besmirched his reputation and the letter of reprimand was unwarranted. The Grievance Committee recommended mentoring instead of a reprimand under the particular facts and circumstances the case presented. It also made recommendations regarding the preparation of administrative review reports, as well as communication with faculty members who are the subjects of such reports.

The 2011-12 Chair communicated with one other faculty member in a professional school who had concerns about changes in the terms of her fixed-term contract. The faculty member did not pursue the grievance.

Two grievances have been heard so far during the 2012-13 academic year. The first grievance, which was initiated during the 2011-12 academic year, involved a faculty member in a professional school who was denied promotion. The second, which was initiated during the summer, involved the unpaid leave of a faculty member in the College of Arts and Sciences. Two additional faculty members have consulted the committee chair so far during the 2012-13 year, but formal grievances have not yet been filed in either case.

Current chair's observations: The Faculty Grievance Committee's jurisdiction is broadly defined to include matters that relate to a faculty member's employment status and institutional relationships, except for those within the jurisdiction of the Faculty Hearings Committee, which hears cases involving suspension, demotion or discharge. "The power of the [grievance] committee is solely to hear representations by the persons directly involved in grievances, to mediate voluntary adjustment by the parties, and to advise adjustment by the administration when appropriate." (Faculty Code, section 4-8) The Grievance Committee's procedures reflect this limited charge and authority in several ways. They provide for preliminary discussions between the committee chair and a grievant that are designed in large part to determine whether a grievance may be resolved without proceeding to a hearing. When a hearing is conducted, its stated intent is to facilitate resolution of the matter between the parties and it is conducted in an informal and non-adversarial manner. Parties are offered the opportunity to be heard and may be present throughout the hearing if they wish, but the procedures state that witnesses are usually heard one at a time with no other witness present. In some cases, subcommittees have not held hearings but have made recommendations on the basis of documents.

These procedures and practices appear to reflect an underlying assumption that the Grievance Committee hears matters that, while they are important to faculty members' job satisfaction, are not high-stakes in terms of a faculty member's overall career. But during recent years, the committee has been presented with cases that do not fit this assumption. Since our last report, we have heard two cases involving decisions not to promote faculty members, and one case in which a faculty member's salary was stopped for an indefinite period of time. Both of our other cases since our last report have involved administrative reports that could have the potential to affect faculty members' future prospects. We have also observed that faculty members presenting grievances sometimes have the expectation that the Grievance Committee will follow the procedures and timeframes of the Faculty Hearings Committee, and will adjudicate disputes rather than make efforts to mediate them.

So far this year, the committee's time has been devoted to hearing grievances and we have not yet had the opportunity to consider whether the nature of recent grievances should prompt revised procedures or even a reconsideration of the committee's role and jurisdiction. However, it is the committee chair's intention to convene one or more meetings to consider these matters during this academic year.

Submitted by Jill Moore, Committee Chair for 2012-2013