

## **Appendix C.**

### **HUMANITARIAN STATE UNIVERSITY FACULTY GRIEVANCE POLICY**

#### **1. Establishment and Composition of Committee.**

- 1.1 This grievance procedure is established to encourage the internal resolution of disputes in a collegial manner. That result can be achieved only if all members of the University community accord the Grievance Committee full cooperation and assistance.
- 1.2 The Grievance Committee shall be composed of seven regular members from the University Faculty who shall come from the separate schools of the University.

#### **2. Grievance Defined.**

- 2.1 Any faculty member of the University who believes that he or she has been aggrieved by the University or its representatives may, except as provided otherwise by the Trustees, initiate a grievance proceeding. A grievance proceeding may relate to action taken with regard to a member of the faculty concerning:
  - 2.1.1 Promotion, tenure or position;
  - 2.1.2 Compensation; or
  - 2.1.3 Other conditions of employment.
- 2.2 To be grievable, the action of which complaint is made must be based upon wrongful conduct. Wrongful conduct includes any decision by the University or its representatives which is not in accordance with the rules, regulations or other standards of the University, or of an applicable school or department.
- 2.3 A grievant must assert that a grievable action, based upon wrongful conduct, has occurred. The mere assertion that an action is wrongful is insufficient. The grievant must also make a brief but adequate factual statement alleging the nature of the wrongful conduct and the agent or agents of the University responsible.
  - 2.3.1 If the alleged wrongful conduct involves the exercise of judgment or discretion, the Committee shall not substitute its judgment or discretion for that of any person, committee or group charged with the exercise of that judgment or discretion. The function of the Committee shall be to

determine only whether or not that judgment or discretion was exercised in accordance with applicable standards.

### **3. Filing a Grievance.**

3.1 A grievance must be filed, in writing, with the chair of the Committee.

### **4. Preliminary Review by Grievance Committee.**

4.1 In order to resolve the grievance informally to the satisfaction of all parties concerned, the Committee may instruct the chair, or a designee, to conduct discussions between, and/or interviews with, the grievant and those persons whose actions and/or decisions brought on the grievance.

4.2 If the grievant is not satisfied with the progress or outcome of the informal process described in Section 4, he or she may request the Committee to proceed with a hearing of the case. However, a decision to proceed shall rest entirely with the Committee. The Committee must consult with the grievant before dismissing the grievance.

### **5. Formal Hearing and Considerations.**

5.1 Before the formal hearing, the chair of the Committee shall establish procedures which the Committee deems appropriate to make the hearing fair, effective and expeditious.

5.2 The hearing shall be open only to persons directly involved and to witnesses while they are giving testimony. In addition, any person directly involved may have an advisor of his or her choice present at the hearing.

5.3 The hearing will be conducted in an informal manner. Only the chair and other members of the Committee will be permitted to ask questions of persons presenting information. However, with the consent of the chair, a person directly involved also may ask questions of persons presenting information.

5.4 The Committee is not bound by legal rules of evidence or procedure. It may consider any matter which is pertinent to the issues involved.

5.5 In reaching its decision, the Committee will not consider or review any document or other material unless all parties to the grievance are given a reasonable opportunity to review the document or material and respond to it. All findings and recommendations will be based solely on the information presented to the Committee during the course of the grievance proceedings.

5.6 A person may withdraw a grievance at any time prior to a final decision.

### **6. Reporting Procedure.**

- 6.1 Upon completion of its consideration of the matter the Committee will prepare a report containing a brief summary of the grievance, a statement of the Committee's findings, and a recommendation of any appropriate remedial action. A member of the Committee who disagrees with the action of the Committee may append to the Committee's report a statement of that disagreement.
  - 6.1.1 The report will be furnished to the grievant and to those persons who have been notified of the filing of the grievance, unless the Committee determines that the circumstances justify limiting its distribution. If that occurs, the Committee may furnish limited explanations or reports.
  - 6.1.2 If the Committee finds that the grievance is well founded and recommends remedial action, the chair of the Committee will bring the report to the attention of the person or persons acting at the lowest supervisory or decision making level at which the recommended remedial action can be taken, who will respond to the Committee and the grievant. It is not inappropriate for the Committee to consult formally or informally, through its chair or otherwise, at that level prior to the completion of its report.

## **7. Appeal.**

- 7.1 If the grievant is not satisfied with the response, the grievant may review the matter with the next supervisory or decision making level until the matter is satisfactorily resolved or it reaches the President of the University (or his or her designee), whose determination is final. The chair of the Committee will be informed of the response at each level and will advise the Committee of the results.
- 7.2 Each step of the procedure should be taken as promptly as the circumstances permit. The chair may set times, of reasonably short duration under the circumstances, for action to be taken. If a response is not made by that time, the matter may be carried forward to the next level.
- 7.3 The University's Board of Trustees and the President may provide for further appeal to the Trustees for relief in certain cases. To the extent that such relief may be provided for, it is considered part of the grievance procedures process for confidentiality, jurisdiction and other purposes.

## **8. Use of Committee Work Product.**

- 8.1 In order to promote the objective of providing a means for the internal resolution of disputes in a collegial fashion, a person using this procedure agrees that if there are any subsequent legal proceedings, the deliberations, records or other work product of the Grievance Committee may not be discovered or used.