



STETSON LAW

**College of Law
Faculty and Staff Grievance Procedure**

A. Policy and Purpose

The University expects all employees involved in a complaint or dispute to seek resolution of their differences in a courteous, civil, and professional manner. Employees are encouraged to resolve their differences, whenever possible, without resort to this formal grievance procedure. It is recognized that some complaints may arise in the workplace that require review by supervisory or management authority. For that reason, the University provides this grievance procedure as a vehicle by which to promote a prompt, efficient, and fair investigation and resolution of employee concerns. With the approval of the Dean of the College of Law, this procedure may be modified or adapted as needed to effectuate the overall intent of the College of Law's nondiscrimination commitment when policies overlap or other circumstances are present that warrant an adjustment to fulfill the purpose of this procedure.

B. Definitions

The following terms are defined for purposes of this procedure:

1. "Grievance" - The term "grievance" is defined as a claim by an employee ("the grievant") that he or she has been discriminated against or harassed in violation of University or College of Law policy, or has suffered adverse consequences as the result of an unfair action taken or decision made by another employee, including but not limited to, employees in a supervisory, administrative, or managerial position.

Faculty complaints related to dismissal or termination of employment, revocation of tenure, or alleged violation of academic freedom are specifically excluded from the definition of "grievance" under this procedure. Those issues are handled under the College of Law Special Grievance Procedure.

2. "Grievant" - The term "grievant" means an employee who has a grievance. It also includes former employees to the extent they seek to grieve situations involving the involuntary end of their employment.
3. "Grievance Officer" - The term "Grievance Officer" is defined as follows:

- a. If the grievant is a member of the faculty, regardless of rank or status, the Grievance Officer is the Associate Dean for Academic Affairs or such other individual as appointed by the Dean of the College of Law.
 - b. If the grievant is not a member of the faculty, the Grievance Officer is the Director for Human Resources or such other individual as appointed by the Dean of the College of Law.
 - c. If the grievance is against the Grievance Officer named above or if the particular circumstances warrant a different appointment, the Dean will appoint another person to serve as Grievance Officer for that particular grievance.
4. “Member of the Faculty” - The term “member of the faculty” means any member of the tenured or tenure-track faculty, any member of the programmatically tenured or tenure-track faculty, visiting faculty, adjunct faculty, Distinguished Professorial Lecturers, or any other person assigned to regular classroom, clinical, or other academic teaching responsibilities in the J.D., LL.M., or other College of Law academic programs. Professional librarians who are not tenured or on the tenure-track are not considered members of the faculty under this procedure.

C. Grievance Steps

All grievances should be processed in good faith in accordance with the following mandatory procedure.

1. Informal Grievance Step

An employee who believes he or she may have a grievance should first meet with his or her immediate supervisor for an informal discussion of the matter within fifteen (15) calendar days of the date the employee knew or should have known of the adverse action or decision upon which the grievance is based.

For purposes of the Informal Grievance Step, the Associate Dean for Academic Affairs will be considered the supervisor for any grievances brought by members of the faculty. Both parties will make a good faith effort to resolve the matter informally. The supervisor seeking to resolve the grievance may consult with others as appropriate.

If the matter is not resolved by informal discussion or, the grievant may pursue the matter through the Formal Grievance Steps, below. The grievant may also bypass the Informal Grievance Step if the nature of the issue renders informal resolution inappropriate (such as in situations involving sexual assault) or when the grievant has a reasonable basis for believing the informal step would be futile (for example, in the context of a decision to end an individual’s employment).

2. Formal Grievance Steps

If the grievant is not satisfied with the result of the informal grievance step or the informal step is bypassed for one or more of the reasons stated above, he or she may file a formal grievance. The formal grievance may be a simple written statement, but should include the following minimum information:

- a. A full description of the problem and any relevant facts, including but not limited to the specific acts considered to be discriminatory, including when, by whom, and what was specifically done or not done, and its impact or consequence to the complainant.
- b. A summary of the steps, if any, the grievant has already taken in attempt to resolve the problem, including the names of persons involved;
- c. A statement of the requested resolution and the grievant's rationale for the requested resolution for each perceived violation;
- d. Any supporting documentation; and
- e. The name, contact information, and signature of the person initiating the grievance.

The written grievance should be filed with the appropriate Grievance Officer within fifteen calendar days of the conclusion of attempts to resolve the matter through the Informal Grievance, or within fifteen days of the action(s) complained of if the Informal Step is bypassed.

Once the complaint has been properly filed, the Grievance Officer should conduct a thorough review of the allegations and collect information necessary to determine the merits of the grievance. This review can include, but is not limited to, convening a meeting during which the grievant, the individual(s) against whom the grievance has been brought, and witnesses can supply factual information about what occurred; interviewing those involved and any witnesses to determine the issues and facts that have occurred and to resolve any factual dispute, including those hinging on credibility; and/or obtaining, consulting with others as appropriate, and reviewing any records, documents, emails, etc. relevant to the issues presented.

When a meeting of those involved is convened, persons present at the hearing will typically include the grievant and the individual who made the decision or took the action upon which the grievance is based, and any other person against whom the grievance complaint is directed. Witnesses may be called as appropriate, and all employees are expected to cooperate fully in providing or producing information. Only the Grievance Officer will question witnesses but any party to the grievance may suggest areas of inquiry to be explored. Because this is an internal employment matter, no legal counsel is permitted at grievance meetings.

Once the matter has been fully examined, the Grievance Officer will determine whether it more likely than not that the actions complained of occurred and will then develop a documented report of findings and submit a written recommendation to the Dean of the College of Law. The Grievance Officer's review and preparation of the report and recommendation normally should take no longer than thirty days unless the University is closed or not in session, or absent extraordinary circumstances. While the report and recommendations are confidential, the Grievance Officer will also prepare and provide to the grievant and the individuals against whom the allegations were made a summary of the recommendations for resolving the grievance.

When the Grievance Officer recommends that remedial or disciplinary action should be taken against the individual against whom the grievance was filed, those recommendations will be provide separately with a copy provided only to the individual against whom the recommendation is made.

D. Final Disposition and Appeals to the Dean

If either the grievant or the individual(s) against whom the allegations were made are dissatisfied with the recommended resolution of the grievance, he or she has fifteen calendar days from receipt of the Grievance Officer's findings and recommendations to appeal to the Dean. Any appeal should be in writing and should specifically describe the point(s) on which the appeal is based.

The Dean also has the independent authority to accept or reject the Grievance Officer's findings and recommendations in whole or part regardless of whether an appeal is filed, or may conduct additional fact-gathering activities for the purpose of obtaining additional information or clarifying the facts as reported. The Dean will make the final decision and determine any appropriate remedies or sanctions in all cases upon receipt of the Grievance Officer's report and after the time for appeals has passed. The Dean should notify all affected parties of his or her decision within a reasonable period of time—typically fifteen days after receipt of the Grievance Officer's report or any appeal is filed (whichever is later) unless school is closed or other extraordinary circumstances exist—and initiate whatever action he or she deems necessary. The Dean may, in his or her discretion, appoint a designee to issue the final disposition for the College of Law.

E. Appeals to the University President

1. The decision of the Dean shall be final in all matters, subject to the following exception: A grievant who is dissatisfied with the Dean's decision may file a written appeal of the Dean's decision to the President of the University, provided the appeal meets the following standard: The appeal must state a bona fide good faith claim that the Dean's decision violated an official published policy of the University or College of Law that has been approved by the Board of Trustees.
2. The President may consult with University Counsel or others, and will make an initial determination of whether the appeal meets the above standard. Any appeal based upon a claim that is frivolous or otherwise fails to meet this standard will be dismissed.
3. If the President determines that the appeal meets the above standard, he or she will consult with the Chair of the College of Law Board of Overseers and appoint a three-member Review Committee from the membership of the Board of Overseers.
4. The Review Committee will give the Dean an opportunity to respond to the appeal in writing, and may, at its discretion, conduct a meeting at which both the grievant and the Dean may participate and present information.

5. Absent extraordinary circumstances, the Review Committee should typically issue its decision in writing within thirty (30) calendar days from the date it receives the appeal from the President, or within thirty (30) calendar days from the date of the last day of any meeting on the matter conducted by the Committee, whichever is later.

E. Employee Protection

The College of Law prohibits retaliation against any employee for filing a grievance under this process or against any other individual participating in the investigation of a grievance. Any such retaliation is a violation of College policy. Those committing retaliation may be subject to disciplinary action up to and including termination of employment. Any claimed retaliation should be brought to the attention of the Dean using this procedure.

F. Allegations Against the Dean

If a concern raised under this procedure involves the Dean's conduct, the University Provost (or designee) will assume all responsibilities under this procedure that would have typically been performed by the Dean.

G. Expedited Time Frames

In the context of accommodation issues that may be time sensitive due to upcoming events or activities for which a decision must be made quickly, the Grievance Officer and the Dean or his or her designee can expedite all time frames under this policy to facilitate a prompt resolution.

H. Confidentiality

The grievant's confidentiality should be maintained by each person involved in the informal or formal investigation or resolution of a grievance under this policy. Any disclosures regarding the employee or the investigation will be limited to the minimum necessary to accomplish the investigation, address the grievance, and address any other proceedings that may arise from these circumstances.

Approved by Board of Trustees with an implementation date of November 30, 1999; College of Law revisions made on October 4, 2000, to conform to Board of Trustees adoption (on September 7, 2000) of the College of Law Special Grievance Procedure; revised June 26, 2011. Re-printed from Employee Handbook, Section 3.6; Administrative revisions in July 2008, June 26, 2011, and on May 19, 2014.