REGULAR FACULTY GRIEVANCE PROCEDURE

BOT 4.2.16 - 4.2.17

Date of Last Update:
October 18, 2024

Approved By:

- Board of Trustees

Responsible Office:
Office of General Counsel

PROCEDURES

4.2.16 Grievance Procedure.

1. Definition of a Grievance. A grievance is defined as any issue that pertains to disciplinary action, terminations, implementation of reduction in force, or academic freedom. If the issue involves the denial of promotion, contract renewal and/or tenure, this is defined as an appeal and the process outlined in Section 4.2.13.4 shall be followed. All other issues are defined as complaints and will follow the procedure outlined in Section 4.2.18.

2. Procedure. A faculty member with an issue that could become a grievance will request a meeting with the Dean within ten days after learning of the incident upon which the issue is based. If the faculty member is not satisfied with the answer of the Dean, the faculty member may file a written grievance as follows:

A. Step 1 -Appeal to the Dean. The grievant will submit the grievance in writing to the Dean (through the Human Resources office via this website) within ten days of the meeting or within twenty days of requesting the meeting, whichever is later. The written grievance will include the following:

1. A citation of the part(s) of the policy alleged to have been violated.

2. A statement of the facts of the case.

3. A suggested remedy.

The written grievance may also contain any supportive materials or statements which the grievant feels are germane to the grievance.

The Dean will schedule a conference with the grievant within five days of the receipt of the written grievance. The Dean shall issue a written response to the grievant within five days of the conference. The response will include a summary of the conference and the decision of the Dean and the reasons for that decision.

B. Step 2 -Appeal to the Grievance Committee. If the grievance is not resolved at Step 1, the grievant may appeal the decision of the Dean to a Grievance Committee (through the Human Resources Office by email to complaints@gvsu.edu), within five days of the receipt of the Dean's written response. A Grievance Committee will then be selected according to Section 4.2.17.1 and training scheduled. Upon completion of Grievance Committee Training (Section 4.2.17.2), the Committee will elect its chair and receive its charge. The Grievance Committee will be convened to conduct a formal review and submit a recommendation to the Provost/Vice President, except for grievances in which the Grievance Committee reports to the appropriate faculty committee (see Section 4.2.17.3.B). The appeal to the Grievance Committee will contain the written grievance as submitted at Step 1 and the response as issued at Step 1.

The Grievance Committee shall schedule conferences with the grievant and people related to the grievance within ten days of the receipt of the charge from the Human Resources Office. Within 60 days of receiving the charge, the Grievance Committee shall submit a recommendation based on its findings to the Provost/Vice President. See Section 4.2.17.1 for summer exception.

C. Step 3 -Decision of the Provost/Vice President for Academic Affairs. The Provost/Vice President will review the Grievance Committee report and the written grievance as submitted at Step 1. In the cases of dismissal, the Provost/Vice President must have a conference with the grievant. Then the Provost/Vice President will issue a written decision within ten days of the receipt of the appeal or ten days of the date of the meeting between the grievant and the Provost/Vice President, whichever is later, and report this to the grievant, the Dean, the Chair of the grievant's unit, the Grievance Committee, the Associate Vice President for Human Resources or designee, and, in matters involving dismissal for adequate cause, the chair of the College Personnel Committee.

In cases where the Provost/Vice President's decision is not concordant with the recommendation of the Grievance Committee, the Provost/Vice President will present the reasons for the decision, in writing, to the Grievance Committee, the President and, at the discretion of the Provost/Vice President, those directly

involved in the grievances.

3. Miscellaneous Provisions.

A. Time Limits. All grievances shall be considered permanently resolved if not submitted by the grievant at the next step within the prescribed time limits. Time limits may be extended by mutual agreement.

B. Definition of Day. Within the grievance procedure references to day shall mean Monday through Friday and shall not include the day on which an appeal is made or a response is offered.

C. Participants. The grievant may choose to be accompanied by a colleague. However, legal counsel may not attend.

4.2.17 Grievance Panel, Grievance Committee and Their Procedures.

1.Establishment and Composition of the Grievance Panel. A Grievance Panel will be established, composed of six (6) faculty members elected from each of the College of Liberal Arts and Sciences, College of Engineering and Computing, Seidman College of Business, two (2) members each from the College of Education and Community Innovation, Kirkhof College of Nursing, College of Health Professions, and the Brooks College of Interdisciplinary Studies; and one (1) faculty member from the Library.

All faculty members eligible for or holding tenure are eligible to vote for their College representatives to the Grievance Panel. Deans and other administrative officers will not be eligible to vote or be elected to the Grievance Panel. All panel members will be elected for staggered, three-year terms.

For a particular grievance, a Grievance Committee of four members chosen by lot drawn by the Associate Vice President for Human Resources or designee and the Chair of the Academic Senate will be activated from the Panel to hear the case. The four members will be distributed as follows: one from the grievant's College and three chosen from the remaining Colleges.

The Associate Vice President for Human Resources or designee and the Chair of the Academic Senate may exclude certain members of the panel from being on a Grievance Committee for reasons of unfair bias or conflict of interest either for or against the aggrieved person. The Associate Vice President for Human Resources or designee will activate the Grievance Committee. The Grievance Committee will elect its own

chairperson who will submit in writing the findings and recommendations of the committee concerning the case to the following individuals:

- The grievant
- The Provost/Vice President
- The Dean
- The Chairperson of the Personnel Committee, in matters involving reappointment, tenure, promotion or dismissal for adequate cause
- The Associate Vice President for Human Resources or designee.

Grievance Committees do not normally meet during the summer between the end of the winter semester and the beginning of the fall semester. Grievances already under consideration by a Committee will be completed. Any grievance regarding the termination of a faculty member's employment in which the grievant's employment would terminate prior to the fall semester will be heard during the summer. This may necessitate the drawing of a Committee from those Panel members with summer appointments and if this is not sufficient the selection of new Panel members by the College.

2. Faculty Grievance Committee Training. Prior to receiving the charge to hear a faculty member's grievance, the Grievance Committee selected to hear the grievance will be required to meet for Grievance Committee training. This training will not include a review of the grievance to be considered by the Committee but will include the following.

A. Topics:

1. Review of grievance section of Faculty Handbook.

2. Discussion of the process.

3. Role, function and responsibility of the Grievance Committee.

4. Role of the Grievance Committee Chair.

5. Rules.

a. tape recording
b. witnesses and participants
c. minutes
d. deadlines and extensions
e. records
f. confidentiality

6. Conducting an investigatory hearing.

a. interviewing witnesses
b. attorneys, colleagues and others attendance

7. Deliberations of the Grievance Committee.

8. Getting advice during the process.

9. Writing the report and distributing the report.

10. Closing the file.

B. The Associate Vice President for Human Resources or designee is responsible for coordinating this training. Other individuals, such as legal counsel, may be used as appropriate. Those likely to be involved in the grievance as witnesses or Grievance Committee members will not be used for training.

3. Function and Procedures of the Grievance Committee. The Grievance Committee will function to review and make recommendations about a grievance.

A. Its function is normally to determine that the prior decisions in the case before it have been arrived at in accordance with the established procedures and with the educational and professional objectives of the University but may also include a substantive re-examination of the case. If the Grievance Committee should conclude that these conditions were not met in the case, or disagrees with prior decisions, it must include in its recommendation to the Provost/Vice President the reasons for this conclusion as well as a request that the Provost/Vice President require the appropriate officer or the chairperson of the College Personnel Committee, in matters involving dismissal for adequate cause, to determine and implement an appropriate redress based on the merits of the Committee's findings in the case.

B. The Grievance Committee reports to the Provost/Vice President; There shall be no further recourse for such a grievance.

C. The Grievance Committee will carefully observe that the burden of proof in all cases of action for adequate cause lies with the University; and that in all others, it lies with the grievant. In these latter cases, the grievant will have to show that the action was taken in violation of academic freedom or university procedures, or that the reasons given for the action, if requested, were inadequate.

D. The responsibilities of the Grievance Committee are:

1. To review the written grievance for legitimacy (see Definition of Grievance).

2. To hear statements from all persons involved in the grievance and/or any other persons who may clarify issues pertinent to the grievance.

3. To establish the facts.

4. To determine whether prior decisions have been made in accord with established procedures and with the educational and professional objectives of the appointment structure where the case arose.

5. To report its findings and recommendations to the Provost/ Vice President (subject to Section 4.2.17.3B.).

Tape recordings or stenographic records will be made of the hearings of the Grievance Committee, and the grievant may attend meetings of the Committee when testimony is being taken.

E. Procedures of the Grievance Committee. The Grievance Committee and the grievant and other persons related to any grievance should be, at all points in their deliberations, alert to informal opportunities for settlement satisfactory to those involved in the grievance. At any point in the proceedings, the grievant may withdraw the grievance by written notice to the chairperson of the Grievance Committee.

The Committee shall conduct the formal review in such a manner that will allow it to render a responsible judgment about the grievance. Its obligation to render such a judgment entitles it to full cooperation by faculty colleagues and administrative officers. The Committee should hear statements from all those involved in the grievance and/or any other persons who may clarify issues pertinent to the grievance. Statements of witnesses not appearing at the hearing may also be received, provided such statements have been made available to the grievant and other relevant persons to the hearing prior to the hearing. In all other respects the hearing committee will not be bound by strict rules of legal evidence, and may admit any evidence that is of probative value in determining the issues involved. Every possible effort will be made to use the most reliable evidence available. In the case of lack of unanimity, the Committee may report with a minority report or reports included.

4. Contents of the Report of the Grievance Committee. The report of the Grievance Committee will contain:

A. A statement of membership.

B. A statement of the grievance.

C. A statement of its activities.

D. A statement of its findings.

E. A statement of its recommendations.

F. Records of the hearing, including tape recordings and/or stenographic records.

G. Copies of any data used in its findings.

5. Records of the Grievance Committee Cases. Upon completion of a grievance, the chairperson of the Grievance Committee will submit a copy of the report and all data and communications regarding the grievance to the Associate Vice President for Human Resources or designee who will maintain a file of such reports in an appropriate filing space provided by the University Human Resources Office. Any request to review these files should be submitted to the Associate Vice President for Human Resources or designee.