

# University Senate of Michigan Technological University

## Proposal 24-94

# Faculty Grievance Policy & Procedures

### A. Faculty Grievance Procedures

It is the policy of Michigan Technological University that an effective procedure for the review and resolution of faculty grievances be operative. This grievance procedure is herein provided to serve as the means for the effective resolution of grievances experienced by any faculty member of Michigan Technological University.

#### A.1. Grievable Issues

A grievance shall be defined as a complaint alleging a misinterpretation, incorrect application, or violation of a policy, procedure, or practice of the University, not pursued by the faculty member in some other forum. Some examples of "grievable issues" are the following: the application of policy, salary levels or salary adjustments, teaching load/workload, reprisals, and facilities/space. Not covered by these grievance procedures are discriminatory actions, Equal Employment Opportunity complaints and tenure/promotion actions which are separately handled by other procedures at the University.

**Issues Non-grievable under this Procedure:** While it shall be the intent of the University Grievance Policy to see that most faculty disputes may be resolved through this procedure, not all issues may be grieved. The following issues may **not** be grieved under these procedures:

1. determination of policy, which is the domain of the governance system;
2. promotion and tenure;
3. those items falling within the jurisdiction of other University appeal procedures.

#### A.2. Timeliness of the Grievance

The faculty member shall identify the grievance orally to the immediate supervisor (i.e. the department or division head or chair or the dean/director responsible for the performance appraisal of the aggrieved faculty member) in a meeting scheduled within fourteen (14) work days after discovery of the event or action that is the basis for the grievance. No grievance need be accepted for processing under this procedure unless a meeting is scheduled within this fourteen (14) day period.

#### A.3. Collegial Communications

Most faculty concerns or complaints can be resolved informally through normal collegial communications. Accordingly, faculty members are encouraged to take their complaints to their immediate supervisor in the normal spirit of faculty problem solving. Should these efforts prove unsuccessful, the faculty member may request the assistance of the University Ombudsman in fashioning an equitable solution at the initiation of the grievance procedure. If this additional assistance does not satisfy the grievance, the faculty member may pursue the issue through the following procedure.

It shall be the case that department/division head or chairs, deans/directors, and other administrative faculty shall assist the faculty member in the processing of the grievance.

#### **A.4. The Grievance Procedure**

**Step One:** The faculty member shall identify the grievance orally to the immediate supervisor and arrange a meeting within fourteen (14) work days after discovery of the event or action that is the basis for the grievance. The supervisor shall provide an oral response to the faculty member within five (5) work days following the meeting.

If a resolution is not reached at this point, the faculty member shall within five (5) work days submit to the supervisor, on the Faculty Grievance Form, the grievance and the specific relief requested. The supervisor, in turn, shall give the faculty member a written response on the Faculty Grievance Form within five (5) additional work days.

**Step Two:** If the first step written response is not found acceptable, the faculty member may advance the grievance to the second step by indicating this desire on the Faculty Grievance Form. The Grievance Form must be submitted to the next direct level of University administration within five (5) work days following receipt of the Step One reply. The next direct level of administration for collegiate faculty will normally be the college dean but may be the Executive Vice President and Provost depending on the reporting structure in a given unit. If the latter structure is the case, the procedure passes to Step Three below.

Following receipt of the Faculty Grievance Form, the Step Two administrator or acting administrator shall meet with the faculty member within five (5) work days. The Step Two administrator may request the immediate supervisor to be present; the faculty member may similarly request that a university representative of his or her choice be present. The Step Two administrator shall give the faculty member a second step written response on the Grievance Form within five (5) work days after the meeting.

**Step Three:** If the second step written response is not acceptable, the faculty member should send the Grievance Form, with the appropriate Step Three request checked, to the Step Two administrator within five (5) work days indicating the desire to advance the grievance; the Step Two administrator will forward immediately one copy of the grievance to the Step Three administrator, typically the Executive Vice President and Provost, and a second copy of the grievance to the Chair of the Faculty Review Committee.

The Executive Vice President and Provost, or an appropriate designee, shall contact the faculty member within five (5) work days to acknowledge receipt of the Step Three grievance.

The Faculty Review Committee will review the grievance, may interview the principals, and may conduct such other investigations or hearings as it deems appropriate. The Committee will formulate a written recommendation regarding disposition of the grievance and will forward its recommendation to the Step Three administrator and to the grievant. The Committee will act on the grievance as expeditiously as possible, where feasible within thirty (30) work days after receipt; however, it is recognized that this preferred deadline may prove impossible to meet, particularly during the summer or when a hearing is involved.

A meeting shall be held within ten (10) work days after receipt of the Faculty Review Committee's recommendation. The faculty member and the Step Three administrator shall determine if other than those present in the previous step meeting should be present.

Following this meeting, the Step Three administrator will respond in writing to the grievant within ten (10) work days.

**Step Four:** If the faculty member is not satisfied with the resolution of the grievance as determined by the aforementioned management steps, the faculty member may petition the President of the University

within ten (10) work days to review the facts, findings, and proceedings of the management steps. The purpose of the President's review would be to determine if the case warrants a review by an impartial panel.

If the President decides that the matter should be reviewed by an impartial panel, this step of the procedure will be structured in the following manner: A three-person panel will be constituted. The aggrieved faculty member and the President will each select one faculty member from the University. These two persons thus selected will choose a third University faculty member, who shall then serve on the three-member panel as its chair. All faculty members so chosen shall not have had any prior involvement in the current grievance. Every reasonable effort will be made to assure that the impartial panel hearing will be held within thirty (30) work days of the receipt of the request by the President. The panel shall submit its decision to the President and to the grievant within thirty (30) work days after the close of the hearing.

**Panel Findings:** The three-person panel will make a recommendation to the President on its findings and the President's decision will be final.

### **A.5. Other Concerns and Definitions**

1. In cases where off-campus faculty are involved in a grievance and phone or e-mail resolution is unsuccessful, travel to Houghton or to other non-work locations may be required in the resolution of the grievance. Such faculty who is aggrieved shall have all such costs of travel paid by the University.
2. All costs of legal counsel employed by the grievant shall be borne by the grievant.
3. "Work days" as used in this procedure, include the days Monday through Friday only, and only when those days are not University holidays.
4. Time limits are subject to extension by written agreement of both parties; the grievant and the administrator involved at that particular step of the discussion shall be the makers of such agreement.
5. Failure of a University administrator to respond to a grievance in a timely fashion shall qualify the grievance to be advanced to the next step. The faculty member shall bear the responsibility to file at the next level.
6. Failure of the faculty member to meet filing deadlines may be cause for refusal by the administration to honor such a grievance.
7. Upon resolution of the faculty grievance, the Faculty Grievance Form is stored in a confidential file in the office of the Executive Vice President and Provost. The Form is not made part of the faculty member's personnel record.

#### **Note**

The creation and selection of the Faculty Review Committee will be the subject of a separate proposal.

**Adopted by Senate: May 11, 1994**

**Rejected by Provost: October 4, 1994**