

Augusta University

Policy Library

Faculty Grievance Policy

Policy Owner: Human Resources

POLICY STATEMENT

The Faculty Grievance Committee of Augusta University shall be an elected standing committee of the University Faculty Senate. Its members will be elected from the Corps of Instruction of each college and of the Library of Augusta University. The Faculty Grievance Committee shall act to implement the policies and procedures established by the Faculty of Augusta University for the resolution of faculty grievances. This policy describes procedures established by the University Faculty Senate for the handling of faculty grievances.

The University Faculty Senate of Augusta University recognizes that intramural disputes involving faculty may occur and has established the Faculty Grievance Committee to establish policy and oversee such disputes.

The purpose of the Faculty Grievance Committee shall be to work toward the conciliation of intramural disputes, to advocate for mediation as a means to resolve disputes, to guarantee due process for and just settlement of otherwise irreconcilable grievances, to help ensure the institutional integrity of Augusta University, and to safeguard the academic freedom of its Corps of Instruction faculty.

AFFECTED STAKEHOLDERS

Indicate all entities and persons within the Enterprise that are affected by this policy:

- Alumni Faculty Graduate Students Health Professional Students
 Staff Undergraduate Students Vendors/Contractors Visitors
 Other:

DEFINITIONS

These definitions apply to these terms as they are used in this policy:

Days Week days, exclusive of holidays, unless otherwise stated.

Discrimination Refers to the unlawful practice by an employer or institution of higher education to differentiate or distinguish an individual based on that individual's race, gender, age, religion, national origin, sexual orientation, disability, or Vietnam era veteran status.

Faculty Grievance The Faculty Grievance Committee shall be a standing committee of the University Faculty Senate elected by each College and the Library by and

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Committee from the membership of the Corps of Instruction and who have undergone training provided by Legal Affairs and Human Resources.

Faculty Grievance Committee Chair The Faculty Grievance Committee Chair shall be elected by the members of the Faculty Grievance Committee. The Chair shall be responsible for appointing the members of the two subcommittees, but may not serve on either subcommittee, unless no other member of the Faculty Grievance committee is able to serve and serving on a subcommittee would not result in a conflict of interest.

Grievability Subcommittee The Grievability Subcommittee shall include five (5) members who are appointed by the Chair of the Faculty Grievance Subcommittee. The Grievability Subcommittee is responsible for reviewing a faculty member's complaint and determining if it is considered grievable according to the BOR policies.

Grievance Hearing Officer The individual who will preside over the hearing. This individual must be a member of the Grievance Hearing Committee and have been formally trained as a grievance hearing officer.

Faculty Grievance Hearing Subcommittee The Faculty Grievance Hearing Subcommittee is a designated group of faculty assigned to consider a grievance filed by a faculty member, review the action taken, and make a recommendation to the Provost. The purpose of the Faculty Grievance Hearing Subcommittee is to determine if the alleged facts on which the decision was based are true, and if yes, if the decision was consistent with policy. . The Faculty Grievance Hearing Subcommittee must have an odd number of members, three (3), five (5), or seven (7), and include a peer of the grievant, a peer of the respondent, and another individual who is neither. At least two individuals from the Faculty Grievance Committee will be a part of any grievance subcommittee constituted when a grievance is filed.

Faculty Grievance Hearing Subcommittee Chair The Faculty Grievance Hearing Subcommittee chair is elected from the members of the subcommittee appointed to hear the case. The role of the chair is to prepare and submit the subcommittee's written recommendation. The chair may also take the lead on questioning the grievant and the respondent, although any grievance hearing subcommittee member may ask questions.

Grievance Defined as a complaint arising from a work situation that is judged a deviation from, misinterpretation of, or misapplication of, reasonable practice or policy and shall include complaints arising from dismissal and suspension procedures. This definition is meant to be as inclusive as practical; however, the following areas will generally provide exceptions to the rules: (1) the findings of a committee may be grounds for a grievance, but the findings of individual committee members, generally, are not and (2) policies and proceedings that have their own appeals process.

Harassment Refers to any discriminatory conduct or practice when employment hiring, discharge, promotion, or discipline or any other decision related, directly or indirectly, to employment is based upon discriminatory factors; when submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing; when submission to or rejection of such conduct by an individual is used as a basis of employment or academic decisions affecting an individual; when such conduct unreasonably interferes with an individual's work or academic performance, or when, in the case of sexual harassment only, such conduct or practice creates an intimidating, hostile, or offensive working or academic environment.

Timelines The intent of the Faculty Grievance Committee is to handle grievances in as timely a manner as possible. The timelines indicated in this document indicate the usual expectations of the Committee. It is recognized, however, that there are instances in which holidays, graduation, or other events might interfere with the committee's ability to meet these time frames. As long as the Committee makes a reasonable effort to meet the stated time frames, the proceedings of the Committee should not be questioned. Where possible, significant delays should be agreed upon ahead of time by the complainant and the Committee.

PROCESS & PROCEDURES

Faculty members of the Augusta University community shall have the right to seek redress of grievances after the matter has received appropriate administrative hearing or disposition according to the scope of responsibility, accountability, and professional ethics of the individual or group so petitioning. Faculty members are strongly encouraged to utilize mediation as outlined in the University Policy on Conflict Resolution to resolve disputes before filing a formal grievance under this policy. Whether or not a complaint is grievable depends upon the group to which the aggrieved individual belongs. Questions of grievance shall concern academic freedom; academic or administrative due process; facilities; equipment or supplies; continued professional achievement, including leaves; questions of leave, tenure, and promotion. The institution's prerogative not to offer a non-tenured faculty member a contract is not subject to this grievance policy, but may be heard by the Board of Regents if permitted by the Bylaws of the Board of Regents of the University System.

Faculty having cause for complaint shall follow the established procedures within the complainant's own administrative unit before filing a grievance with the Faculty Grievance Committee. The objective shall be to resolve the matter before initiating the Formal Grievance Procedures herein described. The faculty member is strongly encouraged to utilize mediation as a means of resolving the dispute at any point in moving through the administrative levels. If the complaint cannot be resolved with the faculty's immediate supervisor, the complaint should be pursued up the administrative ladder of the respective College or Unit. If it cannot be resolved at the level of Dean or respective officer of the Unit, the complainant may initiate a Formal Grievance Procedure by registering a written complaint to the Chair of the Faculty Grievance Committee, as outlined in this policy.

Section 1. Procedures for Faculty Grievance

A faculty member with a complaint shall first discuss the grievance with an immediate supervisor. If a resolution of the grievance is not achieved at this level, the resolution of a grievance shall be pursued at each administrative level up to the level of the Dean or the appropriate administrative officer of the Unit in which the complaint arises.

Where the College or Unit in which the complainant's appointment is made has an established procedure that is appropriate to hear the grievance, the complainant should fully utilize the process before bringing a claim under the provision of this document.

A complainant who is not satisfied with the outcome of this procedure may initiate a formal Grievance Procedure by filing a written Statement of Grievance (See Appendix A) with the Chair of the Faculty Grievance Committee within 60 calendar days from receipt of written notice of the decision of his or her administrative unit. Once this grievance has been received these formal Grievance Policies will be followed:

1. General

- It shall be the responsibility of the Faculty Grievance Committee Chair to appoint two subcommittees for each complaint.
 - A Grievability Subcommittee (GS) to establish the appropriateness of the complaint.
 - A Faculty Grievance Hearing Subcommittee (FGHS) that will try the case if the GS has recommended that the matter is grievable and the Faculty Grievance Subcommittee Chair has accepted that recommendation.
- All proceedings should be held as expeditiously as possible. Total time from appointing a hearing panel through a report to the President should generally take about 45 working days.
- If more than one complaint is filed by the complainant, both subcommittees will be appointed for each complaint unless, in the view of the Chairman, the complaints are related and could better be handled by one subcommittee.
- The subcommittees should be appointed within 7 days after the receipt of a complaint by the Chair of the Faculty Grievance Committee.

2. Composition of Subcommittees

- The Chair of the Faculty Grievance Committee will appoint subcommittee members from the membership of the Faculty Grievance Committee.
 - The subcommittee may include no more than one representative from the department or division from which the complaint is initiated.
 - The Grievability Subcommittee (GS) will consist of 5 members.
 - The Grievant may make a request to the Faculty Grievance Committee Chair to remove a member of the Grievability Subcommittee within three (3) days of notification of the committee membership.
 - The Faculty Grievance Hearing Subcommittee (FGHS) will consist of 3, 5 or 7 members, and include a peer of the grievant, a peer of the respondent, and another individual who is neither. Either the Grievant or the Respondent may make a request to the Faculty Grievance Committee Chair to remove a member of the Faculty Grievance Hearing Subcommittee (FGHS) within three (3) days of notification of the committee membership. If only one party makes a request to remove a member and the Faculty Grievance Committee Chair has decided to grant the request, the Faculty Grievance Committee Chair shall also have the discretion to remove another member as necessary to ensure an odd number of subcommittee members.
3. Determining Grievability: The GS should meet as expeditiously as possible, generally within 10 business days from the date the grievance was filed. It will: (1) Determine if the complainant has adequately pursued the established procedures within the complainant's administrative unit for the resolution of the stated grievance. (2) Determine whether the complaint meets the criteria of a grievance as defined above. The GS must submit its recommendation to the Grievance Committee Chair within five (5) days of meeting. A sample script is provided as Appendix B.
4. Granting a hearing (this step occurs if the matter is determined to be grievable)
- Once determined, the GS chair will report its findings to the Faculty Grievance Subcommittee Chair.
 - The Faculty Grievance Committee Chair will appoint a Grievance Hearing Officer (GHO) and the Faculty Grievance Hearing Subcommittee (FGHS), and shall be responsible for serving notice to the necessary parties by hand delivery or Registered Mail when a hearing has been granted.
 - The notice shall include a statement of the specific charges, the names of the members of the FGHS, a copy of the Faculty Grievance Policy, and the date, time and place of the hearing. At this time, both parties will be given the opportunity to strike one subcommittee member for cause.

Section 2. Formal Hearing for Faculty Grievances

1. General
- a. The Faculty Grievance Hearing Subcommittee (FGHS) will consist of 3, 5 or 7 members.
 - b. At this hearing, the subcommittee shall receive its charge, elect its Chair from its membership, and receive from the Chair of the Faculty Grievance

Committee or other appropriate source(s) such evidence, testimony, or written records as it may require.

c. The committee should convene as quickly after its selection as practical.

2. Procedures

a. The GHO and FGHS shall establish and pursue its own procedures for conducting its inquiry, so long as those procedures afford due process for all parties and include at least the following as described by the Board of Regents Minutes, 1974-75, pp. 310-311, which are:

- The FGHS, in consultation with the necessary parties, may exercise its judgment as to whether the hearing should be made public or private.
- During the proceedings, necessary parties shall be permitted to have an advisory council of their choice. The advisory council cannot take part in the hearing, however. The FGHS will be permitted to have advisory council.
- At the request of any necessary party, the GHO or the Chair of the FGHS, a representative of a responsible educational association shall be permitted to attend as an observer.
- A tape recording or transcript of the proceedings shall be kept and made available to necessary parties in the event an appeal is filed.
- An oath of affirmation shall be administered to all witnesses by any person authorized by law to administer oaths in the State of Georgia.
- The GHO may grant adjournments as it deems appropriate to enable either party to investigate evidence as to which a valid claim of surprise is made.
- Necessary parties shall be afforded a reasonable opportunity to obtain necessary witnesses and documentary or other evidence.
- Necessary parties will be afforded the opportunity to question all witnesses testifying at the hearing. Where a witness cannot or will not appear but the Committee determines that the interests of justice require the admission of his or her statement, the Committee will identify the witness, disclose the statement, and, if possible, provide for interrogatories.
- The formal grievance hearing is not a legal trial and will not be bound by strict rules of legal evidence and may admit any evidence that is of probable value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available. All questions relating to admissibility of evidence or other legal matters shall be decided by the GHO of the FGHS.
- The purpose of the Faculty Grievance Hearing Subcommittee is to determine if the alleged facts on which the decision was based are true, and if yes, if the decision was consistent with policy.
- The recommendation of the FGHS will be based solely on the hearing record.
- Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity

about the case by any party should be avoided until the proceedings have been completed, including consideration by the Board of Regents in the event an appeal is filed. The President of Augusta University and all necessary parties will be notified in writing of the recommendations, if any, of the FGHS.

- Suspension of FGHS process: once a grievance has been filed and a FGHS has been designated, the process may be suspended only if both parties agree to a temporary suspension of the grievance. The purpose of a temporary suspension of the grievance is to allow the parties to reconcile or allow for third-party mediation. Should reconciliation by the parties or third-party mediation occur, the grievance will be terminated only by acquiescence of both parties.

A sample script for the hearing is provided as Appendix C.

- b. In cases of suspension or dismissal of a tenured faculty member or of a non-tenured faculty member before the end of the contractual term, the President shall follow the preliminary procedures described in the Policy Manual of the Board of Regents, Section 803.11 and detailed in the Board of Regents Minutes, 1974-75. The Faculty Grievance Hearing Subcommittee for the dismissal procedure shall be appointed as provided for in Sections 1 and 2A of this document. In addition to the procedures set forth in Section 2 of this document, the following shall apply in hearing a case involving dismissal of a faculty member.
 - Service of notice of the hearing with specific reasons of charges against the faculty member, together with the names of the members of the FGHS, shall be made in writing at least 10 days prior to the hearing. The faculty member may: (1) waive a hearing, or (2) respond to the charges in writing at least 7 days in advance of the date set for the hearing. If a faculty member waives a hearing but denies the charges or asserts that the charges do not support the decision that was made, the FGHS shall evaluate all available evidence and rest its recommendations upon the evidence in record.
 - If the FGHS concludes that the decision to dismiss has not been established by the evidence in the record or that it was not consistent with policy, it will so report to the Provost who will then report to the President of Augusta University. If the President does not approve the report, the reasons shall be stated in writing to the FGHS for response before rendering a final recommendation. If the FGHS concludes that an academic penalty less than dismissal would be more appropriate than dismissal, it may so recommend with supporting reasons. The President may or may not follow the recommendations of the FGHS.
 - After complying with the foregoing procedures, the President of Augusta University shall send an official letter to the faculty member giving notice of retention or removal for cause. Such a letter shall be delivered to the addressee only with receipt to show by whom and when delivered and

address where delivered. The letter shall clearly state any charges which the President has found sustained and shall notify such person that an appeal may be made to the Board of Regents within 20 days following the decision of the President. The letter shall state the decision complained of and redress desired. The Board of Regents or a committee of the Board shall investigate the matter thoroughly and render its decision thereon within 60 days from the date of any hearing that may be held thereon.

- Upon dismissal by the President of Augusta University, the faculty member shall be suspended from employment without pay from the date of the final decision of the President. Should the faculty member be reinstated by action of the Board of Regents, compensation shall be made from the date of suspension.
- c. The FGHS shall, within 5 days of the completion or termination of its hearings, file a written report of its findings of fact and of its recommendations for administrative action with the Chair of the Faculty Grievance Committee. The Chair shall immediately distribute the report to the Provost who will then report to the President and to all parties who received notice of the Subcommittee's grant of appeal.
- Within 7 working days of receipt of the report, the President shall give written notice of his decision by hand-delivered or registered mail to the Chairman of the Faculty Grievance Committee and all parties who received notice of the Committee's grant of appeal. The President may choose to give the matter further study by invoking the option to establish an ad hoc review committee.
 - These procedures shall constitute the final Augusta University appeal from actions regarding claims of discrimination or harassment, except as provided for suspension or dismissal of a faculty member and appeals to the Board of Regents (See Section 4 below).
- d. During the course of each hearing, the FGHS shall keep minutes of its meetings and such other records of its activities as it deems necessary and shall at its discretion include information derived there from its reports to the President of Augusta University.
- e. The Formal Hearing Procedure may be terminated at the discretion of the FGHS at any time upon request of the complainant.
- f. In the event that a necessary party feels that the FGHS has not complied with the policies and guidelines for the formal Grievance Procedure set forth herein, said party shall have the right of appeal to the Executive Committee of the University Faculty Senate of Augusta University for review, provided that the appeal is made within 30 days of notice of the ruling of this FGHS to that party.

Section 3. Procedures for Discrimination and Harassment Complaints

All complaints of discrimination and harassment must be referred to the Affirmative Action/Equal Employment Opportunity office.

Section 4. Disposition of Materials Collected

The findings and recommendations of the Faculty Grievance Committee, its subcommittees, and the Faculty Grievance Hearing Subcommittee may be made public only by action of all necessary parties included in the grievance. At the completion of the Grievance Procedure, all materials collected during the Procedure shall be transferred to Augusta University Records Holding Area where they will be kept for a period of 4 years, after which time they shall be destroyed. Neither these documents nor any materials pertinent to the grievance shall be placed in the personnel file of the faculty member held by the University unless so requested by the faculty member.

Section 5. Right of Appeal

Suspension or Dismissal of a Faculty Member

In cases of suspension or dismissal of a tenured faculty member, or a non-tenured faculty member before the end of the contractual term, the President shall follow the procedures described in the Policy Manual of the Board of Regents, Section 803.11 and detailed in the Board of Regents Minutes 1974-75. The Faculty Grievance Hearing Subcommittee for that procedure shall be appointed as provided for in Section 2A, formal Hearing for Faculty Grievance and shall be conducted according to Section 2B of same.

Appeals to the Board of Regents

Election by a faculty member, student, or staff member to use these rules and procedures shall not affect the right of such person to appeal to the Board of Regents as provided for in Bylaws of the Board of Regents, Article VIII.

REFERENCES & SUPPORTING DOCUMENTS

Appendix A—Statement of Grievance

Appendix B—Sample Script of Grievability Subcommittee

Appendix C—Sample Script for Faculty Grievance Hearing Subcommittee

RELATED POLICIES

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APPROVED BY:

President, Augusta University and CEO, AU Health System

Date: Not Approved Yet