

Article VIII – STANDING COMMITTEES OF THE FACULTY

Section 11: Mediation and Grievance Panel

A. The Panel

- (1) Committee Composition and Election Process: The College Mediation and Grievance Panel shall be composed of sixteen (16) faculty members who will be nominated and elected by the Faculty of the College.
- (2) Duties. The Panel will meet annually and no later than October 30th. At the annual meeting, the Panel shall:
 - (a) As appropriate when terms expire, elect a chair and/or vice chair.
 - (b) Adopt or modify procedures it deems necessary to implement and conduct the mediation process and orderly and fair grievance hearings.
 - (c) Receive training in conflict resolution.
- (3) Term of Office: The term of office for membership on this Committee shall be four years. Terms will be staggered to permit replacement of twenty five percent (25%) of the Committee each year. The Committee may recommend exceptions to these term limitations to the Dean.
- (4) Committee Chair: The Chair of this Committee will be nominated from among committee members who have served at least one year. The committee shall forward its nomination to the Dean for approval. The Chair will serve for two years but may be re-nominated as Chair for one additional year during a single term on the Committee. The Committee may recommend exceptions to these term limitations to the Dean.
- (5) Committee Vice Chair: The Vice Chair of this Committee will be nominated from among committee members who have served at least one year. The committee shall forward its nomination to the Dean for approval. The Vice Chair will serve for two years but may be re-nominated as Vice Chair for one additional year during a single term on the Committee. The Committee may recommend exceptions to these term limitations to the Dean. The Vice Chair will perform the duties of the Chair if the Chair is unavailable, and in circumstances in which the Chair recuses him/herself from a particular mediation or grievance.

B. Mediation

- (1) Any Faculty grievance which has not been successfully resolved through the regular administrative channels of the Department in which the Faculty member has their primary appointment may be submitted to the Chair of the Panel. A grievance shall be filed by the Faculty member submitting the form prescribed by the Panel to the Chair of the Panel. The administrator who made the decision being grieved shall be considered the other party to the grievance. The Panel shall not exercise jurisdiction over grievances that have not been submitted to the Panel within ninety (90) days from the date of the action or matter being grieved.
- (2) The Chair of the Panel will appoint a Mediator from the Panel. The Mediator cannot be a member of the same department as a party to the grievance. The Mediator's role is to facilitate the resolution of the Faculty grievance in an informal manner. The Mediator does not represent either party.
- (3) Each party may object to the Mediator selected by the Chair on grounds of actual bias or conflict of interest. The Chair of the Panel will determine whether to replace the challenged Mediator. In

addition, each party to the grievance will be given one opportunity to remove without cause the Mediator selected by the Chair.

- (4) The Mediator will seek to obtain a resolution to the grievance promptly and within a reasonable time, not to exceed forty-five (45) days. If more than forty-five (45) days have elapsed since the commencement of the mediation or if the Mediator determines that he or she will be unable to obtain a resolution between the parties to the grievance, the Mediator will provide written notification to the parties that he or she is terminating the mediation unless the parties agree in writing to extend the mediation.
- (5) The Vice Dean for Faculty Affairs, in consultation with Institutional Counsel, will provide staff assistance and guidance to the Mediator on the procedures for completing the mediation process including procedures for maintaining confidentiality of the mediation proceedings and conducting the mediation process.

C. Hearing Group

- (1) If mediation does not resolve the Faculty grievance, either party may request the grievance be referred to a hearing group by submitting a formal written request to the Chair of the Panel within thirty (30) days of the termination of the mediation. If no formal request is received by this deadline, then the Chair of the Panel shall officially terminate the grievance.
- (2) The Chair of the Panel will appoint three (3) members of the Panel to investigate and conduct hearings (the "Hearing Group"). The Mediator may not be a member of the Hearing Group. No Panel member who is a member of the same department as a party may be appointed to the Hearing Group. No member of the Hearing Group shall participate in any grievance in which he/she may have a conflict of interest.
- (3) Each party to the grievance may object to the appointment of a member to the Hearing Group on grounds of actual bias or conflict of interest. The Chair of the Panel will determine whether to replace the challenged member. In addition, each party may remove without cause only one member of the Hearing Group who will be replaced by another member of the Panel.
- (4) The members of the Hearing Group shall elect a Chair of the Hearing Group.
- (5) The Hearing Group is authorized to hold hearings, gather information and documents, conduct interviews and take such other actions as it believes are necessary to investigate the grievance. The Hearing Group will seek to obtain a resolution to the grievance promptly and within a reasonable time, usually not longer than sixty (60) days. All hearings are treated as confidential and are closed to the general public. Hearings shall not be recorded or transcribed. The Hearing Group shall reserve the right to determine its jurisdiction in any particular matter.
- (6) Parties to the grievance may have an advisor present, who may or may not be an attorney. The advisor's role is limited to advising the grievant; the advisor cannot participate in the hearings or interview the witnesses.
- (7) After the conclusion of the hearing and any investigation, the Hearing Group shall make a written recommendation to the Dean and will provide a copy to the parties. If the Dean is a party to the grievance, the Hearing Group's recommendation will be forwarded to the President for their decision. If the President is a party to the grievance, the Hearing Group's recommendation will be forwarded to the Drexel University Board of Trustees for its decision.
- (8) The Dean may adopt or reject the Hearing Group's recommendations, in whole or in part. The Dean will notify all of the parties to the grievance of their decision in writing within thirty (30) days from the date of the Hearing Group's recommendations.

- (9) The Associate Dean for Faculty Affairs, in consultation with Institutional Counsel, will provide staff assistance and guidance to the Hearing Group on the procedures for completing the hearing process including procedures for maintaining confidentiality, conducting the hearing, and preparing the Hearing Group's report.

D. Appeal Process

- (1) The parties to the grievance have the right to appeal the Dean's decision to the President (unless the Dean is a party to the grievance). The decision of the President is the final decision in the grievance process. A party to a grievance has thirty (30) days from the date of the Dean's decision to appeal the grievance to the President. The President will notify all parties to the grievance of their decision in writing, within thirty (30) days from the date of the appeal of the Dean's decision.
- (2) If the Dean is a party to the grievance, the recommendation of the Hearing Group shall be submitted to the President for their decision. The President will notify all parties to the grievance of their decision in writing, within thirty (30) days from the receipt of the Hearing Group's recommendation. The decision of the President shall be final.
- (3) If the President is a party to the grievance, the recommendation of the Hearing Group shall be submitted to the Drexel University Board of Trustees. The Drexel University Board of Trustees will notify all parties to the grievance of its decision in writing, within seventy-two (72) hours after their next scheduled meeting. The decision of the Drexel University Board of Trustees shall be final.

E. Confidentiality

All oral and/or written materials related to a grievance are considered confidential. Disclosure of such information to anyone other than a person who has a bona fide reason to know is prohibited.