



**Policy**

Title:	<b>Faculty Grievance Policy</b>
Effective Date:	March 18, 2015
Approved By:	President’s Council
Responsible Party:	Provost
History:	September 24, 2014; Faculty Organization of Salus University Constitution
Related Documents: Non-Discrimination/Non-Harassment Policy; EEO/Affirmative Action Policy	

**I. PURPOSE**

Salus University has a well-established tradition of excellence in its academic and clinical pursuits. In order to maintain this standard, faculty and administrators must work together in a respectful and collegial manner. To accomplish this, it is essential that the University foster a climate that values faculty and ensures prompt and fair resolution of their grievances.

**II. DEFINITIONS**

**Faculty member:** Any person holding either a part time or full time paid University appointment at the rank of professor, associate professor, assistant professor, or instructor, including those with fixed term and visiting status.

**FGC: Faculty Grievance Committee:** FOSU committee charged with overseeing grievances.

**FOSU:** Faculty Organization of Salus University.

**Grievance:** A concern presented by a faculty member that she or he has been adversely affected in her/his professional and/or University-related activities.

**Initiator:** a faculty member(s) of the University who brings a grievance as outlined in these procedures.

**Respondent:** The University employee(s) who made the decision or took action that precipitated the grievance.

**Working days:** Monday through Friday and do not include University holidays.

### **III. POLICY**

Salus University encourages faculty to resolve their disagreements through informal and respectful communication. However, the University also recognizes that occasionally more formal processes are needed. This policy is intended to provide a fair, internal process for resolving employment related disputes that arise between faculty members themselves and also between faculty members and the University.

Grievances and proceedings under this policy will be treated with the greatest degree of confidentiality possible. It must be acknowledged, however, that confidentiality can only be respected insofar as it does not interfere with the University's obligations to investigate allegations of misconduct.

This Policy applies to grievances asserted by faculty holding paid faculty appointments within the University, including all ranks of tenured faculty, tenure-track faculty, and non-tenure-track faculty. If a University faculty member has a joint faculty appointment, and is not a primary appointee of the University, that faculty member may file a grievance under this Policy only if the facts giving rise to the grievance involve the faculty member's relationship to the University.

### **IV. PROCEDURE**

Faculty grievances are classified into two main types:

1. Those concerned with promotion or tenure. In matters related to Tenure and Promotions, the appeal procedures should be followed as outlined in the Tenure and Promotion documents, respectively.
2. Those concerned with other matters, such as duties, salaries, perquisites, and working conditions.

Concerns relative to discrimination or harassment on the basis of race, color, gender, age, religion, sexual orientation, national or ethnic origin, disability, marital status or veteran status are to be directed to the University's Affirmative Action Officer.

#### **The Grievance Committee**

At the beginning of each two-year term (July 1), the President of the Faculty Organization of Salus University (FOSU), in conjunction with the Provost, will appoint a Faculty Grievance Committee (FGC).

The Faculty Grievance Committee shall consist of 6 members: a Faculty Grievance Committee chair and five additional members. Two additional alternate members will be also be nominated. No member will be appointed for more than two consecutive two-year terms. Members of the committee shall consist of a cross-representation of faculty members from colleges at the University. By June 1 before the start of each subsequent term, the Human Resources Office will provide the Provost with a list of all faculty members who are eligible to serve. Eligibility to serve is outlined in the FOSU Constitution. A two-thirds quorum is required for all FGC meetings.

The FGC shall take necessary precautions to avoid any conflict of interest on the part of committee members, the initiator and the respondent. If an initiator or respondent feels that any member of the FGC is not appropriate to serve on the committee, the initiator or respondent may file a written request with the chair of the FGC that the specific member recuse himself or herself while the committee reviews the grievance. If a member of the FGC feels that his or her impartiality relative to an individual grievance is in doubt, the member shall recuse himself or herself from the hearings. The President of FOSU may appoint ad hoc members for the duration of that particular grievance, as necessary.

### **Grievance Procedure**

When informal means fail to resolve a dispute involving a faculty member, a formal grievance procedure may be initiated. Grievances must be initiated in writing to the FOSU President and the Provost. In the case of a grievance against the Provost or the FOSU President, the initiator may submit a statement directly to the President of the University and the non-respondent (either Provost or FOSU President). If the respondent to the grievance is hierarchically equivalent to the Provost, the statement and subsequent correspondence will go to the University President and FOSU President.

The initiator must submit a written, signed, and dated statement of the grievance. This statement should include (i) a factual description of the complaint or dispute resulting in the grievance; (ii) the name of the person(s) against whom the grievance is initiated (the respondent); (iii) date(s) of the occurrence that gave rise to the grievance; (iv) a brief description of any informal attempts at resolution; (v) the adverse effect that the action or inaction has had or may have on the initiator; (vi) the remedy sought; and (vii) any other information that the initiator believes to be relevant or helpful.

The initiator should attach to the written statement any relevant documentation in her or his possession bearing on the subject matter of the grievance.

Formal grievances must be submitted within one hundred and twenty (120) days of the date of the occurrence that gave rise to the grievance. All submitted statements must be signed and dated by the initiator.

### **Steps:**

- (1) Within 3 working days of receipt, the Provost and FOSU President should forward the statement of grievance to the chair of the FGC.
- (2) Within 5 working days of his/her receipt of the statement of grievance from the Provost or FOSU President, the FGC chair shall send to the initiator a written statement that the grievance is under consideration. The FGC chair will also forward the grievance statement to the FGC within 5 working days of receipt of the statement
- (3) The FGC shall convene to discuss the grievance within 10 working days of receipt of the grievance from the chair.

The Grievance Committee shall determine:

- a. Whether the initiator has standing under the Faculty Grievance Policy;
- b. Whether the grievance has been filed in a timely fashion;
- c. Whether the grievance identifies an appropriate respondent(s);
- d. Whether the grievance sufficiently identifies the policies and/or practices that have been violated; Whether any other jurisdictional issue(s) need to be decided in connection with the initiation of the grievance and, if so, an explanation of such issues.

(4) Within 10 working days of the committee meeting, the chair of the FGC shall inform the parties in writing if each jurisdictional requirement has been met, along with the names of any University offices consulted regarding the jurisdictional decisions. The FGC may request additional information from the initiator at any time. If any jurisdictional requirement has not been met, the chair of the FGC shall dismiss the grievance. If all of the requirements have met, the respondent will be forwarded a copy of the grievance and the initiator will be notified in writing.

(5) A formal grievance hearing shall be scheduled to occur within 30 days from the date of notification given in Step #4 above unless exceptional circumstances at the discretion of the FGC chair require extended time.

(6) An initiator may amend or add his or her statement up to 5 working days before the scheduled date for the formal hearing on the grievance, as long as the proposed amendment concerns the same subject matter as the grievance. Any amendments should be submitted directly to the chair of the FGC. With the committee's input, the chair of the FGC shall decide whether to accept the proposed amendment, and any jurisdictional issues generated by the proposed amendment. Any accepted amendments will be forwarded to the respondent.

(7) The Office of the Provost will provide reasonable administrative support to the FGC throughout the process. If the Provost is the respondent, the Office of the University President will provide administrative support.

### **Grievance Resolution:**

(1) The FGC shall attempt to achieve a resolution of the grievance in a manner appropriate to the circumstances. Achievement of a resolution usually involves having the initiator meeting with the Committee and/or the Committee meeting with other parties involved/necessary.

(2) Hearings shall be closed except to committee members, the initiator(s), respondent(s) and witnesses.

(3) All parties may present their cases in person and may call witnesses on their behalf. The names of witnesses must be provided to the chair of the FGC at least 5 working days prior to the hearing date and should be made available to the initiator and respondent. Counsel may not be present during the hearings.

(4) The initiator and the respondent should be given ample opportunity to explain their positions

to the FGC and to present written and tangible information. The FGC may limit presentations that are redundant or irrelevant.

(5) The meetings of the FGC shall be conducted respectfully, with the objectives of facilitating communication and mutual understanding of the parties' positions and seeking, through a collegial process, workable solutions to problems that may be identified by grievances. FGC meetings will not be audio or video recorded, but minutes will be taken.

(6) A party may elect not to appear, in which event the hearing will be held in his or her absence. Absence of a party shall not be prejudicial to the case.

(7) Any party shall be entitled to ask pertinent questions of any witness or the other party at appropriate points in hearings. The chair of the FGC shall determine what questions are pertinent.

(8) The FGC shall decide whether the preponderance of the evidence supports the allegations made by the initiator.

(9) The FGC shall report their findings and recommendations in writing within 10 working days of the completion of the hearing to the Provost and FOSU President.

(10) When a hearing panel sustains an allegation made in a grievance, it shall recommend appropriate redress consistent with existing policies, procedures, and practices.

(11) The Provost shall consult with the FOSU President regarding the outcome of the grievance following review and consideration of the findings and recommendations. The Provost will have the discretion to either adopt or modify the recommendation of the FGC. The Provost will notify all parties in writing within 7 working days of receipt of the FGC's findings, recommendations and any modifications made to those recommendations.

### **Appeals**

(1) Each party shall have the right to appeal the grievance decision by filing a written statement explaining the reason(s) for the appeal to the University President within 7 days of the issuance of such decision.

(2) Appeals must allege either that there has been a violation of the procedures established for the conduct of the hearing, and/or that the decision of the FGC is not consistent with the preponderance of the evidence presented at the hearing.

(3) If an appeal is filed, the committee's decision on the grievance shall not be implemented, except insofar as it may subsequently be ratified by the President.

(4) The initiator may not submit new information or evidence unless the information/evidence is relevant to the appeal and was previously unavailable to the party although the party acted with due diligence to obtain such evidence. The President may meet with the FGC to review findings and recommendations determined by the committee for reconsideration.

(5) The President may affirm, reverse, or modify the Provost's decision on the grievance. The

decision of the President shall be forwarded to the initiator, respondent and FGC within 15 days of receipt of the appeal. The President is the final authority on such matters relative to Grievance.

### **The Grievance File**

The Provost shall establish a grievance file for any grievance evaluated under this Policy. Any files and minutes of FGC meetings will be a part of the grievance file. The Provost shall maintain a grievance file for a period of at least seven years from the date a grievance is resolved.

### **Confidentiality**

All records and information related to grievance proceedings under this Policy shall be kept confidential to the degree permitted by law. Members of the FGC, parties to the grievance, and other relevant administrators and faculty (including witnesses, presiding officers, and panel members) shall respect the confidentiality of information and records and the privacy of all parties whose interests are affected by a grievance.

All parties involved in a grievance hearing (witnesses, faculty committee members, administrative staff, etc.) will be required to sign a Confidentiality Statement pertaining to the contents of the particular grievance.

### **Other University Policies**

This Policy does not preempt or replace the Non-Discrimination Policy. Any grievance alleging discrimination or harassment will be referred to the appropriate University office for investigation and determination regarding the claim of discrimination/harassment. The grievance will be held in abeyance pending investigation and determination of the discrimination/harassment claim.

An initiator must promptly notify the Provost and FOSU President if he or she initiates litigation against the University while a grievance is pending. An initiator may not pursue a complaint under this policy while litigating the same issue(s). A grievance filed under this policy shall be held in abeyance by the FGC pending the conclusion of the litigation.

### **Indemnification**

Indemnification shall be provided to the Faculty Grievance Committee chair, committee members and presiding officers of hearing and appeals panels, and University faculty serving in their roles as participants in a grievance.

### **Consolidation of Grievances**

If an initiator files two or more separate grievances against the same respondent(s) that raise related allegations or arise from a common set of facts, the Faculty FGC may consolidate such grievances into one grievance.

If an initiator files two or more separate grievances concerning different issues and the grievances are not consolidated, such grievances will normally be processed and heard sequentially in chronological order determined by the date on which the initial grievance was filed. Separate grievances filed by different initiators that involve related allegations or arise from a common set of facts may also be consolidated.

**Revisions of this Policy**

Any faculty member or administrator may propose revisions to this Policy.

All proposed amendments and revisions shall be submitted to the chair of the FGC, which shall consider them and forward them to FOSU for review and approval.