



Policy Name: Academic Grievance

## Marian University Academic Grievance

Originated Date: 1992

Review Date:

Revised Date: 06/05/2005

### **Policy Statement:**

The University recognizes and endorses the importance of academic due process and of addressing grievances properly without fear of prejudice or reprisal. Accordingly, the university community encourages the informal and prompt settlement of grievances, and the orderly processes which are explained below.

All grievance procedures, whether they be formal or informal, will be declared suspended when a governmental agency with jurisdiction over the university (e.g. filing of legal documents, EEOC, DPI, etc.) becomes involved, unless there is evidence that such a hearing would facilitate resolution of the complaint. Furthermore, any such complaint that has been filed and resolved by a governmental agency, as noted above, cannot then be presented as a grievance.

### **Definition**

An allegation by a fulltime, part-time or adjunct faculty member, or a group of faculty members that there has been a claimed breach, misinterpretation, misapplication of university policy or procedure as set forth in the Faculty Handbook; or a claimed infringement of the rights of a faculty member, as set forth in the Faculty Handbook or other university publications, which is related to such concerns as compensation, appointment or reappointment, tenure, promotion, dismissal, suspension, or policies regarding interpersonal relations.

### **Statement on Informal Resolution of Problems**

The university encourages the resolution of issues or disputes through informal means and discussion in keeping with the collegial atmosphere of academia and the core values of Marian University. It is the hope of Marian University that faculty who feel they have a grievance against another faculty member, administrator, or staff member can find a satisfactory resolution to their grievance through open direct communication among the affected parties. When such options cannot be used, or if the grievant prefers, the Marian University Faculty Senate offers trained faculty to act as advisors to help informally mediate the situation or assist the faculty member through the formal grievance process. The use of a faculty advisor is voluntary, and the advisor is required to treat these consultations and any materials generated, as confidential.



## **Formal Grievance Procedure**

In the event that informal resolution is not possible or has failed, the following formal procedures will be utilized.

### **Grievance Committee**

Composition:

- 3 tenured faculty, elected at large by Faculty Senate during Spring election
- Members of the Grievance Committee may not simultaneously serve on the Promotion and Tenure Committee

Term of Office:

- Staggered three year terms with unlimited renewal

Officer:

- Chairperson, selected by the three elected members before the conclusion of the Spring semester

Meeting Times:

- As determined by the chairperson

Duties:

- Solicit and provide training for advisors
- Obtain training for and make available training for completion of the formal grievance process
- Members of the committee are expected to respond and carry out their responsibilities in a timely manner as set forth in this process.
- Annually collect the number of contacts made from advisors and report to Faculty Senate
- Respond to requests for recusal from faculty chosen to sit on the Formal Hearing Teams
- Maintain strict confidentiality regarding all aspects of the proceedings

### **Grievances begun during Summer term**

If a grievance is filed during Summer break the following procedure will be followed. It is expected that grievances will be filed in a timely manner so that it can be concluded prior to the end of the regular academic year. In the extraordinary case, where the grievance cannot wait until the beginning of the next academic year, the Grievance Committee chair or another member of the committee in the chair's absence will begin the grievance process.

### **Process**

The Grievance Process begins when the grievant submits a request for a Formal Hearing to the Chair of the Grievance Committee.

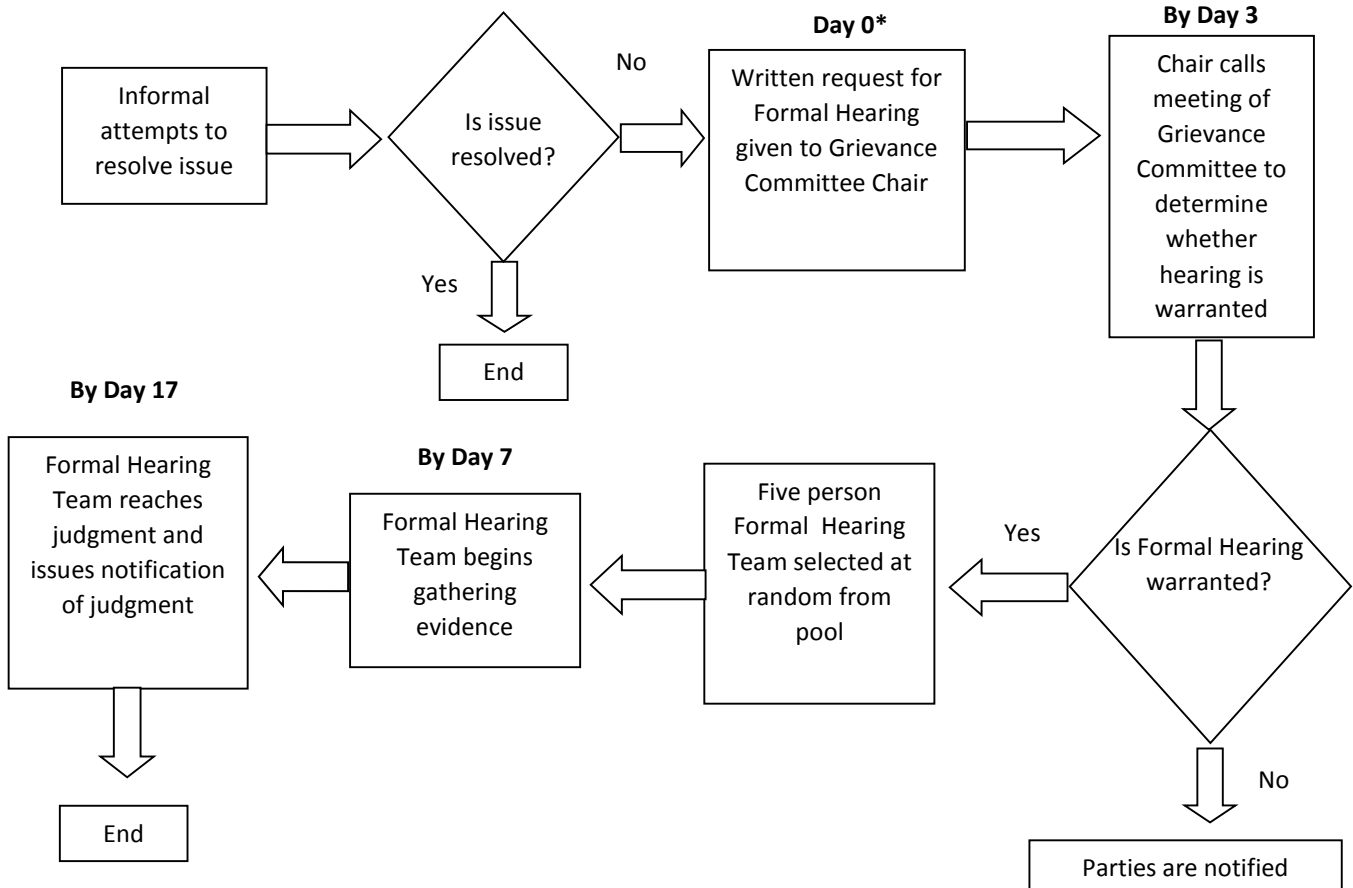
The request must include:

1. A description of the acts or conditions which gave rise to the issue and the dates upon which the acts or conditions occurred



2. An explanation of the ways in which the acts or conditions constitute unfair treatment or violation of rights or otherwise are injurious to the grievant
3. Evidence to support statements in 1 and 2 above
4. A statement of the relief sought by the grievant

## Grievance Process Overview



\* The date on which the written request for the Formal Hearing is submitted is considered Day 0 and begins the formal Grievance Process. For the purposes of this entire policy and procedure, a “day” is defined as a day on which traditional classes are held. If the grievance process takes place during the summer, the faculty on the formal hearing teams will be paid an amount equal to one fiftieth of the current undergraduate adjunct 3-credit course salary per day.

All deadlines are relative to that date. For example, the Grievance Committee must meet within 3 days of the submission of the written request for the Formal Hearing and the entire process should not take more than 17 days. The committee may extend the deadline if any of the three parties (grievant, respondent, or the hearing team) provides justifiable or verifiable reasons, or by mutual consent.



1. An account of the informal efforts, if any, undertaken to remedy the issue and if applicable, an explanation of why the grievant considers any such efforts to have been unsuccessful

Within 3 days of submission, the Grievance Committee will meet to determine whether a Formal Hearing is warranted. If a Formal Hearing is not warranted, the Chair of the Grievance Committee will notify the grievant and provide a written explanation for the decision.

If the Formal Hearing is warranted, the Grievance Committee will choose a member of the Grievance Committee to serve as chair of the Formal Hearing Team and preside over the formal hearing. The Committee will then generate a list of tenured faculty arranged in a random order. Any faculty person who served as advisor in the informal process in the case under consideration will be automatically excused. The Chair of the Grievance Committee will begin with the first name on the list and contact faculty members to be on the Formal Hearing Team. Faculty can recuse themselves from serving on the Formal Hearing Team for cause with the consent of the chair of the Grievance Committee.

After four faculty members have been identified, a preliminary meeting will be called by the chair of the Formal Hearing Team to delineate the procedures to be followed throughout the formal hearing.

Within 7 days of the request for a formal hearing, the Formal Hearing Team will begin gathering evidence. Both the grievant and the respondent will be able to meet with the team to offer evidence. At the first meeting, the Formal Hearing Team must clearly explain to the participants the formal grievance procedure.

The Formal Hearing Team may make written requests for documentation from any member of the Marian University, faculty, staff, or administration or outside sources. The documentation must be submitted within 3 days of the request.

Within 17 days of the request for a Formal Hearing, the Formal Hearing Team must submit their judgment to the President of the University, the grievant, and the respondent. Judgment is determined by a majority vote of the Formal Hearing Team. If the President of the University is the respondent or has played an integral part in the grievance, the written judgment will be submitted to the President of the Board of Trustees.

#### **Failure to Produce Documentation, Appeal at Meetings, or Adhere to Timelines**

It is expected that the grievant produces requested documents in a timely manner, appears at meetings in which his or her presence was specifically requested in writing, and adheres to the timelines included in this policy. Failure to do so without a verifiable or justifiable reason will result and Dean of the Faculty

#### **Inclusion of Representatives of the Administration**

In cases in which the respondent is a member of the administration or where the policy or procedure involved in the issue is contained in the university-wide handbook, the administration may place up to two representatives on the Formal Hearing Team with a concomitant reduction of faculty members. The administrative representative(s) should be chosen in a manner similar to that of the faculty representatives and is subject to all of the policies, procedures and timelines set by the Grievance Policy. If the administration fails to appoint representatives by the time the Formal Hearing begins, the Chair of the Grievance Committee will appoint faculty members to ensure that the Formal Hearing Team consists of five members.



### **Disposition of Materials from the Formal Hearing**

Within thirty days after completion of the grievance process, the mediator (advisor) or chair of the committee convened to hear the case will destroy all materials used save only a record of the final disposition. If any appeals or legal action have ensued, the thirty day period will commence at the end of the decision reached by those bodies and the destruction will be overseen by the chair of the Grievance Committee.