

Sample Policy 2.0 - Faculty Grievance Policy

In the course of a conflict one or more of the disputants may conclude that they can not settle their differences between themselves even with third party assistance, and that arbitration would be inappropriate. In this instance a disputant may seek a formal hearing before a panel of their colleagues. A grievance hearing, however, is considered a procedure of last resort since it is the only process in this policy that can go forward without voluntary participation by all of the disputants and asks colleagues to make judgments that themselves could be further divisive. A formal grievance application can only be accepted therefore if in the judgment of the dispute office none of the other conflict resolution processes are appropriate or possible to exercise, or all reasonable attempts at them have failed, and the alleged action warrants wider community involvement because;

- a. there is clearly a broader college interest in the dispute, or
- b. adopted college procedures are an issue in the dispute, or
- c. an individual's ability to do their job is severely diminished, or
- d. a detrimental statement about an individual that is claimed to be factually incorrect or unrelated to performance as an employee of the college would remain part of the college's public record, a personnel file, or a portfolio.

Initiation of the Process

The process begins when a disputant informs the dispute office that a potentially grievable incident has occurred. A disputant has 40 school weekdays from informing the dispute office of an incident to file an official 'Request for a Hearing'. The dispute office can extend this period for up to 30 additional school weekdays if necessary. The dispute office must respond to a duly filed request within 5 school days. Once the decision to hold a grievance hearing is made, the dispute office informs all parties and any witnesses that a grievance has been filed and that they are involved. The dispute

office also coordinates and administers the duties necessary to assure a smooth and timely hearing process.

The Hearing Panel

A grievance hearing panel consisting of three faculty members and two deans is selected within 10 school weekdays of the dispute office's decision to convene. A unique panel is assembled to hear each dispute and is disbanded afterwards. From a pool of all members of the faculty and a pool of the deans the dispute office randomly selects a sufficiently large number of individuals from each category. All random selections by the dispute office must be made in the presence of an impartial third party witness. Any of the disputants may attend the selection process but their presence is not required. Each disputant can reject one person from each category with no reasons given. The dispute office then constructs the panel from the remaining pool of individuals. Alternates from each pool should also be selected. Selected individuals may seek an exemption from this service within 2 school days of notification by affirming in writing either;

- a. An inability to render a fair and impartial hearing due to a conflict of interest or an unusual personal circumstance, or
- b. Absence from town on official college or professional business that was arranged prior to the notification of panel selection, or
- c. Vacation or sick leave authorized prior to the notification of panel selection, or
- d. Concurrent service on another panel, or
- e. Emergency illness.

A member may ask the panel to be excused from service after it begins its work only due to a conflict of interest that comes to light during a hearing, illness, or an unforeseen emergency. If a member is excused, a new person from the same category is selected from the pool of alternates.

The Hearing Procedure

A hearing request may be withdrawn at any time prior to the commencement of the formal hearing if all parties agree. A new request cannot be accepted for the same incident once withdrawn by the disputants.

Within 3 school weekdays after the panel has been selected, the dispute office establishes a hearing date and venue, and sends a notice to all participants. The initial hearing date is to be no later than 15 school weekdays after the members of the panel have been established. At least 1 hour prior to convening a grievance hearing, the dispute office must conduct a brief training session and inform the panel members of their obligations and duties during the hearing process. A statement entitled 'Obligations and Duties of a Hearing Panel' will be distributed to panel members. The panel also selects a chairperson.

Failure of any of the disputants to appear at the hearing without justifiable reasons, as determined by the panel, will result in the hearing going forward without those parties present. The absent parties may submit a written statement explaining why they have chosen not to attend. This statement will be read into the record at an appropriate stage in the hearing.

All grievance hearings are closed, however the written records may be considered public documents once a report is filed and the appeals process completed.

Findings and Collegial Decision

All attempts should be made by a panel to determine and resolve the differences between the disputants, and not merely issue judgments. The panel should also strive to reach a consensus in their decisions however only a simple majority agreement is required. During its deliberation it must seek advice when necessary to assure that proposed remedies are legal and do not conflict with other adopted college policies. The panel must submit a written report

containing its findings and decisions to the dispute office as soon after its deliberations as possible. The dispute office must send a copy of the report to all involved parties along with instructions for filing an appeal. After the appeals process, if engaged, is completed a copy of the report is also sent to all individuals responsible for implementing the panel's decisions and their supervisors.

The report is considered the college's initial decision regarding the grievance and becomes final after the appropriate individuals responsible for insuring action on decisions review the report. The appropriate individuals or administrative officials make the final decision on the grievance. They must either take action to implement the panel's remedies or must prepare a written explanation within one month detailing any substantial deviation from the panel's decisions. The dispute office will forward the written explanation to all parties involved in the dispute including the panel members. Disputes over partially or unimplemented remedies can only be settled by facilitation or mediation.

Appeals

Appeals of grievance hearing panel deliberations and actions can be filed only on procedural grounds, not on the substance of the panel's decisions. Appeals must be made to the president within 15 school weekdays after receiving the report of a panel. The president will appoint a reviewing officer who after reexamining the record may;

- a. find no significant breach of process occurred, whereby the final report of the grievance hearing panel should stand; or
- b. determine that a significant breach of process did occur and, 1) remand the case back to the original panel, or 2) direct that a new panel rehear the grievance.

In all cases the dispute office should be notified of the reviewing officer's findings.