

VIII. ACADEMIC EMPLOYEE GRIEVANCE PROCEDURE (ADM. MEMO 460.1)

It is a declared objective of the University that an individual academic employee may have prompt and informal resolution of his or her personal employment grievances and that this be accomplished under orderly procedures.

A. Definitions

1. An “academic employee” who may process a grievance under this procedure shall include any University employee holding the faculty rank of Instructor, Assistant Professor, Associate Professor, Professor, Distinguished Professor; any Graduate Assistant or Lecturer; and any University employee who performs duties, full or part-time, directly related to the instructional and/or research functions of the University.

2. A “grievance” means a dispute, concerning terms and conditions of the employment, arising from any administrative decisions which the academic employee claims is in violation of rights under, or a failure to apply, established University personnel regulations, policies, or practices, or which results from a misinterpretation or misapplication thereof. Not included are matters of non-reappointment, dismissal, or award of tenure decisions for which other policies and procedures exist. “Grievance” under this procedure shall include all alleged violations of the affirmative action plans of the University.

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3. A “decision” means a determination that the grievance issue or issues were, or were not, in violation of rights under existing personnel regulations, policies or practices of the University. An analysis of the issues and the reasons for the determinations shall be included in the decision.

B. Application

Other procedures afford opportunities for review and revision of existing employment regulations, policies and practices against which the individual grievances are to be assessed; therefore, the within procedure confers no authority to include with a grievance, any amendment, deletion, addition to, or modification in or to existing University personnel regulations, policies, and practices as such.

C. Procedure

An academic employee having a complaint concerning terms and conditions of the employment as described in (b) above may present this matter to and discuss it with his or her immediate supervisor. Such presentation and discussion shall be entirely informal. The supervisor shall attempt to resolve the complaint. A complaint may, but need not, become a grievance.

D. Grievance Steps

• Step 1 -- Academic Unit:

Where his or her complaint is not satisfactorily resolved within five (5) working days following the date presented, an academic employee has the right to reduce the complaint to writing as a grievance and to forward it to the Provost and Vice Chancellor for Academic Affairs and the Human Relations Officer. The Human Relations Officer will handle all grievances charging

discrimination through the affirmative action program and federal laws and regulations. The Provost and Vice Chancellor for Academic Affairs will investigate all other written grievances. The appropriate administrative officer will accept responsibility for conducting such investigation as may be needed, and issue a decision within ten (10) working days following its receipt. Copies of the decision shall be furnished to the academic employee and the immediate supervisor.

• **Step 2 -- Campus Administration:**

The academic employee or the immediate supervisor may appeal the Step 1 decision to the Chancellor by forwarding his or her grievance in writing, together with a copy of the Step 1 decision, to such official within three (3) working days following its receipt. Upon receipt, the official shall, within five (5) working days ask the Faculty Equity and Grievance Committee to investigate the matter and make recommendation for its solution. The Committee shall have access to witnesses and records, may take sworn testimony, and make a record by taping the hearing if it or the academic employee or immediate superior so desires. Its charge is to develop all pertinent factual information through informal inquiry in which fair procedures are used. Its written recommendations to the Chancellor shall be received within ten (10) days following receipt of the grievance. The decision

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of the Chancellor shall be made in writing, with copies to the academic employee, the Provost and Vice Chancellor for Academic Affairs, the Human Relations Officer, and the immediate supervisor, within five (5) days thereafter.

• **Step 3 -- President:**

If the grievance is not satisfactorily resolved through Step 2, the academic employee may submit the Step 2 decision, with all relevant materials, to the President of the University. The President shall promptly decide the matter and his/her decision shall be final pursuant to his delegated authority from the Board of Trustees. His/her decision shall be forwarded in writing to all interested parties.