



Southeastern Louisiana University

Procedures for Resolving Faculty Complaints

Faculty Handbook
Part III: Policies Governing Employment of Faculty
Section F. Procedures for Resolving Faculty Complaints

**Procedures as approved by
Academic Affairs Council
2003**

**Modifications of Grievance Committee
Membership and Selection Section,
Sub-section 1 (Eligibility) and 2 (Composition),
as approved by the Faculty Senate,
November, 2008**

All complaints should be resolved, whenever possible, through open communication between faculty members and administrators. Department heads and deans should work to help faculty members find amicable resolutions to disputes and other problems that give rise to complaints.

Most complaints by faculty will occur within the purview of the academic chain of command, i.e., department head, dean, and Provost. Such complaints by faculty members should be discussed first with the faculty member's department head. If the problem is not resolved within a reasonable period of time, the faculty member should discuss the problem with his/her academic dean. If the problem is not resolved within a reasonable period of time, the faculty member may discuss the problem with the Provost.

Occasionally, complaints by faculty will involve issues outside the scope of the academic chain, that is, within other Academic Affairs units, or within units of Administration and Finance, Student Affairs, or University Advancement. Such complaints by faculty members should be discussed first with the faculty member's department head, who should, in turn, discuss the matter with the appropriate unit supervisor or administrator where the problem originated. If the problem is not resolved within a reasonable period of time, the faculty member's department head and/or dean should discuss the problem with the appropriate vice president. If the problem is not resolved within a reasonable period of time, the faculty member's dean may discuss the matter with the Provost.

Faculty members with complaints are encouraged to consult with the University Ombudsperson early in the process. Discussions with the University Ombudsperson may help the faculty member identify alternative means by which to resolve the problem. Also, the Ombudsperson is a valuable source of information for faculty regarding the complaint resolution, mediation, and grievance process.

OMBUDSPERSON

The role of the Faculty Ombudsperson is to assist faculty in the resolution of complaints. He/She is expected to provide an objective, third-party perspective in complaint situations and to treat all such situations with utmost confidentiality. The degree to which the Ombudsperson becomes involved in a particular complaint situation may range from simply advising and suggesting, to becoming an active mediator with an integral role in communications and discussions. The level of involvement will be determined by mutual agreement of the Ombudsperson and the complaining faculty member. At all times, the faculty member is free to accept or reject suggestions, advice, or resolutions proposed or developed by the Ombudsperson or other mediators.

When a faculty member first contacts the Ombudsperson regarding a complaint, the Ombudsperson will attempt to obtain as much information about the issue as possible from the complainant. The Ombudsperson must then provide the faculty member with information on appropriate courses of action which may be chosen from the following:

1. Drop the matter. At any time during the complaint resolution or grievance process, the faculty member may choose to drop the matter.
2. Seek resolution through normal administrative channels. The faculty member may seek to resolve the situation through discussions with appropriate administrators. If such efforts by the faculty member to resolve the complaint fail, the faculty member must meet with the Ombudsperson to review the steps taken in trying to resolve the problem and to inform the Ombudsperson of the failure to reach resolution. Within ten working days¹ of this meeting, the faculty member must notify the Ombudsperson of the decision either to enter into mediation or to file a grievance. If the faculty member fails to take one of these two courses of action within the ten-day period, the process is concluded and the issue is dropped.
3. Mediation with third-party involvement. See the section on Mediation below.
4. File a grievance with the Faculty Grievance Committee. The faculty member must notify the Ombudsperson, in writing, of his/her intent to file a grievance. The Ombudsperson will notify the Chair of the Grievance Committee. The faculty member should realize that the Grievance Committee may remand a grievance if it determines that there has been insufficient effort on the part of the faculty member to resolve the problem prior to filing a grievance.

If the faculty member chooses to pursue actions 2 or 3, he/she may choose to seek assistance from the Ombudsperson or another approved faculty mediator. The Ombudsperson will provide the complainant with a list of approved faculty mediators, and the individual may choose which

¹ “Working days” refers to days when university offices are open.

of these to contact if he/she so wishes. The extent to which such a third party becomes involved in any of these actions will be determined by mutual agreement between the mediator and the complainant. The involvement and information pertaining to the issue are to be handled confidentially by both the complainant and the mediator throughout the process.

Because the role of Ombudsperson is important to both the faculty and the university administration, both should be involved in the process of selecting him/her. The individual must be a tenured faculty member with the rank of Professor and at least ten years of service on the Southeastern faculty. By May 1, the Executive Committee of the Faculty Senate shall prepare a list of at least three candidates who are both qualified and willing to serve and shall submit this list to the Provost. By September 1, the Provost will appoint the Ombudsperson from among the candidates on the list or may request expansion of the list if none of the original candidates is deemed acceptable. Appointment to this position will be for a term of three years, and an individual may be reappointed to successive terms, provided the procedure described above is followed. In recognition of the importance of the role, the duties of the position, and the commitment of time, the Ombudsperson shall receive reassigned time from teaching.

MEDIATION

If a faculty member with an unresolved complaint chooses to try mediation as a mechanism to resolve the issue, the Faculty Ombudsperson normally will serve as the mediator. However, if the faculty member desires, a mediator may be chosen instead from a list of three to five qualified and willing alternates. Each year, these individuals will be selected jointly by the Provost and Executive Committee of the Faculty Senate from among tenured faculty with the rank of Professor and ten years service as faculty members at Southeastern. Any faculty member meeting the qualifications may volunteer or be nominated to serve as a mediator. Appointments are for one year with the possibility of reappointment.

The mediator will facilitate communication between the faculty member and the appropriate administrator(s) in an effort to resolve the dispute. An important role of the mediator is to ensure that a resolution to the problem has been attempted through frank and open discussion among the parties affected. The mediator will maintain strict confidentiality about the issues in dispute. If mediation produces a resolution agreeable to all parties, the process is concluded and the issue is dropped. If the mediator determines that all reasonable efforts at mediation have failed to resolve the situation, then he/she will notify the faculty member and Chair of the Grievance Committee in writing. The faculty member then has ten working days to file a grievance. If a grievance is not filed within the ten-day period, the process is concluded and the issue is dropped.

FACULTY GRIEVANCES

A grievance stems from an unresolved complaint involving the faculty member's work situation and must assert that a policy, rule, or regulation affecting faculty has been violated or applied improperly; or that there is no policy, rule, or regulation where one should exist. Unfair or inequitable treatment may also constitute a grievance. To receive a formal hearing, a grievance must entail a situation that significantly impairs a faculty member's ability to perform his/her normal duties of employment. Grievances cannot result from complaints directed at classified staff or students, as disagreements or disputes with these individuals are covered in other University policies². Likewise, faculty complaints regarding workplace violence or sexual harassment are covered in the University's Workplace Violence and Sexual Harassment

Policies, respectively. Faculty have the right to file and pursue grievances without fear of coercion, discrimination, or reprisal.

FACULTY GRIEVANCE COMMITTEE

The findings of the Grievance Committee constitute a formal recommendation to the President of the University and represent the final faculty position on the matter. The Grievance Committee may not substitute its judgment for an academic judgment made in a fair and reasonable manner according to University evaluative procedures. It may determine, however, that appropriate policies or procedures were not followed, or that an academic judgment has been unfairly made or hopelessly corrupted by bad practices or procedures and therefore should be revisited or overruled by administrative authority.

FACULTY GRIEVANCE PROCEDURES

1. Faculty grievances must be filed in writing with the Chair of the Faculty Grievance Committee using the appropriate Grievance Form provided by the Chair of the Committee or the Faculty Ombudsperson. At the time the Grievance Form is provided, the grievant shall also be provided a written copy of all of the Grievance Committee's procedures, as well as a list of the Committee members. The burden of proof is on the grievant. Accordingly, the grievance must contain, at a minimum, a clear statement of the issues pertaining to the complaint; the specific nature of the complaint, including how the faculty member has been harmed; the resolution to the problem that the faculty member is seeking; and the efforts taken by the faculty member to resolve the problem. Any supporting documentation must be submitted with the Grievance Form.
2. Within ten working days of the submission of the Grievance Form, the Grievance Committee will review the grievance. The Committee may return any unclear, vague, or incomplete grievance statement to the faculty member along with a request to clarify or complete the statement. The grievant may request a meeting with the Chair of the Committee for guidance in fulfilling the request. If the faculty member does not comply within a reasonable period of time as specified in the request, the Committee may issue a written explanation and dismiss the grievance without holding a formal hearing. Likewise, the Grievance Committee may conclude that a grievance does not fall within the criteria elucidated above under Faculty Grievances. In such cases, the Committee may choose not to hold a formal hearing and shall issue a written explanation to the President of the University and other affected parties.
3. If, after reviewing the written grievance, the Grievance Committee believes that a good faith effort has not been made to resolve the problem prior to the filing of a grievance, particularly in those instances where the potential grievant has opted to forgo mediation, the Committee may remand the matter back to the faculty member with a mandate to make additional efforts at resolution. Such remand by the Grievance Committee shall include a reasonable time frame for such efforts.

²Disputes with students are handled through operation of the Student Code of Conduct. Classified staff are covered under Louisiana Civil Service Law; accordingly, procedures for resolving disputes with classified staff are governed by Part 4 of the Civil Service Manual.

4. If the Grievance Committee is satisfied that the grievance statement is complete, that the grievance meets the description of faculty grievances presented above, and that the grievant's earlier efforts toward resolving the problem were reasonable, the Committee will schedule a hearing giving all parties at least ten working days' notice. Based on the nature of the grievance, the Grievance Committee will determine the appropriate responding administrator(s) to the grievance, who will then be provided copies of the Grievance Form and supporting documentation. By five working days prior to the hearing, the grievant and responding administrator(s) must each provide to the Committee Chair a complete list of witnesses expected to appear, as well as any additional supporting documentation.
5. Although the Grievance Committee is free to establish internal operating procedures, the principles enumerated below shall be followed:
 - a. All communications to or from the Grievance Committee will be directed through the Committee Chair.
 - b. The Chair will ensure that the grievant, the respondent(s), and the Committee members have copies of all pertinent documents.
 - c. The Chair of the Grievance Committee shall preside at the hearing and shall maintain decorum.
 - d. The grievant, as well as other parties involved in the grievance, may have an advisor present at the hearing. Such individual serves in an advisory capacity only and is not allowed to participate actively in the hearing. If the grievant chooses to have an attorney serve as advisor, the grievant must notify the Chair of the Grievance Committee at least five working days prior to the hearing. Administrators will not normally have attorneys serve as advisors at the hearing unless the grievant has chosen to have an attorney present.
 - e. Participation by witnesses at a grievance hearing is voluntary; in other words, no witness may be compelled by the faculty grievant, the Faculty Grievance Committee, or an administrator to participate in the hearing.
 - f. The hearing is open unless the grievant requests that it be closed.
 - g. Each grievance hearing will be recorded on audio tape. This recording will be the official record of the hearing, and the grievant, respondent(s), and the University President will receive copies of the recording.
6. After completion of the hearing, the Grievance Committee will deliberate in closed session(s) and make a determination by majority vote. Within ten working days of the hearing, the Chair of the Faculty Grievance Committee will provide copies of the Committee's report to the President of the University and other affected parties.
7. After receiving the University President's decision, if an employee makes an appeal to the Board, the administrative proceedings from the institution will be reviewed. The purpose of this review is to determine if an appropriate process has been provided to the grievant, not to review the particular outcomes. Following this review, the grievant will be

notified of the Board's decision. (ULS Board Rule Section XIV, B., Grievance Procedures)

GRIEVANCE COMMITTEE MEMBERSHIP AND SELECTION

1. Eligibility -- Excluded from service on this committee are administrators (i.e., Department Heads and above), the Faculty Ombudsperson, complaint mediators, and the President of the Faculty Senate.
2. Composition -- The committee shall consist of nine tenured, full-time faculty with at least ten years of service on the Southeastern faculty and shall be elected by college as follows: Arts, Humanities, and Social Sciences: three, Business: one, Education and Human Development: one, Nursing and Health Sciences: one, Science and Technology: two, and Division of General Studies and the Library: one member shared.
3. Selection of Committee Members -- Because the members determine the faculty position on grievances, they shall be elected by the faculty according to the procedure specified in the Faculty Senate's Constitution and ByLaws.
4. Recusal of Members - If the circumstances of a particular grievance warrant, members or the Chair may be recused from hearing that case. In such cases, the following procedures will apply:
 - a. If a Committee member is a member of the grievant's academic department, that individual is automatically recused from reviewing the Grievance Form and from participating in the hearing.
 - b. Any member of the Faculty Grievance Committee may recuse him/herself from a particular hearing for just cause, subject to approval by the Committee Chair. The Chair of the Committee may recuse him/herself from a particular hearing for just cause, subject to approval by a majority of the other members.
 - c. Upon filing the Grievance Form, the faculty grievant may request the recusal of anyone member from involvement in the grievance hearing. A request for recusal of any member other than the Chair from the hearing will be honored. However, a request for recusal of the Chair from the hearing must indicate the just cause, and a majority of the other Committee members must vote to support the request.
 - d. By five days prior to the hearing, the respondent(s) also may request the recusal of either one voting member or the Chair from the hearing. The same conditions noted in 4c apply.
 - e. Members who are recused for whatever reason will be replaced for this hearing only, with the appropriate alternate.
 - f. In the event the recusal of the Chair is approved, a temporary Chair will be elected from among the other members to serve in that capacity for this particular hearing. The member so elected will then be replaced for this hearing with an appropriate alternate.

5. Grievances by Members -- Should any member of the Faculty Grievance Committee file a grievance, his/her term of service on the Committee will immediately terminate. The appropriate alternate will complete the member's term of service, and an election will be held to replace the alternate. Should the Chair of the Committee file a grievance, his/her term will be immediately terminated, the appropriate alternate will serve the remainder of the term, and a new Chair will be elected in the manner described in item 2 above.

ROLES OF MEMBERS

1. Chair's Duties – His/her role is integral to the overall process of resolving faculty complaints and grievances. In that role, the Chair shall do the following:
 - a. Meet with any faculty member who has a complaint and may wish to file a grievance, inform the individual of the procedures and requirements, and provide the faculty member a copy of the Grievance Form and a list of the Committee members. The Chair will ensure that the Ombudsperson has been consulted prior to the filing of any grievance.
 - b. Receive the completed Grievance Form from the grievant. The Chair shall suggest remedies in cases where omissions or discrepancies are found with the information provided on the form.
 - c. Serve as the sole channel of communication between the Committee and both the grievant and the University administration. Such communications are to be handled confidentially and professionally by all involved.
 - d. Provide copies of the submitted Grievance Form and supporting documentation to the voting members of the Committee and coordinate the Committee's review of the forms.
 - e. Schedule all meetings of the Committee, including hearings. All Committee members, grievant, and other appropriate parties shall be given proper and timely notice and information, according to the established grievance procedures.
 - f. Preside at all Committee meetings, including hearings. The Chair is responsible for ensuring that proper procedures are followed and that business is conducted with proper order and decorum.
 - g. Provide for official recordings of all hearings held by the Committee. Copies of the recordings are to be provided to the grievant, the respondent(s), and the University President.
 - h. Notify the grievant and other appropriate parties of decisions reached by the Committee according to the established procedures.
 - i. Maintain a file for each grievance to include all documentation and records (i.e., Grievance Form, supporting documents, and audio tape of hearing). Such file will be retained for at least a year and then all contents destroyed.

- j. Notify the Faculty Senate President by March 15 as to which Committee members' terms are being completed and which members' terms will continue through the following academic year.
2. Members' Duties - Members are charged with determining the faculty position on any grievances. Their duties include the following:
 - a. Review Grievance Forms and supporting documentation as submitted.
 - b. Decide whether submitted information is complete or requires amplification.
 - c. Decide if the matter falls within the criteria of a grievance and whether a hearing is to be held. If a hearing is to be held, appropriate participants shall be identified.
 - d. Maintain confidentiality in all grievance matters and route through the Committee Chair all communications to the grievant, the respondent(s), or the University Administration.
 - e. Decide whether any request for recusal of the Committee Chair from a particular hearing is for just cause. In case of recusal, follow procedures for temporarily replacing the Chair (as described above).
 - f. Hear the evidence presented by the grievant and the respondent(s) at the hearing.
 - g. Deliberate the matter in light of the evidence presented and vote upon a recommendation to be conveyed to appropriate parties by the Committee Chair.

**SOUTHEASTERN LOUISIANA UNIVERSITY
FACULTY GRIEVANCE FORM**

Name: _____

Date: _____

Department: _____

Please provide the information requested below. Limit your response to no more than five typewritten pages and attach it to this form.

- A. Provide a detailed description of the incident, situation, or circumstance from which the grievance resulted. Be specific as to which policy or policies were apparently violated or might be lacking, which administrators and/or other persons were involved, what harm or damages occurred, and what steps have been taken in an effort to resolve the complaint.

- B. Explain what relief is being sought through the grievance process.

- C. Provide the name, mailing address, phone number, and e-mail address of each person you might wish to call as a witness at a grievance hearing.

- D. At this time, you may request the recusal of either one voting member of the Faculty Grievance Committee OR the Chair from the hearing. A request for recusal of a voting member from the hearing will be honored. If you wish to make such request, please indicate the individual's name.

A request for recusal of the Chair from the hearing must state the just cause, and it is subject to approval by the majority of the voting members of the Committee. If you wish to make such a request, please indicate the just cause.

Attach supporting documentation (if any) and submit the complete package to the Chair of the Faculty Grievance Committee.

Note: The Faculty Ombudsperson must be consulted prior to the filing of any grievance. Indicate the date you met with the Ombudsperson: _____

Signature: _____