



UNIVERSITY OF MINNESOTA
TWIN CITIES

All University Senate Consultative Committee
614 Social Sciences
267 19th Avenue South
Minneapolis, Minnesota 55455
Telephone (612)373-3226

FACULTY CONSULTATIVE COMMITTEE

October 6, 1983
10:15 a.m. - 12:30 p.m.
300 Morrill Hall

AGENDA

1. Minutes of September 22 (enclosed).
2. Faculty Legislative Liaison.
3. Revising grievance procedures. (Freier)
4. Tenure Code Draft - first look.

Note: We probably will not meet with the President
in the morning.



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MINUTES

FACULTY CONSULTATIVE COMMITTEE

October 6, 1983
300 Morrill Hall
10:25 - 12:50

Members present: Virginia Fredricks, Phyllis Freier, John Howe, Marvin Mattson, Jack Merwin, W. D. Spring, Burt Sundquist.

Guests: Richard Bale, Carol Pazandak, Maureen Smith, Charlotte Striebel.

Note: John Howe and the President agreed to cancel the scheduled FCC conversation with the President for this date because there were no pressing agenda items.

1. Faculty Legislative Liaison. Professor Fredricks reported for the subcommittee of Fredricks, Merwin, and Stuthman.

The subcommittee discussed aspects of the job: less of a lobbying role than formerly; good working relationship with Vice President Kegler and the University of Minnesota Faculty Association; need of a background in University affairs; desirability of name recognition; one-quarter an insufficient assignment for any real accomplishment.

In addition they were influenced by the idea the liaison could be a person for whom the job has relation to his or her academic area and who might find it of value in teaching.

FCC then discussed the process of progressing toward an appointment; the President makes the actual appointment. Professor Howe proposed, and FCC agreed, that he would seek the President's approval of the Committee's rank-ordered list of names. Professor Howe and President Magrath will then decide upon the means of making the overtures to the candidates.

After FCC discussed all the recommendations from the subcommittee, they arrived at the following ranked list:

W. Phillips Shively (Political Science)
Charles Walcott (Political Science)
Donald Browne (Speech Communication)
Marcia Eaton (Philosophy)
Patricia Swan (Food Science and Nutrition).

All are acceptable to FCC. Enthusiasm is especially high for Professors Shively and Walcott to do this particular job.

2. Revising University Grievance Procedures.

Professor Frier and Carol Pazandak, University Grievance Officer, have worked for a year as the SCC's Subcommittee on Grievance and Legal Concerns. They conferred widely last year and in the spring brought FCC an outline of their plans. FCC members this week received the subcommittee's draft set of procedures. The subcommittee hopes to take a motion to the Senate in Fall, 1984.

Dr. Pazandak reported that the March, 1982 Grievance Blue Book is out of print. It must be reprinted, or a new one printed soon. The subcommittee proposes that Section II of the Blue Book be done over in line with their revision.

The aim of the subcommittee in drafting a revision of the grievance system is to simplify procedures, although not to make the processes less numerous. The new version would not eliminate any existing system which seems to be working well. The procedures which Drs. Freier and Pazandak saw as in need of attention were for certain kinds of cases in which faculty are a party:

- (1) employment-related issues other than those having to do with appointment (for which the Tenure Code provides Judicial Committee procedures);
- (2) Salary issues; and
- (3) Academic freedom and responsibility issues.

In addition, the subcommittee is looking at sexual harrasment procedures, which are due independently for review by Spring, 1984.

A chart in the draft proposal demonstrates that the proposed University Grievance Procedures would be applied in many kinds of instances.

The plan stresses informal remediation. For each category of cases, three elements obtain: (1) peer participation; (2) panels of three; and (3) provision for one review.

Drs. Freier and Pazandak believe the system could apply to staff with professional academic appointments, as well as to faculty; they intend to raise the possibility with the P/A Committee.

RECOMMENDATION: FCC members recommended that the time limits for various stages be specified as calendar days.

The panels would operate in an arbitration model. As conceived, each panel would consist of one eligible member chosen by each of the parties with the third member to be an impartial member to chair the panel chosen by the Chairperson of the University Grievance Committee. (This Committee would be the successor to the Academic Freedom and Responsibility Appeals Committee.)

RECOMMENDATION: Professor Striebel told FCC it will be necessary to have a mechanism for parties to challenge the third, "neutral," panel member. That member cannot be determined to be "acceptable" or "unacceptable" without a system for the parties to be informed about the person.

NEXT ACTION, agreed upon by FCC and the subcommittee: Subcommittee will seek further advice from Professor Mario Bognanno (Industrial Relations Dept.) and will send the draft to grievance officers and interested committees and hold discussions with them on it. The subcommittee will report next to FCC or SCC after having completed those discussions.

FCC ACTION: FCC plans to schedule a meeting for a substantive discussion on the proposed University Grievance Procedures around December 1.

Establishing a system on the proposed model would require repealing certain established entities and procedures (the Academic Freedom and Responsibility Appeals Committee, and several administration and one Regential empowerment).

Interface with proposal from Equal Employment Opportunity for Women Committee.

Professor Howe referred to a letter he had just received and had copied to FCC members from Professor Charlotte Striebel, Chairperson of the Committee on Equal Employment Opportunity for Women, regarding the new set of Rajender petitions, particularly the one pertaining to internal tribunals. EEOWC proposes a special committee to develop procedures for a new kind of internal tribunal. Professor Howe asked Professor Striebel for her reaction to the set of proposed revised grievance procedures.

Professor Striebel told FCC the University is required to deal with the new petitions within 90 days*(believed to be counted from approximately the starting date of Fall Quarter) or some reasonable extension beyond that. She told FCC that the University administration had asked EEOWC to recommend a way of dealing with the new petitions. The Special Masters might co-opt the initiative if the University does not respond promptly, she noted.

There was some attention in the group to the overlap between the enduring system FCC's subcommittee is working to construct and the immediate challenge to design an internal tribunal system Consent Decree petitioners find fair. The FCC found the needs separable.

- It was mutually agreed the EEOWC would comment on the subcommittee's draft of the University Grievance Procedures.
- It was mutually agreed the FCC and the EEOWC need to cooperate to establish an ad hoc committee, as recommended in Professor Striebel's letter, to attempt to design an internal tribunal system to hear consent decree petitions.

Professor Spring declared that he, as an FCC member (and other FCC members indicated the same was true for them) would have to know what has seemed unfair to the petitioners about the Judicial Committee procedures, in order for him to be able to help draw up a reasonable alternative. Professor Striebel said she would summarize for FCC members what EEOWC heard on the subject from claimants at its hearings last spring.

Professor Howe said he would talk further with Professor Striebel and Attorney Dunham on how much time is available to deal with these initiatives.

* Later learned to be 180 days.

3. Tenure Code.

Professor Howe had asked Professor Spring to suggest how the FCC might most usefully approach the draft of the Tenure Code. Professor Spring outlined some choices in approach and offered his recommendations, all of which FCC accepted.

- (1) We should decide in advance whether we want to discuss the code in order to
 - (a) come to some kind of position (not recommended) or to
 - (b) identify crucial issues-- major points which will divide the faculty pro and con, in roughly equal numbers (recommended)
- (2) We should consider the draft document
 - (a) in isolation (not recommended)
 - (b) in relation to the 1945 code (not recommended-- that one is too far away from what will now serve)
 - (c) in relation to the 1973 document* (recommended). The 1983 draft is a reworking of the 1973 document. A running comparison would help us to identify what are dead issues (where the two documents agree) and live issues (where they differ).
- (3) We should approach the document
 - (a) ad seriatum (not recommended; will bog the discussants down in less important details and delay reaching the critical sections) or
 - (b) in an issue-oriented way (recommended), We can anticipate where the controversial issues will be.

Professor Spring commented that he found the 1983 document far better written but on the whole more protective of the establishment than of the individual.

He urged FCC to agree to master certain sections in both documents, and to identify conflicting opinions and communicate those to the Tenure Committee, without trying to resolve them. Professor Howe suggested FCC might give the Tenure Committee a rather concise set of minutes of the FCC discussion.

WORKING SCHEDULE:

The Tenure Committee wants to receive commentary this fall and, by the end of November or early December produce its revised draft which will go before the Senate. Professor Howe reported that the Faculty Affairs Committee has told Professor Morrison it will give the Tenure Committee its thoughts and comments on the code draft by mid-November.

* Copies dated May 31, 1973 should be used.

SPECIAL FCC MEETINGS ADDED TO CONSIDER THE TENURE CODE:

Thursday, October 20 10:00 - 12:00 626 Campus Club

Thursday, November 10 10:00 - 12:00 B-12 Morrill Hall.

Professors Howe, Spring, and Freier each agreed to analyze one segment and itemize the differences between the 1973 and the 1983 documents.

The October 20 agenda:

Comparison of Section 12, 1983 doc., "Financial Exigency" with Section 15, 1973 doc., "Termination or Suspension... because of a demonstrably bona fide financial exigency..."

and

Section 16, 1983 doc., "Contested Cases Concerning Dismissal or Suspension Because of Fiscal Emergency or Discontinuance of Program" with Section 18, 1973 doc., "The Judicial Committee"

The November 10 agenda:

Section 13, 1983 doc., "Dismissal of Faculty Pursuant to Discontinuance of Programs" (no comparable section in 1973 doc.)

and

Section 16, 1983 doc., "Contested Cases Concerning Dismissal or Suspension Because of Fiscal Emergency or Discontinuance of Program" (no comparable 1973 section re cases arising from program discontinuance).

The FCC meeting adjourned at 12:50 p.m.

Meredith Poppele, Recorder



UNIVERSITY OF MINNESOTA

University Senate Consultative Committee
614 Social Sciences
267 19th Avenue South
Minneapolis, Minnesota 55455
Telephone (612)373-3226

October 11, 1983

President C. Peter Magrath
202 Morrill Hall

Dear Peter:

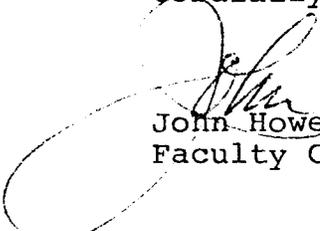
I've arranged some time on your schedule at 9:00 on Wednesday, October 19. The purpose is to discuss the Faculty Consultative Committee's proposals concerning the faculty legislative liaison for the coming year. At the FCC meeting last Thursday we spent some time talking about the position and developing a list of likely appointees. I'd like to chat with you about both those things.

Here is our list of names in ranked order:

W. Phillips Shively
Charles Walcott
Donald Browne
Marcia Eaton
Patricia Swan.

I've not talked with any of these people about their interest or availability, and will not do so until you and I have a chance to talk.

Cordially,



John Howe, Chairperson,
Faculty Consultative Committee

JH:mbp



UNIVERSITY OF MINNESOTA

Office of the President
202 Morrill Hall
100 Church Street S.E.
Minneapolis, Minnesota 55455

October 4, 1983

TO: Senate Consultative Committee
FROM: Phyllis Freier and Carol Pazandak
RE: Draft of proposed modifications in University Grievance Procedures

Attached is a preliminary Table of Contents for a revised manual on the University Grievance System and a Table (Table I.1) outlining the various grievance mechanisms and showing their applicability. A totally new Section II describes a University Grievance System. This is proposed as a modification of and replacement for the current Academic Freedom and Responsibility mechanism; it adds a salary complaint process and reiterates and formalizes a process for handling administratively-related faculty complaints.

For discussion at SCC, October 6, 1983

9/28/83

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Table I.1.

Grievance System for University Members

Complainant:	Faculty	Academic P/A Staff	Civil Service	Students	Bargaining Units Members
Respondents:					
Faculty	.University Grievance Procedures	.University Grievance Procedures	.Civil Service Grievance Procedures	.University Grievance Procedures	.Bargaining unit grievance pro- cedures are always followed
Academic Staff	.University Grievance Procedures	.University Grievance Procedures	.Civil Service Grievance Procedures	.University Grievance Procedures	
Administration .Appointment related	.Judicial Committee	.Academic Staff Advisory Committee	.Civil Service Grievance Procedures	.Graduate Ass't Procedures; .Student Employee Procedures	"
.Other complaints	.University Staff Procedures	.Academic Staff Advisory Committee	.Civil Service Grievance Procedures	.University Grievance Procedures	"
Civil Service	.University Grievance Procedures	.University Grievance Procedures	.Civil Service Grievance Procedures	.University Grievance Procedures	"
Students	.CCSB/College	.CCSB/College	.CCSB/College	.CCSB	.CCSB/College

 See explanatory notes (over).

Table 1 notes:

Jurisdiction of various parts of the University Grievance System

1. Appointment issues. One critical set of issues for University employees concerns the terms and conditions of their appointments. Grievance mechanisms designed for each class of employee address these fundamental issues.

.Judicial Committee - For faculty, the Tenure Code outlines the nature of the faculty members' contract with the University; complaints related to appointment, promotion, continuation and termination are addressed by the Judicial Committee, as specified in the Tenure Code. (Section III)

.Academic Staff Advisory Committee - For academic staff, including administrators, the procedures for addressing appointment related disputes are defined in the grievance procedures for academic staff. (Section IV)

.Civil Service Regulations (Section V) outline the procedures under which the civil service staff members address grievances related to their appointments.

.Student employees and graduate assistants also have grievance procedures (Section VII) developed to help resolve appointment-related complaints.

.Bargaining unit members - Employees follow the grievance procedures outlined in the labor contract. (Section VI)

2. Non-appointment related complaint procedures.

.Faculty and Academic Staff - The central focus of the University Grievance Procedures concerns non-appointment related complaints by or about faculty, academic staff, and administrators. A specific procedure is defined for salary complaints. Through these procedures, students are afforded a forum for bringing formal complaints against University staff members although complaints about students follow other procedures.

.Civil Service - Specific sets of procedures have been established to handle complaints filed by civil service staff against any University employee. Normally, these procedures are followed. However, complaints against faculty or students may follow University Grievances Procedures or Student Conduct Code.

.Students - The Student Conduct Code and related Campus Committee on Student Behavior cover all complaints against students. University-student relationships are defined in Regents' policies, i.e., the Student Conduct Code and the Student Discipline System (Section VIII) and in the individual unit behavioral standards (e.g., Residence Hall Rules, Collegiate Student Conduct Codes and Academic Standing regulations and departmental academic requirements.)

3. Illegal discrimination - University students and staff members whose complaints involve charges of discrimination on the basis of membership in one of the protected classes (i.e., on the basis of race, ethnic origin, sex, handicap, or age) may consult the University Equal Opportunity Officer for help in resolving the complaint or, in the event of inability to resolve the

matter, for information about filing a complaint with the State Department of Human Rights or the Office for Civil Rights.

4. If more than one grievance procedure is applicable in a given situation, the complainant should select only one University forum. Generally, no specific grievance will be addressed through more than one set of procedures.

When jurisdiction is in doubt, the University Grievance Officer determines the grievance procedure to be followed.

5. The University would prefer to resolve complaints internally using one of the grievance procedures provided, both because such internal resolution is likely to be more expeditious and because the procedures available for resolution of complaints involve other University staff members who are aware of and sensitive to the concerns of the total University community. However, individuals have the option of taking complaints, as appropriate, to civil court, criminal court, or to the Office for Civil Rights or the State Department of Human Rights. Charges of criminal action may well be pursued through both external and internal procedures.

II. University Grievance Procedures

II.1 Scope of University Grievance Procedures

The University Grievance Procedures are designed to address a wide range of problems within the University, but not all. This is the primary mechanism for faculty complaints, for some academic staff concerns, and for complaints by students about University staff. For some kinds of problems and for some University constituencies, other effective grievance processes are in place, for example, the Civil Service Grievance Procedures and the Campus Committee on Student Behavior. The procedures described here do not intend to intrude on or overturn such processes. They are aimed at simplifying, clarifying, or modifying other existing mechanisms in order to serve the members of the University community more effectively.

Some complaints may be dismissed as nongrievable under University policies and regulations; others may be referred to more appropriate jurisdictions. Allegations of violation of state or federal law may also be pursued outside of the University.

The University Grievance Procedures provide for and define procedures at departmental, collegiate, and University levels, for those complaints they address. The basic elements of the procedures are these:

- | | |
|------------|---|
| Immediacy | - timely resolution of problems |
| Assistance | - access to necessary and reliable information |
| | - availability of counsel from the college grievance officer or faculty-adviser colleague |
| Simplicity | - informal mediation efforts at departmental level or level where complaint originates |
| | - one due-process hearing, with one review based primarily |

- on the written and taped record of the hearing, according to the provisions of the specific procedure
- final resolution as close to origin of complaint as possible

Impartiality

- hearing before committee of peers
- formal hearing held beyond the level of complaint

The University Grievance Procedures define issues that must be addressed at departmental, college, and all-University levels, and illustrate circumstances under which exceptions should be made. The general principle is that informal mediation occurs among the parties involved and in the setting in which the complaint arose. A formal hearing by a body of peers is held at a level beyond or above that to assure that an unbiased and impartial review occurs. An appeal, when warranted, is provided at a next level higher. It is based on the record of the full due process hearing and does not provide for a new full hearing. The review may, however, include, in addition to the record, testimony from both parties. It may not expand the complaint or alter it. Depending upon the level at which the original due process hearing occurred, the appeal may be at collegiate level, although it will normally occur at Campus or All-University level. The reason for one and only one formal hearing at a level close to the source of the complaint is to assure that the substance of the complaint is addressed by those likely to be knowledgeable, i.e., within one's college, and to recognize that one group of peers is as likely as another to attend fairly to issues brought before it. The reason for one appeal on the record again recognizes that the content has already been addressed, but that some aspect of the process may not have been adequately attended to or may have gone awry.

In the sections following, each of the components of the University Grievance Procedures is defined. The problems or complaints addressed are outlined and the nature of the resolution process is described. The rationale for the procedure is given. The effectiveness of these procedures depends upon those who will implement them, the deans, department heads, college grievance officers, and members of the college grievance committees, as well as those at central levels in the University. A sense of concern and collegiality is essential in prompt and effective resolution of problems.

Authority for administration of the University, including the procedures outlined in this document, is derived from the delegation of authority to the president and staff of the University by the Board of Regents. Neither these procedures nor others that have been developed abrogate the rights of the Board of Regents to address complaints brought to them by University faculty or staff.

II.2. Complaints Concerning Administrative Matters (Other than appointment related)

These are complaints by a faculty or academic staff member about an action taken by the head of the faculty member's unit. They involve work assignments, class scheduling, assignments of office or lab space and other work-related matters not under the jurisdiction of the Judicial Committee. Salary matters are addressed by a separate mechanism.

This grievance procedure is designed to provide a speedy and judicious review and resolution of such employment related problems. It will provide the

Central Administration of the University with a mechanism for identifying and resolving problem areas in its administration. It will provide a mechanism for the faculty and their immediate administrators to discuss and resolve problems in an informal, speedy, and effective manner. The basic objective of the procedure is the achievement of fair settlements and not "winning" cases.

The willingness of both faculty and administrators to give adequate time and attention to handling and resolving grievances can help to improve the work atmosphere and the morale of the University staff.

There is a three stage process defined for attending to these complaints, with primary locus of attention normally at the college level. (See Table II.2)

Step 1: Informal Mediation at Departmental Level

The first step is an effort to discuss the problem, to clarify the issues, and to seek a resolution between the two parties. The responsibility for showing that the action of the administrator was in some way unjust or unfairly detrimental to the personal rights of the faculty member lies with the complainant.

To initiate the mediation effort, the faculty member must write a letter to the department head defining the complaint and stating the outcome or redress desired. For help in thinking through the problem, the faculty member may call on the unit's Grievance Officer or a faculty advocate to serve as mediator or counselor. The faculty member may bring the complaint to the administrator but may also choose to call on the Grievance Officer or faculty

advocate for assistance in presenting the complaint. Although provision is made for a faculty advocate, no involvement of attorneys is envisioned.

The administrator will meet with the faculty member, the adviser, or both, to discuss the complaint and to seek satisfactory resolution. The faculty member is entitled to necessary information in presenting the complaint, and the college has an obligation to see that this is made available.

Complaints should be made as soon as possible after the incident occurs which led to the complaint, but within 90 days, unless there are extenuating circumstances. Efforts at resolution should proceed expeditiously. The department head must respond within 15 days of receiving the letter from the faculty member.

Step 2: Informal Mediation at College Level

If reasonable efforts to resolve the problem at departmental level fail, then the faculty member or his representative shall bring the complaint promptly to the dean. The dean shall meet with the faculty member, the representative, and the department head in an effort to resolve the matter. The dean should investigate the matter and make an independent judgment based on available facts. The dean should make his decision promptly, but in any event within 30 days of the initiation of the complaint with the dean. The dean may designate an associate to handle this complaint in his stead.

Step 3: Formal Resolution

In the event that informal resolution at the college level fails, then the formal procedure will be invoked. To initiate the formal hearing process, the faculty member must state the grounds for the complaint and the remedy

requested, in writing, to the Chair of the college's Grievance Committee, within 10 days of the decision of the dean. The formal resolution process is based on the following principles of binding arbitration, although no outside arbitrators will be involved:

- 1) each party to the dispute agrees to abide by the decision of the hearing panel;
- 2) the composition of the hearing panel will be determined by the parties involved, as outlined below; and will provide peer representation for the disputants;
- 3) there is no appeal from the decision of the panel, except on grounds that the panel exceeded its jurisdiction.

The hearing will take place at the college level, except that in unusual situations it may take place at campus or University level.

Upon receipt of a formal written complaint, the Chair of the Grievance Committee will respond promptly to set up a hearing panel, under the following procedures: There will be an elected or appointed college Grievance Committee, constituted according to college procedures. The committee must include representation from all constituencies it serves, faculty, academic staff and administrators, civil service members, and students. From the representative committee, the faculty member complainant will choose one hearing panel member, who may not be a member of the department involved. The respondent will select a second panel member, also outside of the departmental unit involved. A third panel member, who will act as the chair of the panel, will be appointed by the Chair of the University Grievance Committee from the membership of the College Grievance Committee. In making this appointment, the Chair will take care to assure

that the appointee is neutral and uninvolved in the matter under review, and acceptable to both parties.

The three-person panel will conduct a full due process hearing, calling witnesses as needed. A written record and tapes of the hearing will be kept. The hearing will be open unless either party requests otherwise. The hearing panel may not expand the complaint or address matters that are not specific to the individual faculty member's grievance. Any redress recommended is limited to return, restoration, or adjustment within normal departmental limits, and no intent to authorize damages or special privileges is envisioned.

When both parties have presented their arguments, the panel will withdraw to executive session to make its decision. The panel decision should be rendered within 10 days of the close of the hearing. The Chair of the panel will transmit the report to the full college grievance committee for review and endorsement. The chair of the college grievance committee will distribute the report to the parties to the hearing, the dean, and the appropriate vice president.

The decision of the panel, when endorsed by the College Grievance Committee, will be final and binding upon the parties involved and upon the administration in the unit in question. There will be no appeal from the decision of the panel except on the grounds that the panel exceeded its jurisdiction or authority. The dean of the college will be responsible for carrying out the decision of the panel. If the dean does not act, his or her superior must.

Appeal:

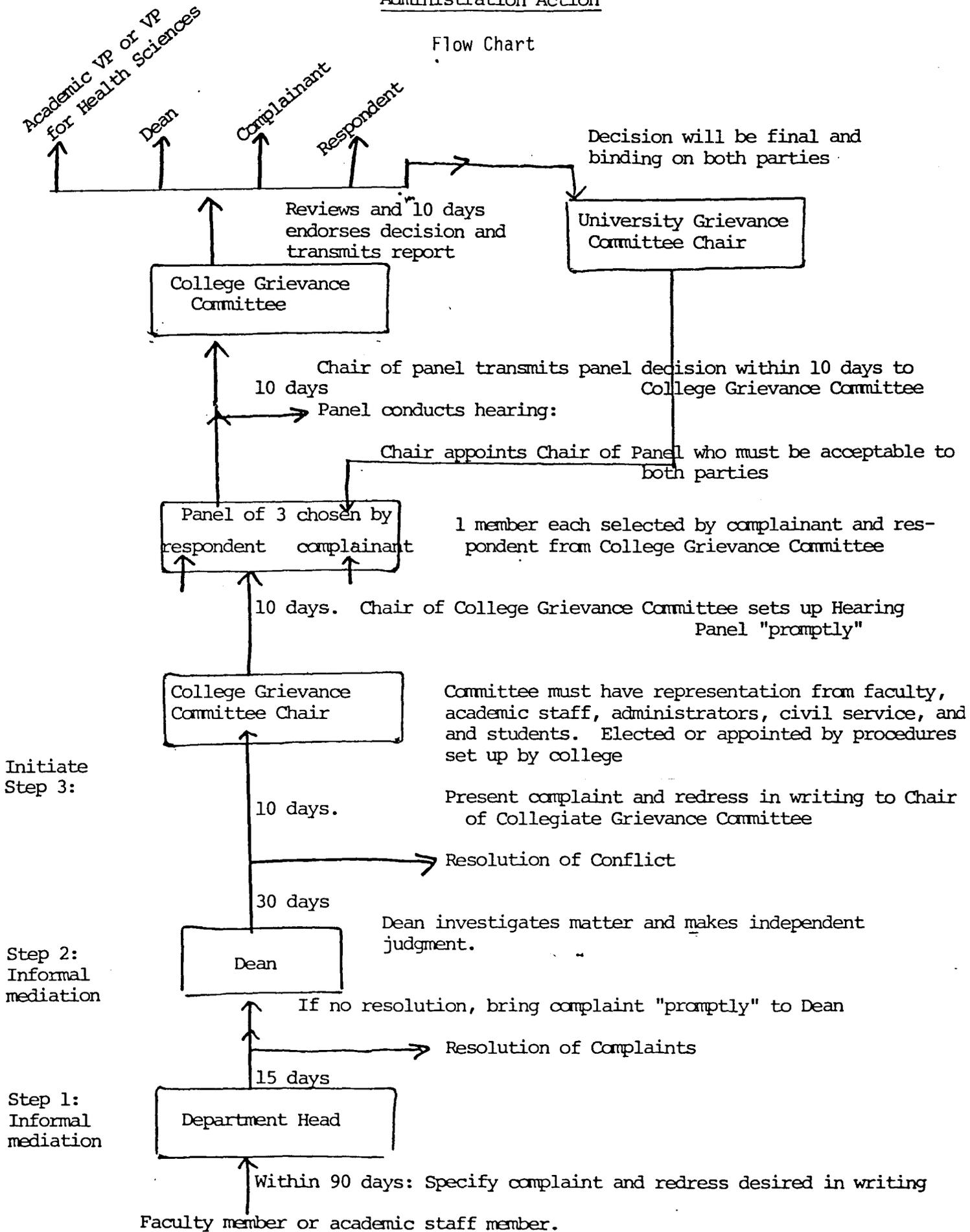
Any permissible appeal, based on the grounds specified, may be made to the University Grievance Committee with ten days of reviewing the Panel report. The complainant, the respondent, or the dean of the college may file an appeal.

Timeliness in implementing the appeal process is important. The University grievance committee should conduct the review and report its decision within 30 days of receiving the notice of appeal. The report of the review will be transmitted to the parties to the dispute, the chair of the college grievance committee, the dean of the college, and the appropriate vice president.

The determination of the University grievance committee is final within the University. If the University grievance committee rejects the appeal, the decision of the college mediation panel is binding. If the University committee sustains the appeal, reasons for their conclusion shall be given and the matter remanded to the college panel for review or modification.

Administration Action

Flow Chart



II.3. Salary Issues

Salary issues are a concern to almost everyone in the University community. It is difficult, if not impossible to compensate each faculty member in a manner commensurate with contributions to the University. Realizing that this ideal situation does not exist, the University needs a systematic method for a faculty member who believes his or her salary has been unfairly determined to lodge a complaint. The amount of salary paid to a faculty member, at least in the non-unionized parts of the University, is an individual contract between that faculty member and the Board of Regents; the amount of salary is not guaranteed by tenure codes or statements on academic freedom. However, as in any organization, a prevailing distrust of procedures or disgruntlement with salary determinations is undesirable. This proposed salary grievance mechanism would require an examination of whether bias or discrimination on grounds other than appropriate criteria exist, and would allow the administration to defend its salary assignment. There are realistic constraints which must inform the review process: the salary pot is finite, and half of the people will be below the median. There may, however, be instances when salaries have been unfairly determined, perhaps over an extended period of time, and there may also be misunderstandings which have arisen because salary determinations have not been explained to the faculty.

The procedure outlined is based on two premises; the faculty member has a right to know on what grounds the salary assignment is made, and the

department head or body making the salary decision has an obligation to use a common set of standards and criteria in all departmental salary decisions.

(See Table 3)

The procedure is a three-step process, with provision for appeal only under limited conditions. The emphasis is on informal resolution with any necessary formal hearing within the faculty member's college:

Step 1: Informal mediation at departmental level

A faculty member who wishes to question a salary decision should talk first with the department head. The college grievance officer, or a faculty adviser of the faculty member's choosing, may be brought in to help in discussions with the department chair. The department chair will not convene a committee, but will review the bases for the salary decision with the faculty member.

Step 2: Informal mediation at college level

If discussion with the department chair is not feasible or satisfactory, the faculty member may go to the dean or other college official designated to address such salary complaints. The dean or designee will review the complaint with the faculty member and the department head, and will, after studying the matter, arrive at an independent determination. If the dean cannot resolve the complaint to the satisfaction of the faculty member, the faculty member may request by letter to the dean that the complaint be referred to the College Salary Advisory Committee.

Step 3: Formal hearing by College Salary Advisory Committee

The Salary Advisory Committee of a college shall be a standing committee of five or more members, three or more faculty members designated by the dean from the elected college grievance committee and two others with administrative assignment, appointed by the dean who need not be members of the College Grievance Committee. The latter two members may be faculty holding administrative assignments in the college, aside from the dean or assistant or associate deans.

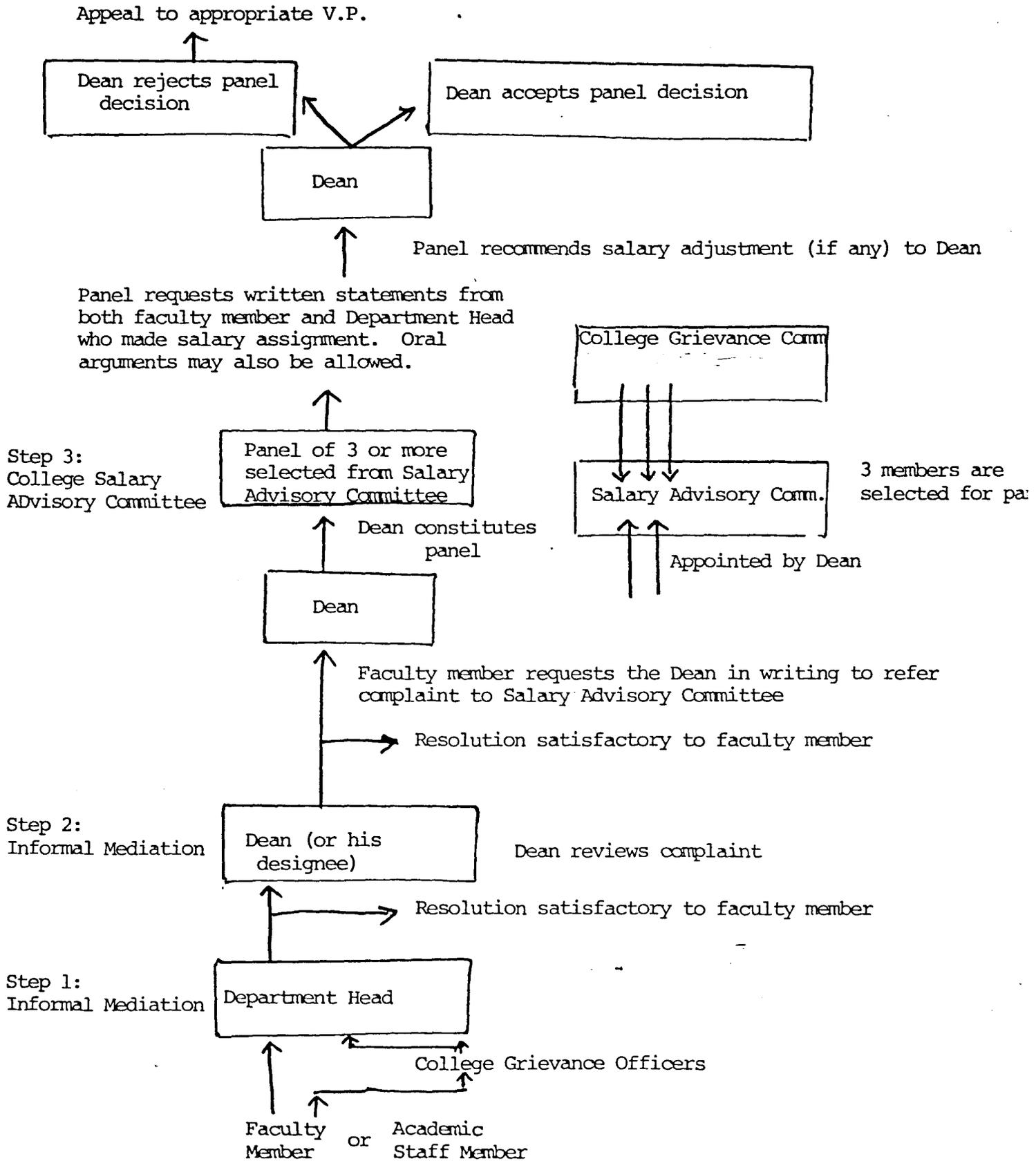
The Salary Advisory Committee shall write out its own rules of procedure to be used in review of salary complaints, and incorporating the following elements. The Committee will request a written statement from the complainant stating the rationale for the complaint, as well as a written statement from the department chair or others who assigned the salary, documenting the procedure followed and the reasons for the salary determination. The Salary Advisory Committee will have college salary data available to it so that it can make informed decisions. The faculty member complaining and the dean are obliged to share relevant and necessary information with the panel. Although the basic elements of due process must be followed, the committee need not conduct a full formal hearing with tape records, witnesses, and so forth. The committee should minimally consider both the written complaint of the faculty member and the written response. Both parties should be present if any oral arguments are to be presented to the panel.

If the faculty member requests a hearing by the Salary Advisory Committee, the dean will constitute a panel of three members from the Committee. The panel will review available data and make a recommendation regarding salary to the dean. The dean will be expected to follow the panel's recommendation. In the event the dean deems this not acceptable, he or she will respond to the committee setting forth what will be done and the reasons the recommendation

of the panel will not be followed. Unless the dean does not accept the recommendations of the panel, there is no appeal within the University. Any permissible appeal, which should be in writing, is to the appropriate vice president, Academic Affairs, Health Sciences, Student Affairs, who will review the matter and related data and will uphold or overturn the decision of the dean, determining alternative action.

Because of the Consent Decree, women faculty members may bring salary complaints to a Special Master, either following college action or ahead of such action. Complaints heard by the Special Master will not later be addressed by a college committee, under the principle that a complaint is entitled to only one hearing process and that a lower level process must precede and not follow a higher level process. The Consent Decree, as of this writing, is scheduled to be in effect until 1989.

Flow Chart



II.4. Other complaints involving faculty, staff, and students

These procedures are to be used in disputes between faculty, staff, and students about academic freedom and responsibility issues. Complaints about grades, salaries, and administrative actions are resolved by other procedures already described. Sexual harassment complaints follow separate filing procedures (See Section IX) but any formal hearing will be held by the University Grievance Committee under these procedures. The findings and reports of grievance bodies under this procedure will be advisory to the appropriate dean or vice president.

Complaints will be heard concerning grades only in specific cases where the charge is discrimination, prejudicial behavior, or failure of academic responsibility.

The complaints addressed by these procedures are to be resolved within the collegiate units, except in instances where two or more units are involved or where one of the parties is the dean. In the exception cases, the jurisdiction goes to the University Grievance Committee.

This procedure includes effort at informal resolution, a formal hearing at the college level, and an appeal on the record to the University Grievance Committee. (See Table II. 4)

Step 1: Informal mediation

The faculty member or other complainant may bring the complaint directly to the person with whom he or she is in disagreement, or may prefer to take the matter directly to the department head. When the matter is within a

department, efforts at resolution normally take place there first. The College grievance officer may be requested to assist, even at the initial step. Any discussion of the problems should include an effort to ascertain the facts, since conflict can arise readily when misperceptions exist.

Step 2: Formal resolution

If satisfactory resolution is not achieved within 30 days of the initial complaint to the department chair, the complainant may request a hearing by the college Grievance Committee. This request must be in writing and must specify what remedy is requested as well as identify what right has been abridged. The complaint is filed with the chair of the college Grievance Committee.

When the chair of the Grievance Committee receives the complaint, the chair will appoint a panel of three members from the College Grievance Committee, designating one member to serve as the chair of the panel. The composition of the panel selected must include peer representation. The constitution of the college Grievance Committee and the selection of a panel will follow college procedures.

On the basis of the written complaint, the panel may determine that no legitimate grievance is involved or that it involves a matter outside of the Committee's jurisdiction. In such cases the panel chair will so inform the chair of the Grievance Committee who will inform the complainant and advise on what alternative recourse, if any, the complainant has.

If the complaint is accepted, the panel will conduct a hearing, maintaining a written and taped record of the proceedings. Unless a closed hearing is requested by one or both parties, the hearing will be open. Both parties to the dispute may call on faculty or staff advocates to assist them in presenting their cases, but attorneys will generally not be involved.

The panel will, after hearing the case, including any witnesses who may be called, withdraw to executive session to conduct its deliberations and make its determinations. The report of the panel will be submitted to the full Grievance Committee for its review and endorsement, prior to making a report to the dean.

The recommendations of the Grievance Committee are advisory to the dean. The hearing panel should limit its consideration to the issues outlined in writing by the complainant and agreed upon in preliminary discussions. Resolutions recommended will not include award of damages.

When the dean receives the recommendation of the Grievance Committee, and accepts the findings and recommendations, then the dean is responsible for seeing that the recommendations are implemented. In the event that the dean modifies the recommendations or accepts the findings only in part, then it is the responsibility of the dean to explain the grounds for this action to the grievance committee and to the parties involved, and to specify what alternative resolution is proposed.

Any appeal from the decision of the college Grievance Committee, or from the action of the Dean, must be made in writing to the University Grievance

Committee within 30 days of the action taken, stating the grounds upon which the appeal is based. If the University Grievance Committee decides that the grounds for appeal are sufficient for review, it shall review the record of the hearing. The Committee may also ask for further oral or written argument from both parties. The University Grievance Committee will send its findings to the appropriate vice president who will be responsible for implementation if accepted and/or explanation of reasons if rejected.

III. Faculty Appointment-Related Grievances: The Senate Judicial Committee

The Judicial Committee whose existence is mandated in Section 14 of the Tenure Code has original jurisdiction in any complaints of violation of the Tenure Code. The Tenure Code specifically delegates to the Judicial Committee jurisdiction in appeals from administrative decisions in the following matters: (sections in Proposed Tenure Code 1984 are indicated in parentheses below)

1. Improper termination of probationary appointment (7-6 and 15)
2. Denial of tenure (7-6 states grounds for improper action, and 15)
3. Disciplinary action for cause (11)
4. Termination for cause (11)
5. Termination or suspension due to financial exigency (12-10 and 16)
6. Termination for programmatic reasons (13-71 and 16) (13-72 and 15)

In 1 and 2 above, burden of proof is on the faculty member; in 3 and 4, burden of proof is on the administration.

The Judicial Committee must have at least nine members (all faculty), selected by procedures specified in Senate By-laws. The Committee writes its own rules of procedures which must be approved by the Tenure Committee. The Committee is advisory to the President.

Only faculty members can bring complaints; they must initiate them within 30 days of receipt of notice of action to which they are objecting.

Table III sketches a flow chart for this grievance procedure.

Table III.
The Judicial Committee

