Grievance Policy

The Chair reported that the Executive and Academic Affairs Committee had reviewed a grievance policy which had been developed and approved by the Faculty Senate and which had been editorially amended at the Council on Academic Affairs level and further amended based on the committee's review. Dr. Kuhn made a motion for approval which was seconded by Mr. Upchurch and passed by voice vote. The entire grievance policy, as adopted, is included at the end of these Minutes.

Resolution of Appreciation

The chair read a resolution of appreciation to the City of Richmond and Madison County for improvements to the mainstreet and downtown area of Richmond and for the city's cooperation in a directional sign project aimed at facilitating access to the campus. Mr. May made a motion for approval which was seconded by Mr. Upchurch and passed by voice vote. A copy of the resolution is copied at the end of these Minutes.

Ad Hoc Committee to Review By-Laws

The chair announced that he was appointing an ad hoc committee to review the by-laws of the Board. Justice Lambert will serve as chair of the committee and the other members will be Mr. House and Dr. Kuhn.

Model School Council Report

The chair reminded the Board that the Model School Council had been asked to provide annual reports at the time the Board authorized the Council's creation. Information on this report was presented as an information item and will be kept on file at the Model Lab School.

Presidential Evaluation/Contract

The chair recalled for the Board its decision in August, 1991, to evaluate President Hanly Funderburk in preparation for its consideration of renewal of his contract. He then read the following resolution:
III. Definitions, Limitations, Possible Grievances, and Rights of Complainant and Respondent

A. Definitions

1. Complainant - a non-written allegation by any person (or persons) included in Section II (above)

2. Grievance - a written allegation by any person (or persons) included in Section II (above)

3. Complainant - a person (or persons) who makes a complaint or files a grievance within the scope of this policy

4. Respondent - a person (or persons) against whom a complaint is made or a grievance is filed

5. "Working days" - excludes holidays, weekends, intersessions, and other periods between semesters

6. Chair - anyone whose immediate supervisor is a dean (departmental chair, director, coordinator, etc.)

B. Limitations

1. Disputes which are being or have been processed in the courts are not included under this policy.

2. Disputes involving compliance with State or Federal statutes or regulations are not included under this policy.

3. Disputes which involve appeal(s) included in the Faculty/Staff Handbook (e.g., appeals about promotion, tenure, etc.) are not included under this policy.

4. Disputes involving merit pay or salary increments are not included under this policy.

5. Affirmative action issues which are delineated in the Faculty/Staff Handbook should be referred to the Office of Affirmative Action and are not covered by this policy.

6. After completion of all appeals given in III.B.3, 4, or 5 (above), these limitations would not apply if alleged violations involve procedural matters such as those given in III.C.1 (below).

C. Grievances include but are not limited to the following:

1. the belief by the complainant that existing University policies, rules, regulations, practices, and/or procedures have been violated, misinterpreted, and/or improperly applied;

2. the belief by the complainant that standards of academic freedom, behavior, and/or practices have been breached by any person(s) covered under this policy;

3. the belief by the complainant that actions involving him/her were unfair, inequitable, arbitrary, or capricious.
D. Rights of Complainant and Respondent

1. Both complainant and respondent have the right to be heard.

2. The respondent has the right to receive a written copy of the grievance, and the complainant has the right to receive a written copy of the respondent's reply.

3. The complainant shall not be penalized academically or professionally for making a complaint or filing a grievance in good faith under this policy.

IV. Complaint Resolution

A. All reasonable efforts should be made to settle complaints informally before written grievances are filed.

B. Informal discussion between persons directly involved in a complaint is essential in the early stages of any complaint and is encouraged at all stages. Attempts should be made to solve all complaints at the lowest possible level. The complainant should discuss the disputed issue with the person(s) involved and try to come to a resolution before any kind of appeal is made through administrative channels.

C. Departments and colleges may set up regular or ad hoc complaint resolution committees of uninvolved faculty members to mediate between disputing parties.

D. If unable to solve the complaint through direct informal discussions, the complainant should initiate discussions through his/her administrative channels before a written grievance is filed. This entire informal complaint resolution process should normally be completed within sixty (60) days of the action that caused the complaint. For exceptions to this time limit, see V.C (below).

V. Initiation of the Grievance Procedure

A. If informal discussions fail to provide a satisfactory resolution, the complainant may then begin the grievance process. He/she shall state, in writing, not only the specific charges and the remedy expected to resolve the grievance but also that (1) discussions between the parties have taken place; (2) the complainant has initiated discussions through administrative channels; and (3) departmental and college level informal procedures have been exhausted. This written grievance shall be presented to the complainant's immediate supervisor (chair, dean, or vice president). The order of appeals is as follows: Chair, Dean, Vice President, University Grievance Committee, President.

B. This written grievance is to be submitted to the immediate supervisor (chair, dean, or vice president) within sixty (60) days of the action that caused the complaint.

C. In the event that the complainant files the grievance after the sixty-day time limit has expired, the immediate supervisor shall notify the Vice President for Academic Affairs and Research, who shall determine whether such extenuating circumstances exist as to warrant receipt of the grievance beyond the normal time limit. Within five days after receiving this explanation about the late filing of the grievance, the Vice President for Academic Affairs and Research shall give his/her decision in writing to the immediate supervisor and to the complainant. The Vice President's decision on this late-filing issue shall be final.
D. Within three (3) working days after receipt of the grievance, the immediate supervisor shall acknowledge receipt of the grievance and shall forward a copy of the grievance to the respondent.

E. The immediate supervisor shall determine whether the grievance is a proper matter for grievance policy consideration. A negative decision is appealable in the same manner as a determination on the merits.

F. At each level of this procedure, the decision shall be based on the written record. All relevant materials must be submitted at the first level of the grievance procedure. Additional materials may be submitted in subsequent levels.

VI. Grievances Originating at Level of Chair

A. If the chair has received the initial grievance, he/she shall follow the procedure in V.D (above) and shall report the grievance to his/her dean and to the Vice President for Academic Affairs and Research.

B. Every effort shall be made by the chair to deal with the grievance on its merits without undue delay. After notifying the respondent, the chair shall be allowed up to five (5) working days to resolve the matter satisfactorily.

C. The chair's decision shall be in writing, and copies of the decision shall be forwarded to the chair's dean, to the Vice President for Academic Affairs and Research, to the complainant, to the respondent, and to all concerned parties.

VII. Level of Dean

A. Grievances originating at this level

1. If the dean has received the original grievance, he/she shall follow the procedure in V.D (above) and shall report the grievance to the Vice President for Academic Affairs and Research.

2. Every effort shall be made to deal with the grievance on its merits without undue delay. After notifying the respondent, the dean shall be allowed up to five (5) working days to resolve the matter satisfactorily.

3. The dean's decision shall be in writing, and copies of the decision shall be forwarded to the Vice President for Academic Affairs and Research, to the complainant, to the respondent, and to all concerned parties.
B. Appeals to this level

1. If the complainant, the respondent, or any other party to the grievance is not satisfied with the decision of the chair or if the decision is not received from the chair within the time allowance stated in VII.B (above), the complainant, the respondent, or other party to the grievance may appeal to the Dean.

2. The appeal shall be made in writing within five (5) working days after receiving the decision, or if no decision is received, within five (5) working days after expiration of the chair's time allowance.

3. Every effort shall be made by the Dean to deal with the appeal on its merits without undue delay. The decision of the Dean shall be given in writing to the complainant within five (5) working days after receipt of the appeal, and copies of the appeal and the decision shall be forwarded to the Vice President for Academic Affairs and Research, to the respondent, and to all concerned parties.

VIII. Level of Vice President

A. Grievances originating at this level

1. If the Vice President for Academic Affairs and Research has received the original grievance, he/she shall follow the procedure in V.D (above) and shall report the grievance to the University Grievance Committee.

2. Every effort shall be made to deal with the grievance on its merits without undue delay. After notifying the respondent, the Vice President for Academic Affairs and Research shall be allowed up to five (5) working days to resolve the matter satisfactorily.

3. The Vice President's decision shall be in writing, and copies of the decision shall be forwarded to the University Grievance Committee, to the complainant, to the respondent, and to all concerned parties.

B. Appeals to this level

1. If the complainant, the respondent, or any other party to the grievance is not satisfied with the decision of the dean or if the decision is not received from the dean within the time allowance stated in VIII.A.2 or VII.B.3 (above), the complainant, the respondent, or other party to the grievance may appeal to the Vice President for Academic Affairs and Research.

2. The appeal shall be made in writing within five (5) working days after receiving the decision, or if no decision is received, within five (5) working days after expiration of the dean's time allowance.

3. Every effort shall be made by the Vice President to deal with the appeal on its merits without undue delay. The decision of the Vice President shall be given in writing to the complainant within five (5) working days after receipt of the appeal, and copies of the appeal and the decision shall be forwarded to the University Grievance Committee, to the respondent, and to all concerned parties.
IX. Appeals to the University Grievance Committee

A. If the complainant, the respondent, or any other party to the grievance is not satisfied with the decision of the Vice President for Academic Affairs and Research, or if the decision is not received within the time allowance stated in VIII.A.2 or VIII.B.3 (above), the complainant, the respondent, or any other party to the grievance may appeal in writing to the University Grievance Committee.

B. The appeal shall be made in writing within five (5) working days after receiving the decision, or if no decision is received, within five (5) working days after expiration of the Vice President for Academic Affairs and Research's time allowance.

C. The University Grievance Committee shall investigate the appeal and give a decision in writing within thirty (30) working days after receipt of the appeal.

D. A copy of the decision of the University Grievance Committee shall be forwarded to the President, the Vice President for Academic Affairs and Research, the complainant, the respondent, and all concerned parties.

X. Appeals to the President

A. If the complainant, the respondent, or any other party to the grievance is not satisfied with the decision of the University Grievance Committee, or if the decision is not received within the time allowance stated in IX.C (above), the complainant, the respondent, or any other party may appeal in writing to the President.

B. The appeal shall be made in writing within five (5) working days after receiving the decision, or if no decision is received, within five (5) working days after expiration of the Grievance Committee's time allowance.

C. The President may investigate the appeal.

D. The President may choose either to give a decision in writing, with a copy to all of the parties, within ten (10) working days after receipt of the appeal or may take the findings of fact and recommendations to the Executive Committee of the Board of Regents.

E. The decision of the President (or of the Executive Committee of the Board of Regents) shall be forwarded to the complainant, the respondent, and all concerned parties.

F. If any party to the grievance is not satisfied with the President's decision, he/she may request in writing that the President submit this grievance to the Executive Committee of the Board of Regents. The President shall determine if the subject matter is appropriate for the Executive Committee of the Board of Regents to consider.
XI. Sanctions

A. At any level of the grievance procedure, the person(s) involved in deciding upon resolution of the grievance may recommend sanctions. No sanctions may be imposed until all of the parties involved in the grievance have had the opportunity to complete the entire grievance procedure. Sanctions covered in KRS 164.230 are the province of the Board of Regents. Sanctions relating to changes in assignments and other disciplinary measures are the province of the proper administrator(s).

B. Sanctions may include but are not limited to the following:

1. A warning that conduct violates professional responsibilities of the faculty member, with copies to the chair, dean, and Vice President for Academic Affairs and Research for inclusion in the personnel files of the individual against whom sanctions are imposed.

2. A reprimand, with copies to the chair, dean, and Vice President for Academic Affairs and Research for inclusion in the personnel files of the individual against whom sanctions are imposed.

3. Change in assignment, subject to the condition that the new assignment shall involve duties consistent with the duties of other faculty members with the same academic rank. Such a change might involve removal from a supervisory role or the elimination of special privileges associated with the previous assignment.

4. Proceedings under KRS 164.230 for dismissal for reasons of "incompetency, neglect of or refusal to perform his duty, or of immoral conduct."

XII. Final Disposition

After the grievance procedure has been completed (that is, no further appeals are made), it shall be the responsibility of the Vice President for Academic Affairs and Research to implement the decision with the final disposition taking place at the appropriate level.

XIII. The University Grievance Committee

A. Composition

1. The University Grievance Committee shall consist of ten (10) Teaching and/or Research Faculty members as defined by the Faculty/Staff Handbook.

2. The faculty of Libraries and Learning Resources shall compose one voting unit. Each of the nine colleges of the University shall also compose a voting unit.

3. These ten members shall be elected by the Teaching and/or Research Faculty of the Faculty Senate voting units.

4. The faculty of each voting unit shall also elect one alternate member from the same faculty pool as the member.

5. Members and alternates shall serve three-year terms with one-third to be elected each year. Length of terms of the original members and alternates shall be determined by lot.
B. Election Procedure

1. The faculty in each department of each election unit shall nominate one of their members as a candidate. The faculty of the election unit as a whole shall elect two from the nominees thus selected. The candidate with the most votes shall be the member of the University Grievance Committee and the runner-up shall be the alternate. Ties shall be broken by drawing lots.

2. Elections shall be conducted by the ten individual units and reported to the President in the spring semester of each year. Terms shall run from the beginning of the fall semester.

C. Operating Procedure

1. The Chair of the Faculty Senate shall convene the University Grievance Committee for its first meeting to elect its chair and to determine length of terms for each member consistent with XIII.A.3 (above). Thereafter, the University Grievance Committee shall choose its chair at the beginning of each fall semester, having been convened for that purpose by the previous chair or by a convener (appointed by the Chair of the Faculty Senate).

2. In case the elected member cannot serve, the alternate shall serve in his/her place as needed. In case of conflicts of interest, the member involved shall not serve during that grievance issue. A quorum for all meetings of the University Grievance Committee shall consist of more than fifty percent, and Robert's Rules of Order shall govern the conduct of meetings.
OLD BUSINESS

Committee on Faculty Rights and Responsibilities: Senator Shearon

Senator Shearon referred to the revised proposal for a committee on faculty grievances. He reported that the revision reflects several changes. A change was made on page 2 defining the chair as anyone whose supervisor is the dean. Other changes were made on the advice of the University attorney. Several other changes were presented. Senator Shearon made a motion that the Grievance policy be approved and sent to the President and Board of Regents. The motion was seconded by Senator Fleming. Senator LeVan made a motion to amend the policy by deleting Sections Roman Numerals V, VI, VII, and VIII (partial), and the motion was seconded by Senator Burnham. After lengthy discussion, the amendment failed. Further discussion on the original motion was held. Senator Burnham made a motion to amend the Grievance policy by deleting "V g". After discussion on the amendment, Senator Allen moved to close debate on the amendment and the motion was seconded. The motion failed to pass by a vote 26 to 25, (2/3 majority needed). The discussion continued on the amendment. The motion to amend the grievance policy by deleting "V g" passed. Senator Robert Stebbins made a motion to amend the grievance policy by deleting part 3B, and the motion was seconded by Senator LeVan. After discussion by several senators, the amendment failed.

The original motion on the amended Grievance policy passed.

Ad Hoc Committee to Study the Student Study Environment in University Dormitories: Dr. Joseph Joiner

Dr. Joseph Joiner reported on the committee proposal and explained its background. He presented specific recommendations on several topics including student behavior and carpeting dormitories. Senator Batch made a motion to accept the report and send the recommendations to the appropriate University units that have responsibility for a particular recommendation. The motion was seconded by Senator MacKinnon and was approved with no dissenting votes.

NEW BUSINESS

Senator Freed made a motion to recommend to the President that a student Ombudsman be appointed. The motion was seconded by Senator Duncan and approved without dissenting votes.
To: Faculty Senate

From: Members of Senate Committee on Faculty Rights and Responsibilities
      Forrest Shearon (Chair), Don Calitri, Harold Holmes, Chris Laird, Mittie Southerland

Subject: Revision of Proposed "Eastern Kentucky University Academic Complaint/Grievance Policy and Procedures"

Date: March 7, 1991 (for action at the April 1, 1991, Faculty Senate meeting)

Revision of Proposed
Eastern Kentucky University Academic Complaint/Grievance Policy and Procedures

I. Introduction

A. It is the intention of Eastern Kentucky University to treat all employees in a consistently fair manner, and it is the desire of the University that all employees treat each other likewise. However, in the normal course of colleagues working together, problems in the working relationship can be expected to arise. In most cases, these problems can be, and should be, resolved by the disputing parties, or arbitrated at the first level of supervision. But in those instances when a mutually satisfactory resolution cannot be quickly found, the aggrieved party should be given an opportunity to have the complaint considered on the basis of its merit, in an orderly and expeditious manner, and without prejudice or fear of reprisal.

B. The procedure outlined herein is designed to provide a method of dealing with faculty complaints or grievances in a prompt and equitable manner without placing an unreasonable burden on the University's resources and personnel, and does not constitute an adjudicatory process. At each level of appeal, a decision made supersedes a decision made at lower levels.

II. Eligibility

This policy applies to all of the following personnel:

A. The Faculty-at-Large as defined by the Faculty/Staff Handbook;

B. The Teaching and/or Research Faculty as defined by the Faculty/Staff Handbook; and

C. Assistant Instructors, part-time Instructors, and Graduate Assistants.
III. Definitions, Limitations, Possible Grievances, and Rights of Complainant and Respondent

A. Definitions

1. Complaint – a non-written allegation by any person (or persons) included in Section II (above)

2. Grievance – a written allegation by any person (or persons) included in Section II (above)

3. Complainant – a person (or persons) who makes a complaint or files a grievance within the scope of this policy

4. Respondent – a person (or persons) against whom a complaint is made or a grievance is filed

5. "Working days" – excludes holidays, weekends, intersessions, and other periods between semesters

6. Chair – anyone whose immediate supervisor is a dean (departmental chair, director, coordinator, etc.)

B. Limitations

1. Disputes which are being or have been processed in the courts are not included under this policy.

2. Disputes involving compliance with State or Federal statutes or regulations are not included under this policy.

3. Disputes which involve appeal(s) included in the Faculty/Staff Handbook (e.g., appeals about promotion, tenure, etc.) are not included under this policy.

4. Disputes involving merit pay or salary increments are not included under this policy.

5. Affirmative action issues which are delineated in the Faculty/Staff Handbook should be referred to the Office of Affirmative Action and are not covered by this policy.

6. After completion of all appeals given in III.B.3, 4, or 5 (above), these limitations would not apply if alleged violations involve procedural matters such as those given in III.C.1 (below).

C. Grievances include but are not limited to the following:

1. the belief by the complainant that existing University policies, rules, regulations, practices, and/or procedures have been violated, misinterpreted, and/or improperly applied;

2. the belief by the complainant that standards of academic freedom, behavior, and/or practices have been breached by any person(s) covered under this policy;

3. the belief by the complainant that actions involving him/her were unfair, inequitable, arbitrary, or capricious.
D. Rights of Complainant and Respondent

1. Both complainant and respondent have the right to be heard.

2. The respondent has the right to receive a written copy of the grievance, and the complainant has the right to receive a written copy of the respondent's reply.

3. The complainant shall not be penalized academically or professionally for making a complaint or filing a grievance in good faith under this policy.

IV. Complaint Resolution

A. All reasonable efforts should be made to settle complaints informally before written grievances are filed.

B. Informal discussion between persons directly involved in a complaint is essential in the early stages of any complaint and is encouraged at all stages. Attempts should be made to solve all complaints at the lowest possible level. The complainant should discuss the disputed issue with the person(s) involved and try to come to a resolution before any kind of appeal is made through administrative channels.

C. Departments and colleges may set up regular or ad hoc complaint resolution committees of unbiased faculty members to mediate between disputing parties.

D. If unable to solve the complaint through direct informal discussions, the complainant should initiate discussions through his/her administrative channels before a written grievance is filed. This entire informal complaint resolution process should normally be completed within sixty (60) days of the action that caused the complaint. For exceptions to this time limit, see V.C (below).
V. Initiation of the Grievance Procedure

A. If informal discussions fail to provide a satisfactory resolution, the complainant may then begin the grievance process. He/she shall state, in writing, not only the specific charges and the remedy expected to resolve the grievance but also that (1) discussions between the parties have taken place; (2) the complainant has initiated discussions through administrative channels; and (3) departmental and college level informal procedures have been exhausted. This written grievance shall be presented to the complainant's immediate supervisor (chair, dean, or vice president). The order of appeals is as follows: Chair, Dean, Vice President, University Grievance Committee, President.

B. This written grievance is to be submitted to the immediate supervisor (chair, dean, or vice president) within sixty (60) days of the action that caused the complaint.

C. In the event that the complainant files the grievance after the sixty-day time limit has expired, the immediate supervisor shall notify the Vice President for Academic Affairs and Research, who shall determine whether such extenuating circumstances exist to warrant receipt of the grievance beyond the normal time limit. Within five days after receiving this explanation about the late filing of the grievance, the Vice President for Academic Affairs and Research shall give his/her decision in writing to the immediate supervisor and to the complainant. The Vice President's decision on this late-filing issue shall be final.

D. Within three (3) working days after receipt of the grievance, the immediate supervisor shall acknowledge receipt of the grievance and shall forward a copy of the grievance to the respondent.

E. The immediate supervisor shall determine whether the grievance is a proper matter for grievance policy consideration. A negative decision is appealable in the same manner as a determination on the merits.

F. At each level of this procedure, the decision shall be based on the written record. All relevant materials must be submitted at the first level of the grievance procedure. Additional materials may be submitted in subsequent levels.

G. The procedures involved in this complaint/grievance policy relate to internal administrative matters and should not involve attorneys or others from outside the University.

VI. Grievances Originating at Level of Chair

A. If the chair has received the initial grievance, he/she shall follow the procedure in V.D (above) and shall report the grievance to his/her dean and to the Vice President for Academic Affairs and Research.

B. Every effort shall be made by the chair to deal with the grievance on its merits without undue delay. After notifying the respondent, the chair shall be allowed up to five (5) working days to resolve the matter satisfactorily.

C. The chair's decision shall be in writing, and copies of the decision shall be forwarded to the chair's dean, to the Vice President for Academic Affairs and Research, to the complainant, to the respondent, and to all concerned parties.
VII. Level of Dean

A. Grievances originating at this level

1. If the dean has received the original grievance, he/she shall follow the procedure in V.D (above) and shall report the grievance to the Vice President for Academic Affairs and Research.

2. Every effort shall be made to deal with the grievance on its merits without undue delay. After notifying the respondent, the dean shall be allowed up to five (5) working days to resolve the matter satisfactorily.

3. The dean's decision shall be in writing, and copies of the decision shall be forwarded to the Vice President for Academic Affairs and Research, to the complainant, to the respondent, and to all concerned parties.

B. Appeals to this level

1. If the complainant, the respondent, or any other party to the grievance is not satisfied with the decision of the chair or if the decision is not received from the chair within the time allowance stated in VI.B (above), the complainant, the respondent, or other party to the grievance may appeal to the Dean.

2. The appeal shall be made in writing within five (5) working days after receiving the decision, or if no decision is received, within five (5) working days after expiration of the chair's time allowance.

3. Every effort shall be made by the dean to deal with the appeal on its merits without undue delay. The decision of the Dean shall be given in writing to the complainant within five (5) working days after receipt of the appeal, and copies of the appeal and the decision shall be forwarded to the Vice President for Academic Affairs and Research, to the respondent, and to all concerned parties.

VIII. Level of Vice President

A. Grievances originating at this level

1. If the Vice President for Academic Affairs and Research has received the original grievance, he/she shall follow the procedure in V.D (above) and shall report the grievance to the University Grievance Committee.

2. Every effort shall be made to deal with the grievance on its merits without undue delay. After notifying the respondent, the Vice President for Academic Affairs and Research shall be allowed up to five (5) working days to resolve the matter satisfactorily.

3. The Vice President's decision shall be in writing, and copies of the decision shall be forwarded to the University Grievance Committee, to the complainant, to the respondent, and to all concerned parties.
B. Appeals to this level

1. If the complainant, the respondent, or any other party to the grievance is not satisfied with the decision of the dean or if the decision is not received from the dean within the time allowance stated in VII.A.2 or VII.B.3 (above), the complainant, the respondent, or other party to the grievance may appeal to the Vice President for Academic Affairs and Research.

2. The appeal shall be made in writing within five (5) working days after receiving the decision, or if no decision is received, within five (5) working days after expiration of the dean's time allowance.

3. Every effort shall be made by the Vice President to deal with the appeal on its merits without undue delay. The decision of the Vice President shall be given in writing to the complainant within five (5) working days after receipt of the appeal, and copies of the appeal and the decision shall be forwarded to the University Grievance Committee, to the respondent, and to all concerned parties.

IX. Appeals to the University Grievance Committee

A. If the complainant, the respondent, or any other party to the grievance is not satisfied with the decision of the Vice President for Academic Affairs and Research, or if the decision is not received within the time allowance stated in VII.A.2 or VII.B.3 (above), the complainant, the respondent, or any other party to the grievance may appeal in writing to the University Grievance Committee.

B. The appeal shall be made in writing within five (5) working days after receiving the decision, or if no decision is received, within five (5) working days after expiration of the Vice President for Academic Affairs and Research's time allowance.

C. The University Grievance Committee shall investigate the appeal and give a decision in writing within thirty (30) working days after receipt of the appeal.

D. A copy of the decision of the University Grievance Committee shall be forwarded to the President, the Vice President for Academic Affairs and Research, the complainant, the respondent, and all concerned parties.

X. Appeals to the President

A. If the complainant, the respondent, or any other party to the grievance is not satisfied with the decision of the University Grievance Committee, or if the decision is not received within the time allowance stated in IX.C (above), the complainant, the respondent, or any other party may appeal in writing to the President.

B. The appeal shall be made in writing within five (5) working days after receiving the decision, or if no decision is received, within five (5) working days after expiration of the Grievance Committee's time allowance.

C. The President may investigate the appeal.

D. The President may choose either to give a decision in writing, with a copy to all of the parties, within ten (10) working days after receipt of the appeal or may take the findings of fact and recommendations to the Executive Committee of the Board of Regents.
E. The decision of the President (or of the Executive Committee of the Board of Regents) shall be forwarded to the complainant, the respondent, and all concerned parties.

F. If any party to the grievance is not satisfied with the President's decision, he/she may request in writing that the President submit this grievance to the Executive Committee of the Board of Regents. The President shall determine if the subject matter is appropriate for the Executive Committee of the Board of Regents to consider.

XII. Sanctions

A. At any level of the grievance procedure, the person(s) involved in deciding upon resolution of the grievance may recommend sanctions. No sanctions may be imposed until all of the parties involved in the grievance have had the opportunity to complete the entire grievance procedure. Sanctions covered in KRS 164.230 are the province of the Board of Regents. Sanctions relating to changes in assignments and other disciplinary measures are the province of the proper administrator(s).

B. Sanctions may include but are not limited to the following:

1. A warning that conduct violates professional responsibilities of the faculty member, with copies to the chair, dean, and Vice President for Academic Affairs and Research for inclusion in the personnel files of the individual against whom sanctions are imposed.

2. A reprimand, with copies to the chair, dean, and Vice President for Academic Affairs and Research for inclusion in the personnel files of the individual against whom sanctions are imposed.

3. Change in assignment, subject to the condition that the new assignment shall involve duties consistent with the duties of other faculty members with the same academic rank. Such a change might involve removal from a supervisory role or the elimination of special privileges associated with the previous assignment.

4. Proceedings under KRS 164.230 for dismissal for reasons of "incompetency, neglect of or refusal to perform his duty; or of immoral conduct."

XII. Final Disposition

After the grievance procedure has been completed (that is, no further appeals are made), it shall be the responsibility of the Vice President for Academic Affairs and Research to implement the decision with the final disposition taking place at the appropriate level.

XIII. The University Grievance Committee

A. Composition

1. The University Grievance Committee shall consist of ten (10) Teaching and/or Research Faculty members as defined by the Faculty/Staff Handbook.

2. The faculty of the Office of Academic Support and Undergraduate Studies shall, together with the faculty of Libraries and Learning Resources, compose one voting unit. Each of the nine colleges of the University shall also compose a voting unit.
3. These ten members shall be elected by the Teaching and/or Research Faculty of the Faculty Senate voting units.

4. The faculty of each voting unit shall also elect one alternate member from the same faculty pool as the member.

5. Members and alternates shall serve three-year terms with one-third to be elected each year. Length of terms of the original members and alternates shall be determined by lot.

B. Election Procedure

1. The faculty in each department of each election unit shall nominate one of their members as a candidate. The faculty of the election unit as a whole shall elect two from the nominees thus selected. The candidate with the most votes shall be the member of the University Grievance Committee and the runner-up shall be the alternate. Ties shall be broken by drawing lots.

2. Elections shall be conducted by the ten individual units and reported to the President in the spring semester of each year. Terms shall run from the beginning of the fall semester.

C. Operating Procedure

1. The Chair of the Faculty Senate shall convene the University Grievance Committee for its first meeting to elect its chair and to determine length of terms for each member consistent with XIII.A.5 (above). Thereafter, the University Grievance Committee shall choose its chair at the beginning of each fall semester, having been convened for that purpose by the previous chair or by a convener (appointed by the Chair of the Faculty Senate).

2. In case the elected member cannot serve, the alternate shall serve in his/her place as needed. In case of conflicts of interest, the member involved shall not serve during that grievance issue. A quorum for all meetings of the University Grievance Committee shall consist of more than fifty percent, and Robert's Rules of Order shall govern the conduct of meetings.