Faculty Grievances

Policy Statement

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.

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.

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 other policies (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 and non-discrimination issues which are delineated in other policies should be referred to the Equal Opportunity Office and are not covered by this policy.

Grievances include but are not limited to the following:

1. An allegation that existing University policies, rules, regulations, practices, and/or procedures have been violated, misinterpreted, and/or improperly applied. Applies only to procedures not covered within existing policies.
2. An allegation that standards of academic freedom, behavior, and/or practices have been breached by any person(s) covered under this policy.
3. An allegation that actions involving him/her were unfair, inequitable, arbitrary, or capricious.

Rights of Complainant and Respondent

1. Both complainant and respondent have the right to be heard.
2. The respondent shall receive a written copy of the grievance, and the complainant shall 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.

Entities Affected by the Policy

- Faculty
- Departments
- Colleges

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Eligibility

This policy applies to all of the following personnel:
A. The Faculty-at-Large as defined by the Faculty Handbook; and
B. The Teaching and/or Research Faculty as defined by the Faculty Handbook.

Policy Procedures

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 shall 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 must initiate discussions through his/her administrative channels before a written grievance is filed. This entire informal complaint resolution process should normally be completed within 60 days of the action that caused the complaint. For exceptions to this time limit, see Initiation of the Grievance Procedure: 3. (below).

Initiation of the Grievance Procedure
1. 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
   a. discussions between the parties have taken place;
   b. the complainant has initiated discussions through administrative channels; and
   c. 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.
2. This written grievance is to be submitted to the immediate supervisor (chair, dean, or vice president) within 60 days of the action that caused the complaint.
3. In the event that the complainant files the grievance after the sixty-day time limit has expired, the immediate supervisor shall notify the Provost and Vice President for Academic Affairs, 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 Provost and Vice President for Academic Affairs 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.
4. Within five 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.
5. 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.
6. At each level of this procedure, the decision shall be based on the written record. All relevant materials should be submitted at the first level of the grievance procedure. Additional materials may be submitted in subsequent levels.
Grievances Originating at Level of Chair

1. If the chair has received the initial grievance, he/she shall follow the procedure in *Initiation of the Grievance Procedure: 4. (above)* and shall report the grievance to his/her dean and to the Provost and Vice President for Academic Affairs.
2. 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 ten working days to resolve the matter satisfactorily.
3. The chair’s decision shall be in writing, and copies of the decision shall be made available to the chair’s dean, to the Provost and Vice President for Academic Affairs, to the complainant, to the respondent, and to all concerned parties.

Grievances Originating at Level of Dean

1. If the dean has received the original grievance, he/she shall follow the procedure in *Initiation of the Grievance Procedure: 4. (above)* and shall report the grievance to the Provost and Vice President for Academic Affairs.
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 ten working days to resolve the matter satisfactorily.
3. The dean’s decision shall be in writing, and copies of the decision shall be made available to the Provost and Vice President for Academic Affairs, to the complainant, to the respondent, and to all concerned parties.

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 *Grievances Originating at Level of Chair: 2. (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 ten working days after receiving the decision, or if no decision is received, within ten 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 ten working days after receipt of the appeal, and copies of the appeal and the decision shall be made available to the Provost and Vice President for Academic Affairs, to the complainant, the respondent, and to all concerned parties.

Grievances Originating at Level of Vice President

1. If the Provost and Vice President for Academic Affairs have received the original grievance, he/she shall follow the procedure in *Initiation of the Grievance Procedure: 4. (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 Provost and Vice President for Academic Affairs shall be allowed up to ten working days to resolve the matter satisfactorily.
3. The Vice President’s decision shall be in writing, and copies of the decision shall be made available to the University Grievance Committee, to the complainant, to the respondent, and to all concerned parties.

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 *Grievances Originating at Level of Dean: 2. or Appeals to this Level [Dean]: 3 (above)*, the complainant, the respondent, or other party to the grievance may appeal to the Provost and Vice President for Academic Affairs.
2. The appeal shall be made in writing within ten working days after receiving the decision, or if no decision is received, within ten 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 ten working days after receipt of the appeal, and copies of the appeal and the decision shall be made available to the University Grievance Committee, to the respondent, and to all concerned parties.

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Appeals to the University Grievance Committee

1. If the complainant, the respondent, or any other party to the grievance is not satisfied with the decision of the Provost and Vice President for Academic Affairs, or if the decision is not received within the time allowance stated in Grievances Originating at Level of Vice President: 2. or Appeals to this Level [Vice President]: 3 (above), the complainant, the respondent, or any other party to the grievance may appeal in writing to the University Grievance Committee.

2. The appeal shall be made in writing within ten working days after receiving the decision, or if no decision is received, within ten working days after expiration of the Provost and Vice President for Academic Affairs’s time allowance.

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

4. A copy of the decision of the University Grievance Committee shall be made available to the President, the Provost and Vice President for Academic Affairs, the complainant, the respondent, and all concerned parties.

The University Grievance Committee

I. Composition
   A. The University Grievance Committee shall consist of six Teaching and/or Research Faculty members as defined by the Faculty Handbook.
   B. The faculty of Libraries shall compose one voting unit. Each of the five colleges of the University shall also compose a voting unit.
   C. These six members shall be elected by the Teaching and/or Research Faculty of the Faculty Senate voting units.
   D. The faculty of each voting unit shall also elect one alternate member from the same faculty pool as the member.
   E. 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.

II. Election Procedure
   A. 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.
   B. Elections shall be conducted by the six individual units and reported to the President in the spring semester of each year. Terms shall run from the beginning of the fall semester.

III. Operating Procedure
   A. 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 University Grievance Committee: I.(E), (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).
   B. 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 50 percent, and Robert’s Rules of Order shall govern the conduct of meetings.

Appeals to the President

1. 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 Appeals to the University Grievance Committee: 3. (above), the complainant, the respondent, or any other party to the grievance may appeal in writing to the President.

2. The appeal shall be made in writing within ten working days after receiving the decision, or if no decision is received, within ten working days after expiration of the University Grievance Committee’s time allowance.

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3. The President may investigate the appeal.
4. The President may choose either to give a decision in writing, with a copy to all of the parties, within ten 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.
5. The decision of the President or of the Executive Committee of the Board of Regents shall be made available to the complainant, the respondent, and all concerned parties.
6. 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.

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:
   i. A warning that conduct violates professional responsibilities of the faculty member, with copies to the chair, dean, and Provost and Vice President for Academic Affairs for inclusion in the personnel files of the individual against whom sanctions are imposed.
   ii. A reprimand, with copies to the chair, dean, and Provost and Vice President for Academic Affairs for inclusion in the personnel files of the individual against whom sanctions are imposed.
   iii. 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.
   iv. Proceedings under KRS 164.230 for dismissal for reasons of incompetency, neglect of or refusal to perform his duty, or of immoral conduct.

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

Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Chair</td>
<td>Anyone whose immediate supervisor is a dean (department chair, director, coordinator, etc.)</td>
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<tr>
<td>Complainant</td>
<td>A person (or persons) who makes a complaint or files a grievance within the scope of this policy</td>
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<tr>
<td>Complaint</td>
<td>A non-written allegation by any person (or persons) included in the eligibility section of this policy</td>
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<tr>
<td>Grievance</td>
<td>A written allegation by any person (or persons) included in the eligibility section of this policy</td>
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<tr>
<td>Respondent</td>
<td>A person (or persons) against whom a complaint is made or a grievance is filed</td>
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<tr>
<td>Working Days</td>
<td>Excludes holidays, weekends, and other periods between semesters</td>
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<tr>
<td>University</td>
<td>Eastern Kentucky University</td>
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Interpreting Authority
Provost and Vice President for Academic Affairs

Policy Adoption Review and Approval

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<thead>
<tr>
<th>Date</th>
<th>Entity</th>
<th>Action</th>
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<tbody>
<tr>
<td>February 1, 1992</td>
<td>Board of Regents</td>
<td>Adopted</td>
</tr>
<tr>
<td>April 1, 1991</td>
<td>Faculty Senate</td>
<td>Approved</td>
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