

**INDIANA STATE UNIVERSITY
COLLEGE OF NURSING, HEALTH, AND HUMAN SERVICES**

FACULTY GRIEVANCE PROCEDURES

I. Initial Conditions for Filing of Grievances

A grievance may be considered by the Grievance Committee only if all appropriate existing procedures for dealing with grievances have been exhausted at the Department level and College mediation procedures set forth in III below, if requested, have failed. A grievance may be considered by the College of Nursing, Health, and Human Services (CoNHHS) Grievance Committee only if it is brought on grounds defined in the Indiana State University Handbook Section II, Article IX, ByLaw XIV.1 (<http://www.indstate.edu/adminaff/handbook/SectionII.pdf>).

II. Grievance Policies at the Departmental Level

Each Department in the College shall maintain grievance procedures in writing which grant the right of each faculty member a hearing and insure procedural due process. Department grievance policies shall not violate College or University policies. Development of specific departmental policies is the responsibility of the faculty in that Department. Such departmental policies may require a mediation process involving the chairperson of the Department, the grievant, and respondent(s); other possibilities include the use of a Departmental Grievance Committee to resolve issues.

III. Mediation Procedures

- A. Prior to an official filing of a grievance, a written request for mediation may (at the discretion of the Grievant) be submitted by the grievant to the Chairperson of the College Faculty Affairs Committee. The Chairperson of the FAC will notify the party(ies) being grieved that a complaint has been filed and supply the respondent(s) with a written copy of the complaint. The respondent(s) should submit to the Chairperson of the FAC a written response(s) to the complaint within seven (7) working days after receiving notification. Within ten (10) working days of receiving all written materials for mediation (grievance and response(s)), the Chairperson shall arrange for resolving the conflict by mediation. The process of mediation shall be voluntary, private, and confidential, mediated by an impartial third faculty

member of the University who has had mediation training. If mediation is not requested by the grievant, then the grievant may proceed to file a formal grievance.

- B. Upon completion of mediation, the mediator will submit a report of the mediation to the Chairperson of the Faculty Affairs Committee within 10 working days. All parties (grievant and respondent(s)) shall receive a written copy of the report. If agreement between parties is reached, the matter will be considered resolved. If the mediation is unsuccessful and the grievant wishes to file a formal grievance, then a formal statement of the grievance must be submitted in writing to the Chairperson of the Faculty Affairs Committee within ten (10) working days of the report filed by the mediator. A copy of the statement of grievance shall be sent to the Dean of the College of Nursing, Health, and Human Services and to all affected parties. The respondent(s) will have seven (7) working days to response(s) in writing to the grievance.

IV. Pre-Hearing Meeting of the Grievance Committee

A. Grievance Committee Pool

All tenured faculty in the CoNHHS will constitute the pool for selection of a College Grievance Committee. Following receipt of a formal written statement of the grievance, the Chairperson of the CoNHHS Faculty Affairs Committee shall construct a grievance committee by randomly selecting seven members of the pool. All parties involved in the grievance should receive within five (5) working days written notification of the College Grievance Committee composition. Members of a Department Grievance Committee may not serve on the College Grievance Committee.

B. Prehearing Meeting Following Filing of Grievance

The selected members should elect a Chairperson of the Grievance Committee. The Chairperson of the College Grievance Committee shall subsequently schedule a pre-hearing meeting of the Grievance Committee. The pre-hearing meeting shall be conducted no later than ten (10) working days following

receipt of all written documents (grievance and response(s)).

C. Purpose of Pre-Hearing Meeting

The purpose of the pre-hearing meeting is to determine whether a formal hearing is necessary, based on written materials in the possession of the Grievance Committee. The written materials will consist of a concisely worded statement by the grievant outlining the problem, and a response(s) of the party(ies) being grieved. The report of the mediator (if any) will also be considered during the pre-hearing. No parties involved in the grievance shall be present at the initial meeting.

D. The Grievance Committee shall determine which point or points, if any, of the submitted written materials shall be considered. The pre-hearing meeting shall be conducted in accordance with general principles of due process.

E. Following consideration of written materials, the Grievance Committee will decide within ten (10) working days after the pre-hearing meeting, whether the grievance merits additional testimony. If the Grievance Committee decides that the grievance is not meritorious, the Chairperson of the Grievance Committee will inform the grievant of this finding and that the grievant may appeal this finding to the Executive Committee of the Indiana State University Faculty Senate.

F. If the Grievance Committee determines in the pre-hearing meeting that one (1) or more points of the grievance need further review and if the grievant still wishes to have that point or those points pursued, the Committee will convene a hearing within thirty (30) working days of the original filing of the written grievance (within 10 working days after the decision arising from the pre-hearing meeting). Although the Committee should attempt to set hearing dates at the convenience of all parties concerned, it has the right to set such dates so as to assure an orderly progression of events. Written notice of the time, date, and place of the hearing shall be sent to all concerned parties. (For procedures concerning disqualification refer to the Section VII. Miscellaneous, Paragraph B.)

V. Hearing

A. Purpose

The purpose of a hearing is to determine the merit of the grievance presented and to arrive at recommendations concerning the case. The hearing shall be conducted in accordance with general principles of due process.

B. Grievance Committee Procedural Rules for Hearings

Written materials shall be submitted by the grievant and respondent(s) and available to the Grievance Committee at least seven (7) working days before the hearing. The Grievance Committee may request additional information to supplement these materials. Materials presented by the grievant and respondent(s) should contain everything they deem relevant to the dispute. This includes a list of witnesses each side wishes to call and suggested questions to ask of both sides. It is the responsibility of the parties to have their witnesses available when the witnesses are to be called by the Grievance Committee. The Grievance Committee may call additional witnesses if it feels that such witnesses have relevant testimony to offer. Each side has the right to obtain all written materials presented by all parties before the hearing begins.

Both sides in the dispute shall be apprised in writing of the rules and procedures to be followed. The meeting will be recorded and the minutes transcribed for the record. All parties shall be reminded that a grievance hearing is not a proceeding of law. Observers may be permitted at the discretion of the Committee. Each party to the dispute may choose one (1) advisor and may confer with that advisor before answering questions during the hearing. No lawyers shall be present. University faculty who hold a law degree may serve as an advisor, but not as legal counsel.

C. Commencement of the Hearing

The proceedings will begin with a presentation by the grievant, not to exceed 10 minutes, followed by a presentation by the respondent(s), not to exceed 10 minutes. No questions will be permitted at this time, except by Grievance Committee members in need of clarification.

The Grievance Committee will then direct questions to the grievant, followed by questions to the respondent(s). Only members of the Committee will be permitted to ask questions. The Grievance Committee members have the right to use or

disregard questions proposed by the parties and to ask any questions the Grievance Committee members believe are relevant. After the Grievance Committee completes questioning, the Chair of the Grievance Committee will ask the parties if they have additional suggested questions. The Chairperson may limit such suggestions if they appear excessive. These rules also apply to the questioning of witnesses.

Witnesses for the grievant will then be questioned, followed by witnesses for the respondent(s). Only one witness shall be present in the hearing room at a time. An advisor may not also serve as a witness. The Grievance Committee may call back witnesses if needed. The Grievance Committee will accept a written, notarized statement from a witness, which also includes an explanation of why the witness is unable to appear in person.

The hearing will close with a summarizing statement not to exceed ten (10) minutes in length by the respondent(s) followed by a summarizing statement not to exceed ten (10) minutes in length by the grievant. No questions will be asked during these statements.

For three (3) working days after the completion of the hearing, the parties to the dispute may submit, through the Chairperson of the Grievance Committee, additional documents they believe are relevant. These documents may include further notarized statements of witnesses.

No later than ten (10) working days after the hearing, the Grievance Committee will meet in closed session to render a decision on the matter presented during the hearing. The Committee has the right to solicit additional information during its deliberations.

VI. Emergency Grievance Procedures

If a grievance is filed under the pressure of a time deadline, it may not be possible to follow the regular grievance procedures. In such a case, an emergency grievance may be filed with the Dean of the CoNHHS. The Dean, with the advice and assistance of the Grievance Committee, shall attempt to resolve the issue in such a way as to meet the emergency deadline.

VII. Miscellaneous

- A. The Grievance Committee may consult with the Executive Committee when in doubt regarding any technical issues pertaining to these grievance procedures.
- B. In the event that a grievant or respondent(s) wishes to challenge the service of a particular member(s) on the Committee or a Committee member wishes to disqualify themselves, the following procedure shall apply: All parties concerned shall submit to the Executive Committee of the College a written petition of the cause for disqualification within five (5) working days of being notified of the submission of a grievance to the Grievance Committee. The Executive Committee shall render a decision on such petition within five (5) working days. If the petition is upheld, the appointed alternate will serve. In the event that this is not possible, the Executive Committee will select an alternate through random drawing from the eligible College faculty. When such petition is received, provisions shall be made for an extension of the subsequent deadlines so as to permit a resolution of the petition. This shall not exceed five (5) working days.

VIII. Results of the Grievance Proceedings

A. Grievance Committee Conclusions

The Grievance Committee shall conclude its deliberations within ten (10) working days of the hearing. The recommendation(s) of the Grievance Committee shall be reached on the basis of a simple majority of the Grievance Committee sitting to hear the matter. The Grievance Committee may conclude any of the following:

1. That there was insufficient evidence to substantiate the grievance, in which case the complaint should be dismissed on that basis. The Grievance Committee will also inform the grievant that such determination may be appealed to the Executive Committee of the Indiana State University Faculty Senate.
2. That conciliation has been effected, in which case the case shall be closed as adjusted.
3. That the grievance is meritorious, in which case the Grievance Committee's recommendation shall state its findings that support the

conclusion and shall recommend action to the Dean of the College. Having considered the recommendations of the Grievance Committee, the Dean shall be responsible for a final determination of appropriate action. If the Dean's decision is counter to any or all recommendations by the Grievance Committee, then he/she must provide a written statement justifying the basis for such a decision.

B. Grievance Committee Report

The Grievance Committee shall report in written form its recommendation(s), together with reasons therefore, to the Chairperson of the College Faculty Affairs Committee, the Dean of the College, and all parties directly concerned with the dispute. If the recommendation(s) is not reached by unanimous vote, dissenting members of the Grievance Committee may submit a minority report. The report will be placed in the personnel files of the grievant and the responder(s) in the College office. If the Dean renders a written decision that is counter to the recommendations by the Grievance Committee, then that written statement shall also be included in the personnel files the grievant and the responder(s).

IX. Sequence of Events for Faculty Grievance Procedures

- A. Grievant initially follows and abides by Departmental policy
- B. If College policy is in effect:
 - 1. Mediation between grievant and respondent may be attempted by a trained mediator; successful mediations resolve the case.
 - 2. Unsuccessful or unattempted mediations:
 - i. A pre-hearing meeting by the Grievance Committee is convened to determine merit; if the grievance is not considered meritorious, the Committee does not convene a hearing and the grievant is allowed the opportunity to appeal at the University level.
 - 3. Hearings
 - i. Hearings are convened for grievances which have merit

ii. Policies and procedures for hearing are in effect

4. Results of Hearings

i. Grievance Committee submits recommendation(s) for action

ii. The Dean is responsible for a final determination of action based on the recommendation(s) of the Grievance Committee

iii. Grievances which are dismissed allow the grievant the opportunity to appeal at the University level