



POLICY TITLE	Faculty Grievance	Policy Number	647
Section	Academics	Approval Date	October 28, 2010
Subsection	Faculty	Effective Date	October 28, 2010
Responsible Office	Office of the Senior Vice President of Academic Affairs		

1.0 PURPOSE

1.1 This policy provides due process for faculty in matters related to their rights as members of the academic community, other than appeals for retention, tenure or promotion. This policy does not apply to faculty members seeking redress for issues relating to equal opportunity, civil rights, or other constitutional or statutory rights.

2.0 REFERENCES

2.1 UVU Policy 635 *Faculty Rights and Professional Responsibilities*

2.2 UVU Policy 646 *Faculty Appeals for Retention, Tenure and Promotion*

3.0 DEFINITIONS

3.1 **Grievant(s):** An individual or group of salaried, benefits-eligible faculty members who allege treatment that violates his, her or their faculty rights.

3.2 **Hearing Committee:** An ad hoc committee of salaried, benefits-eligible faculty members, appointed by the Faculty Senate Grievance Committee (FSGC), a standing committee of the Faculty Senate to hears faculty grievances.

3.3. **Respondent(s):** One or more individuals identified by a grievant as a party in a grievance action.

4.0 POLICY

4.1 Faculty have the opportunity to grieve alleged violations of faculty rights not specifically covered by other institutional policies. Faculty rights are defined in UVU Policy 635 *Faculty Rights and Professional Responsibilities*.

4.2 Appeals of denial of retention, tenure, or promotion are heard under the provisions of UVU Policy 646 *Faculty Appeals for Retention, Tenure and Promotion*.



4.3 Allegations of unlawful discrimination, sexual harassment, violation of any other civil rights, and any other complaints covered by statute shall not be addressed by this policy, but must be heard under the provisions of other relevant UVU Policies.

4.4 Grievances that involve both violations of academic rights and civil rights must be separated into distinct and exclusive grievance actions pursued independently under the provisions of the applicable grievance policies.

4.5 Grievances will not be considered for faculty complaints that derive from substantially the same set of facts pertaining to a grievance previously submitted by the faculty member without additional evidence.

4.6 Grievances will not be heard or will be suspended for cases with pending legal action that derive from substantially the same set of facts, either by or against either the grievant or respondent, or whenever the resolution of the grievance is not under the control or jurisdiction of UVU.

4.7 No retaliatory action shall be taken against any individual for participating in a grievance process.

4.8 Faculty members are expected to meet their academic responsibilities while pursuing and/or responding to a grievance under this policy.

4.9 The grievance process shall proceed in a timely, professional manner, and, to the extent possible, shall preserve the confidentiality of the parties involved.

5.0 PROCEDURES

5.1 Informal Resolution of Grievance

5.1.1 The grievant shall first make a reasonable attempt to resolve the matter informally with the offending party and/or with the official having immediate authority over the incident.

5.2 Formal Resolution of Grievance

5.2.1 If informal resolution is not effective, the faculty member may petition the Faculty Senate Grievance Committee (FSGC) for redress, as follows:

1) A faculty member considering filing a grievance should consult first with the Faculty Senate President to discuss the matter. If the faculty member decides to proceed, a grievance petition must be presented in writing to the Faculty Senate President or designee within 45 days of the grievant's knowledge of the incident(s) giving rise to the alleged violation of faculty rights.



2) The grievance petition shall set forth in detail the nature of the grievance and shall state the respondent(s) against whom the grievance action is directed. The petition shall specify the adverse effect the action or inaction has had or may have on the grievant and the remedy sought. The petition shall also indicate efforts previously made to resolve the matter by informal procedure and may contain additional information the grievant deems pertinent to the case.

3) The Faculty Senate President or designee will refer the matter to the chair of the FSGC within 5 business days of receipt of the grievance petition.

5.2.2 Within 10 business days the FSGC shall examine the written grievance petition and determine, based solely on that examination, if the complaint is substantive and meets the requirements to be considered under this policy. The FSGC shall consult initially with General Counsel, who will remain available throughout this process. The FSGC chair informs the grievant of the Committee's determination within 3 business days after the determination is made.

5.2.3 Upon a determination to proceed with the grievance, the FSGC may, but is not required to, recommend professional, non-binding mediation to resolve the matter, if agreeable to both parties. In such case, the FSGC chair shall inform the SVPAA, who will facilitate the mediation process.

5.2.4 If mediation is not pursued or is not successful, the FSGC shall within 10 business days from that point appoint a Hearing Committee to hear the grievance. The Hearing Committee shall function as follows:

1) The Hearing Committee shall send a notice of the pending grievance hearing along with a copy of the original grievance request to the grievant, the respondent, the Senior Vice President for Academic Affairs (SVPAA), and Human Resources.

2) The Hearing Committee shall schedule a hearing, giving the respondent as well as the grievant a reasonable amount of time to prepare.

3) At the hearing, the grievant shall bear the burden of proving the validity of the grievance by providing clear and convincing evidence.

4) Within 10 business days of the conclusion of the hearing, the Hearing Committee shall report its findings, and proposed resolution, if any, to the grievant, the respondent(s), Human Resources, the SVPAA, and the President. The President shall consider the committee's findings and recommendations. The President may solicit whatever counsel and advice he or she deems appropriate to assist in arriving at a final determination. The President may not consider evidence outside the record unless the nature of that information is fairly communicated to the parties and a reasonable opportunity to respond is given to the parties. The president or his or her designee



shall inform in writing the Hearing Committee chair, grievant and respondent of his or her decision within 15 business days of receipt of the findings of the Hearing Committee. There shall be no further institutional redress on the matter.

5.2.4.5 If the respondent is the president, the Hearing Committee shall report its findings and proposed resolution, if any, within 10 business days of the conclusion of the hearing, to the grievant, the respondent(s), the Office of Human Resources, the SVPAA, and the chair of the Board of Trustees. The Board of Trustees shall consider the committee's findings and recommendations. The Board of Trustees may solicit whatever counsel and advice it deems appropriate to assist in arriving at a final determination. The Board of Trustees may not consider evidence outside the record unless the nature of that information is fairly communicated to the parties and a reasonable opportunity to respond is given to the parties. The Chair of the Board of Trustees or his or her designee shall inform in writing the Hearing Committee chair, grievant and respondent of his or her decision within 15 business days of receipt of the findings of the Hearing Committee. There shall be no further institutional redress on the matter.

5.3 Composition and Organization of the Hearing Committee

5.3.1 The Hearing Committee shall consist of five, salaried, benefits-eligible university employees. At least three shall be salaried, benefits-eligible faculty members, chosen by the FSGC. At least one of the faculty members shall be a member of the FSGC and shall be appointed by the FSGC to act as chair of the Hearing Committee.

5.3.2 If the respondent is a member of the faculty, the remaining two members of the Hearing Committee shall be appointed by the FSGC from among salaried, benefits-eligible faculty members.

5.3.3 If the respondent is a member of the staff, the remaining two members of the Hearing Committee shall be appointed by the president of the professional organization for staff employees.

5.3.4 If the respondent is a member of the administration, the remaining two members of the Hearing Committee shall be appointed by the SVPAA, unless the respondent is the SVPAA, in which case the remaining two members shall be appointed by the president.

5.3.5 If the respondent is a student, the remaining two members of the Hearing Committee shall be appointed by the president of the Utah Valley University Student Association.

5.4 Conflict of Interest

5.4.1 All members of the Hearing Committee shall be impartial in grievances brought to the committee. Potential members of the Hearing Committee shall submit a written document to the chair of the FSGC recusing themselves if they believe they have a conflict of interest.



5.4.2 The grievant or respondent may petition the FSGC for the removal of any Hearing Committee member believed to have a conflict of interest, presenting evidence of the same. If the FSGC finds reasonable cause that a conflict of interest exists, it may remove that member and arrange for a replacement in accordance with section 5.3.

5.4.3 Issues of conflict of interest should be dealt with prior to the hearing.

5.5 Hearings

5.5.1 The chair of the Hearing Committee shall schedule one or more hearings to consider evidence pertaining to the grievance.

5.5.2 The grievant and respondent shall have the right to present evidence relevant to the grievance proceedings.

5.5.3 The grievant and respondent shall submit a list of witnesses and copies of any documentation pertinent to the case to the Hearing Committee and to each other within 10 business days prior to any hearings.

5.5.4 The grievant, the respondent, and/or their representatives shall be entitled to be present at all hearing sessions. Each party shall have the right to be represented by an individual of their own choosing, at his or her own expense, to present its case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such inquiry as may be required. In order to preserve the confidentiality of the hearing, the Hearing Committee may exclude persons whose presence is not essential throughout the hearing.

5.5.5 Hearing proceedings shall be recorded. Copies of the recording(s) will be kept by the Office of Academic Affairs, with copies going to the grievant and respondent upon request.

5.5.6 The Hearing Committee shall complete the hearing process in a timely manner.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity