7.16 Faculty Grievance Policy

Policy 7.16
Volume 7 Faculty Affairs
Chapter 16 Faculty Grievance Policy
Responsible Office: Faculty Affairs
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Policy Statement

The Faculty Grievance Subcommittee of Georgia Health Sciences University shall be an elected standing subcommittee of the Academic Council. Its members will be elected by and from the Corps of Instruction of each college and of the Library of Georgia Health Sciences University. The Faculty Grievance Subcommittee shall act to implement the policies and procedures established by the Faculty of Georgia Health Sciences University for the resolution of faculty grievances. This policy describes procedures established by the University Faculty Senate (formerly known as Academic Council) for the handling of faculty grievances.

Reason For Policy

The University Faculty Senate of Georgia Health Sciences University recognizes that intramural disputes involving faculty may occur and has established the Faculty Grievance Subcommittee to establish policy and oversee such disputes.

The purpose of the Faculty Grievance Subcommittee shall be to work toward the conciliation of intramural disputes, to guarantee due process
for and just settlement of otherwise irreconcilable grievances, to help ensure the institutional integrity of Georgia Health Sciences University, and to safeguard the academic freedom of its Corps of Instruction faculty.

**Entities Affected By This Policy**

All faculty at Georgia Health Sciences University are covered by this policy.

**Who Should Read This Policy**

All faculty at Georgia Health Sciences University should be aware of this policy and the procedures therein.

All Department chairs and Deans of all colleges at Georgia Health Sciences University should be aware of and understand this policy and the procedures therein.

**Contacts**

<table>
<thead>
<tr>
<th>Contact</th>
<th>Phone</th>
<th>e-mail/URL</th>
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<tbody>
<tr>
<td>Vice-Chair, University Faculty Senate</td>
<td>706-721-2334</td>
<td><a href="http://www.georgiahealth.edu/faculty/senate/">http://www.georgiahealth.edu/faculty/senate/</a></td>
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</table>

Bylaws of the Georgia Health Sciences University General Faculty Assembly: [http://www.georgiahealth.edu/faculty/senate/](http://www.georgiahealth.edu/faculty/senate/)

Policy Manual of Board of Regents, Sections 803.11 (Discipline & Removal of Faculty Members) and 803.12 (Faculty Employment Application Forms), and detailed in the Board of Regents Minutes, 1969-70, 1974-75, and 1982-83: [http://www.usg.edu/regents/policymanual/800.phtml](http://www.usg.edu/regents/policymanual/800.phtml)

Georgia Health Sciences University Informal Mediation Program: [http://www.georgiahealth.edu/services/legal/informalmediationprogram.html](http://www.georgiahealth.edu/services/legal/informalmediationprogram.html)

**Definitions**

These definitions apply to these terms as they are used in this policy:
<table>
<thead>
<tr>
<th>Days</th>
<th>Week days, exclusive of holidays, unless otherwise stated</th>
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<tr>
<td>Discrimination</td>
<td>Refers to the unlawful practice by an employer or institution of higher education to differentiate or distinguish an individual based on that individual’s race, gender, age, religion, national origin, sexual orientation, disability, or Vietnam era veteran status.</td>
</tr>
<tr>
<td>Faculty Grievance Subcommittee</td>
<td>The Faculty Grievance Subcommittee shall be a standing committee of the University Faculty Senate elected by each College and the Library by and from the membership of the Corps of Instruction.</td>
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<tr>
<td>Grievance</td>
<td>Defined as a complaint arising from a work situation that is a judged deviation from, misinterpretation of, or misapplication of reasonable practice or policy and shall include complaints arising from dismissal and suspension procedures. This definition is meant to be as inclusive as practical; however, the areas below will generally provide exceptions to the rules:</td>
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<tr>
<td></td>
<td>1. The findings of a committee may be grounds for a grievance, but the findings of individual committee members, generally, are not.</td>
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<tr>
<td></td>
<td>2. Policies and proceedings that have their own appeals process.</td>
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<tr>
<td>Harassment</td>
<td>Refers to any discriminatory conduct or practice when employment hiring, discharge, promotion, or discipline or any other decision related, directly or indirectly, to employment is based upon discriminatory factors; when submission to such conduct is made explicitly or implicitly a term or condition of an individual’s employment or academic standing; when submission to or rejection of such conduct by an individual is used as a basis of employment or academic decisions affecting an individual; when such conduct unreasonably interferes with an individual’s work or academic performance, or when, in the case of sexual harassment only, such conduct or practice creates an intimidating, hostile, or offensive working or academic environment.</td>
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<tr>
<td>Timelines</td>
<td>The intent of the Faculty Grievance Subcommittee is to handle grievances in as timely a manner as possible. The timelines indicated in this document indicate the usual expectations of the Committee. It is recognized, however, that there are instances in which holidays, graduation, or other events might interfere with the committee’s ability to meet these time frames. As long as the Committee makes a reasonable effort to meet the stated time frames, the proceedings of the</td>
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Overview

Faculty having cause for complaint shall follow the established procedures within the complainant’s own administrative unit. If the complaint cannot be resolved with the faculty’s immediate supervisor, the complaint should be pursued up the administrative ladder of the respective College or Unit. If it cannot be resolved at the level of Dean or respective officer of the Unit, the complainant may initiate a Formal Grievance Procedure by registering a written complaint to the Chair of the Faculty Grievance Subcommittee, as outlined in this policy.

Process/Procedures

Section 1. Procedures for Faculty Grievance

1. Faculty having cause for complaint shall follow the established procedures within the complainant’s own administrative unit before filing a grievance with the Faculty Grievance Subcommittee. The objective shall be to resolve the matter before initiating the Formal Grievance Procedures herein described.

A faculty member with a complaint shall first discuss the grievance with an immediate supervisor. If a resolution of the grievance is not achieved at this level, the resolution of a grievance shall be pursued at each administrative level up to the level of the Dean or the appropriate administrative officer of the Unit in which the complaint arises.

Where the College or Unit in which the complainant’s appointment is made has an established procedure that is appropriate to hear the grievance, the complainant should fully utilize the process before bringing a claim under the provision of this document.

1. A complainant who is not satisfied with the outcome of this procedure may initiate a Formal Grievance Procedure by registering a written complaint with the Chair of the Faculty Grievance Subcommittee within 60 calendar days from receipt of written notice of the decision of his or her administrative unit. Once this complaint has been received these Formal Grievance Policies will be followed:

2. General
   A. It shall be the responsibility of the Faculty Grievance Subcommittee Chair to appoint two subcommittees for each complaint.

   i. A Grievability Subcommittee (GS) to establish the appropriateness of the complaint.
A Formal Grievance Hearing Subcommittee (FGHS) that will try the case.

1. All proceedings should be held as expeditiously as possible. Total time from appointing a hearing committee through a report to the President should generally take about 45 working days.

2. If more than one complaint is filed by the complainant, both subcommittees will be appointed for each complaint unless, in the view of the Chairman, the complaints are related and could better be handled by one subcommittee.

3. The subcommittees should be appointed within 7 days after the receipt of a complaint by the Chair of the Faculty Grievance Subcommittee.

4. Composition of Subcommittees
   A. The Chair of the Faculty Grievance Subcommittee will appoint subcommittee members from the membership of the Faculty Grievance Subcommittee.
   B. The subcommittee may include no more than one representative from the department or division from which the complaint is initiated.
   C. The Grievability Subcommittee (GS) will consist of 5 members.
   D. The Formal Grievance Hearing Subcommittee (FGHS) will consist of 7 members.
   E. Determining Grievability
      i. The GS should meet as expeditiously as possible, generally within 10 working days from the date the grievance was filed.
         a. It will:

         i Determine if the complainant has adequately pursued the established procedures within the complainant's administrative unit for the resolution of the stated grievance as described in Section 1A.

         ii Determine whether the complaint meets the criteria of a grievance as defined above.

         iii As appropriate, seek to bring about a settlement of the issue that is satisfactory to the parties.

1. Granting a hearing
   A. Once determined, the GS chair will report its findings to the Faculty Grievance Subcommittee Chair.
   B. The Faculty Grievance Subcommittee Chair will activate the FGHS and shall be responsible for serving notice to the necessary parties by hand delivery or Registered Mail when a hearing has been granted.
   C. The notice shall include a statement of the specific charges, the names of the members of the FGHS, a copy of the Faculty Grievance Policy (ARSA 7.16), and the date, time and place of the hearing. At this time, both parties will be given the opportunity to strike one subcommittee member for cause.
Section 2. Formal Hearing for Faculty Grievances

A. General

1. The Formal Grievance Hearing Subcommittee (FGHS) will consist of 5 to 7 members, depending on whether the parties exercised their right to remove a member for cause.
2. At this hearing, the subcommittee shall receive its charge, elect its Chair from its membership, and receive from the Chair of the Faculty Grievance Subcommittee or other appropriate source(s) such evidence, testimony, or written records as it may require.
3. The committee should convene as quickly after its selection as practical.

B. Procedures

1. The FGHS shall establish and pursue its own procedures for conducting its inquiry, so long as those procedures afford due process for all parties and include at least the following as described by the Board of Regents Minutes, 1974-75, pp. 310-311, which are:
   A. The FGHS, in consultation with the necessary parties, may exercise its judgment as to whether the hearing should be made public or private;
      i. During the proceedings, necessary parties shall be permitted to have an advisory counsel of their choice. The advisory counsel cannot take part in the hearing, however. The FGHS will be permitted to have advisory counsel;
      ii. At the request of any necessary party or the Chair of the FGHS, a representative of a responsible educational association shall be permitted to attend as an observer;
      iii. A tape recording or transcript of the proceedings shall be kept and made available to necessary parties in the event an appeal is filed;
      iv. An oath of affirmation shall be administered to all witnesses by any person authorized by law to administer oaths in the State of Georgia;
      v. The FGHS may grant adjournments as it deems appropriate to enable either party to investigate evidence as to which a valid claim of surprise is made;
      vi. Necessary parties shall be afforded a reasonable opportunity to obtain necessary witnesses and documentary or other evidence;
      vii. Necessary parties will be afforded the opportunity to question all witnesses testifying at the hearing. Where a witness cannot or will not appear but the Committee determines that the interests of justice require the admission of his or her statement, the Committee will identify the witness, disclose the statement, and, if possible, provide for interrogatories;
      viii. The Formal Grievance Hearing is not a legal trial and will not be bound by strict rules of legal evidence and may admit any
evidence that is of probable value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available. All questions relating to admissibility of evidence or other legal matters shall be decided by the Chair or presiding officer of the FGHS;

ix. The recommendation of the FGHS will be based solely on the hearing record;

x. Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case by any party should be avoided until the proceedings have been completed, including consideration by the Board of Regents in the event an appeal is filed. The President of Georgia Health Sciences University and all necessary parties will be notified in writing of the recommendations, if any, of the FGHS.

xi. Suspension of FGHS process: once a grievance has been filed and a FGHS has been designated, the process may be suspended only if both parties agree to a temporary suspension of the grievance. The purpose of a temporary suspension of the grievance is to allow the parties to reconcile or allow for a third-party mediation. Should reconciliation by the parties or third-party mediation occur, the grievance will be terminated only by acquiescence of both parties.

2. In cases of suspension or dismissal of a tenured faculty member or of a non-tenured faculty member before the end of the contractual term, the President shall follow the preliminary procedures described in the Policy Manual of the Board of Regents, Section 803.11 and detailed in the Board of Regents Minutes, 1974-75. The Formal Grievance Hearing Subcommittee for the dismissal procedure shall be appointed as provided for in Sections 1B and 2A of this document. In addition to the procedures set forth in Section 2 of this document, the following shall apply in hearing a case involving dismissal of a faculty member.

a. Service of notice of the hearing with specific reasons of charges against the faculty member, together with the names of the members of the FGHS, shall be made in writing at least 10 days prior to the hearing. The faculty member may: (1) waive a hearing, or (2) respond to the charges in writing at least 7 days in advance of the date set for the hearing. If a faculty member waives a hearing but denies the charges or asserts that the charges do not support a finding of adequate cause, the FGHS shall evaluate all available evidence and rest its recommendations upon the evidence in record.

b. If the FGHS concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the President of Georgia Health Sciences University. If the President does not approve the report, the reasons shall be stated in writing to the FGHS for response before rendering a final recommendation. If the FGHS concludes that an academic penalty less than dismissal would be more appropriate than dismissal, it may so recommend with supporting reasons. The President may or may not follow the recommendations of the FGHS.

c. After complying with the foregoing procedures, the President of Georgia Health Sciences University shall send an official letter to the faculty member giving notice of retention or removal for cause. Such a letter shall be delivered to the addressee only with receipt to show by whom
and when delivered and address where delivered. The letter shall clearly state any charges which the President has found sustained and shall notify such person that an appeal may be made to the Board of Regents within 20 days following the decision of the President. The letter shall state the decision complained of and redress desired. The Board of Regents or a committee of the Board shall investigate the matter thoroughly and render its decision thereon within 60 days from the date of any hearing that may be held thereon.

d. Upon dismissal by the President of Georgia Health Sciences University, the faculty member shall be suspended from employment without pay from the date of the final decision of the President. Should the faculty member be reinstated by action of the Board of Regents, compensation shall be made from the date of suspension.

3. The FGHS shall, within 5 days of the completion or termination of its hearings, file a written report of its findings of fact and of its recommendations for administrative action with the President of Georgia Health Sciences University. Copies of this report shall be sent to all necessary parties involved.

4. During the course of each hearing, the FGHS shall keep minutes of its meetings and such other records of its activities as it deems necessary and shall at its discretion include information derived there from its reports to the President of Georgia Health Sciences University.

5. The Formal Hearing Procedure may be terminated at the discretion of the FGHS at any time upon request of the complainant.

6. In the event that a necessary party feels that the FGHS has not complied with the policies and guidelines for the Formal Grievance Procedure set forth herein, said party shall have the right of appeal to the Executive Committee of the University Faculty Senate of Georgia Health Sciences University for review, provided that the appeal is made within 30 days of notice of the ruling of this FGHS to that party.

**Section 3. Procedures for Discrimination and Harassment Complaints and Appeals**

A. Procedures Within a College or Administrative Unit

1. Each college shall establish and administer its own rules and procedures for discrimination and harassment complaints. It shall be the purpose of such rules and procedures to resolve such matters, whenever possible, or to provide a final written recommendation for the college or administrative unit that shall be communicated to all parties to any complaint.

2. Classified employees accusing another classified employee of discrimination or harassment shall follow the procedure described in the Georgia Health Sciences University Employee Handbook.
3. When both complainant and accused parties are enrolled or employed within the same college, the complainant shall fully utilize the formal hearing procedures established by that college or administrative unit. Whenever involved parties are from different colleges, the procedures followed shall be those of the college of the accused party.

4. Where there is no formal hearing procedure in a college, the complaint shall be discussed first with an immediate supervisor. If a resolution of the complaint is not achieved at that level, a resolution shall be pursued at each administrative level up to the Dean.

5. Faculty, staff, and students may also bring complaints directly to certain administrative officials. Faculty members and all other parties may contact the Provost (EEO/AA Officer); classified employees may contact the Assistant EEO/AA Officer; and students may contact the Director of Student Life. A written statement concerning the specific nature of the complaint and the parties involved shall be forwarded to the appropriate Dean and/or the Director of Human Resources. The Dean(s) shall immediately consult the Georgia Health Sciences University Legal Office for procedural direction.

6. The Dean shall issue a written statement of his/her final decision to both the complainant and the accused party.

B. Functions of the Faculty Grievance Subcommittee with Respect to Discrimination and Harassment Complaints

1. To review all appeals from college or administrative unit recommendations regarding discrimination and harassment complaints;

2. To determine if a hearing of such appeals shall be granted;

3. To appoint a Formal Grievance Hearing Subcommittee;

4. To make recommendations to the President regarding the appeal;

5. To make an annual review of its rules and procedures and to make recommendations to the University Faculty Senate for appropriate revision.

C. Application for Appeal

1. All requests for appeal must be made to the Chair of the Faculty Grievance Subcommittee within 10 days of receipt by the applicant of written notice of final action by that applicant’s Dean or administrative unit supervisor.
2. All applications for appeal must be submitted in writing and shall include at least:
   
   a. A statement of particulars sufficient to describe the original complaint made by or against the applicant;
   
   b. A description of the treatment of that complaint to date;
   
   c. A written notice of the administrative recommendation and action from which the applicant wishes to appeal.

3. Applications for appeal shall be approved by the Chair of the Faculty Grievance Subcommittee, provided that:
   
   a. The written application is complete;
   
   b. The applicant has fully utilized all remedies available in his or her college or administrative unit;
   
   c. The original complaint involved discrimination or harassment as defined in these rules and procedures.

4. The Chair’s disposition of an application shall be made within 10 working days of filing.

5. Immediate notice of said disposition shall be made by hand-delivered or registered mail to the following:
   
   a. The applicant;
   
   b. All parties to the original complaint that gave rise to the appeal;
   
   c. The applicant's Dean or administrative unit supervisor;
   
   d. In all cases, the Provost and AA/EOO Office;
   
   e. Where a student is involved, the Director of Student Life;
   
   f. Where a staff member is involved, the Director of Human Resources.

D. Appointment of the Georgia Health Sciences University Discrimination and Harassment Appeals Subcommittee

http://policy.georgiahealth.edu/2010/08/20/7-16-faculty-grievance-policy/
1. If an appeal hearing is granted, the Chair of the Faculty Grievance Subcommittee shall appoint, subject to the approval of the Subcommittee, a Hearing Subcommittee composed of 5 members.

   a. None may be a member of the appellant’s department or equivalent or of any body that has heard any case based upon the facts in question.

   b. The sources for Hearing Subcommittee members are as follows:

      i. Faculty—Corps of instruction;

      ii. Students—Student Government Association (SGA);

      iii. Staff—classified employees.

   c. The Hearing Subcommittee shall be appointed within 5 working days of notice of grant of an appeal.

2. Composition of the Hearing Subcommittee shall depend upon the parties involved in the original complaint and shall be constituted as follows:

   a. 5 faculty members when only faculty are involved;

   b. 3 faculty members and 2 students selected by the SGA when both students and faculty members are involved;

   c. 3 faculty and 2 staff members when both faculty and staff are involved;

   d. 1 faculty member, who shall serve as Chair, 2 students, and 2 staff members when both students and staff members are involved;

   e. 1 faculty member, who shall serve as Chair, and 4 students when only students are involved;

   f. When only staff members are involved, these rules and procedures shall not apply. Those cases shall be heard according to the provisions of the Georgia Health Sciences University Employee Handbook.
g. The Chairman of the Faculty Grievance Subcommittee shall appoint the Chairman of the Hearing Subcommittee from the Corps of Instruction.

E. Rules and Procedures for Formal Hearing

1. The Chair of the Faculty Grievance Subcommittee shall convene the Hearing Subcommittee within 7 working days of its formation. At this first meeting, the Subcommittee shall receive its charge and a copy of the application for appeal.

2. In cases where more than one of the parties to the original complaint have a hearing granted, all appeals shall be heard concurrently and by the same Hearing Subcommittee;

3. The Hearing Subcommittee shall follow procedures described in Section 3.B.2 of this document.

F. Final Recommendations of the Faculty Grievance Subcommittee

1. Within 20 working days of its constitution, the Hearing Subcommittee shall submit its recommendations, including any minority reports, to the Chair of the Faculty Grievance Subcommittee.

2. The Chair shall immediately distribute the report to the President and to all parties who received notice of the Subcommittee’s grant of appeal.

3. Within 7 working days of receipt of the report, the President shall give written notice of his decision by hand-delivered or registered mail to the Chairman of the Faculty Grievance Subcommittee and all parties who received notice of the Committee’s grant of appeal. The President may choose to give the matter further study by invoking the option to establish an ad hoc review committee.

4. These procedures shall constitute the final Georgia Health Sciences University appeal from actions regarding claims of discrimination or harassment, except as provided for suspension or dismissal of a faculty member and appeals to the Board of Regents (See Section 4 below).

Section 4. Disposition of Materials Collected

The findings and recommendations of the Faculty Grievance Subcommittee, its subcommittees, and the Formal Grievance Hearing Subcommittee may be made public only by action of all necessary parties included in the grievance. At the completion of the Grievance Procedure, all materials collected during the Procedure shall be transferred to Georgia Health Sciences University Records Holding Area.
where they will be kept for a period of 4 years, after which time they shall be destroyed. Neither these documents nor any materials pertinent to the grievance shall be placed in the personnel file of the faculty member held by the University unless so requested by the faculty member.

Section 5. Right of Appeal

A. Suspension or Dismissal of a Faculty Member

In cases of suspension or dismissal of a tenured faculty member, or a non-tenured faculty member before the end of the contractual term, the President shall follow the procedures described in the Policy Manual of the Board of Regents, Section 803.11 and detailed in the Board of Regents Minutes 1974-75. The Formal Grievance Hearing Subcommittee for that procedure shall be appointed as provided for in Section 2A Formal Hearing for Faculty Grievance and shall be conducted according to Section 2B of same.

B. Appeals to the Board of Regents

Election by a faculty member, student, or staff member to use these rules and procedures shall not affect the right of such person to appeal to the Board of Regents as provided for in Bylaws of the Board of Regents, Article VIII.

Responsibilities

The responsibilities each party has in connection with Academic, Research, and Student Affairs Policy 7.16, Faculty Grievance Policy, are:

| Faculty Grievance Subcommittee | is ultimately responsible for the entire grievance process. |
| Chair of the Faculty Grievance Subcommittee | See relevant paragraphs above. |
| Grievability Subcommittee | See relevant paragraphs above. |
| Formal Grievance Hearing Subcommittee | See relevant paragraphs above. |
| President of Georgia Health Sciences University | Accepts, modifies, or rejects recommendations of the Faculty Grievance Subcommittee. |
Forms

Grievance Form

This entry was posted in 7.00 Faculty Affairs, Academic, Research and Student Affairs and tagged faculty affairs, faculty grievance. Bookmark the permalink. Both comments and trackbacks are currently closed.