

3359-20-03.6 Faculty grievance procedures.

This rule applies to the faculty of the school of law and all grievances that are not alleged to be a violation of the collective bargaining agreement between the university of Akron and the American association of university professors, the university of Akron chapter, which became effective in 2005.

(A) The statement of these procedures, to be followed by the faculty rights and responsibilities committee, was approved by the board on December 21, 1974.

(B) Preamble.

Set forth below are the procedures that shall be followed in the consideration of grievances by the faculty rights and responsibilities committee of faculty senate. These procedures are supplemented by a set of policies which shall govern the committee's implementation of these procedures.

(C) Procedures.

(1) Filing of complaint.

- (a) A member of the university of Akron faculty who wishes to place a grievance before the faculty rights and responsibilities committee must put the complaint in writing, sign it, and file it with the chair of the committee. The complainant must also authorize the committee to view the complainant's personnel files.
- (b) The complaint must include the steps the complainant has already taken in an effort to resolve the grievance. These steps normally should consist of pursuing fully the procedures established by the department and college, and consulting with the department head chair, dean, and the senior vice president and provost and chief operating officer.
- (c) The complaint must also specify the date upon which the complainant first became cognizant of the grievance. The complainant must demonstrate the validity of this date to the best of the complainant's ability. The complaint must be filed within six months of this date, such date to be determined by the committee should a dispute about the date arise.
- (d) Upon receipt of a complaint, the chair shall transmit a copy of the complaint to the party or parties against whom a complaint has been lodged.

(2) Initial review.

- (a) Within seven days after receiving a complaint, the chair shall schedule a meeting of the full committee. The complainant shall be notified of the meeting and should be in attendance to answer whatever questions might arise concerning the complaint.
- (b) After reviewing the complaint, and in closed session, the committee shall vote to accept or reject the complaint. A simple majority vote of the full committee shall be required to accept the complaint and to submit it to further investigation.

(3) Investigation of grievance.

- (a) If the complaint is accepted by the committee, the chair shall immediately appoint one or more committee members to meet privately with the complainant and one or more other committee members to meet privately with the party or parties against whom the complaint has been lodged.
- (b) The appointed committee members shall consider copies of whatever records, documents, or other written materials that are relevant to the controversy. All issues shall be clarified and all information material to the grievance shall be made available to the committee at this time.
- (c) Any member of the university community shall appear before the committee as a witness upon request and shall cooperate fully as long as the matter has not been referred to the courts, or a quasi- legal body such as the Ohio civil rights commission or the equal employment opportunity commission, etc., and a licensed and practicing attorney has not become actively involved by participation in the university grievance procedures.

(4) Intermediate review.

Within fifteen days following the appointment of committee members, they shall complete their investigations and report their findings and recommendations to the full committee, who shall vote to continue consideration of the complaint or to reject it. Again, a simple majority vote of the full committee is required to pursue conciliation.

(5) Conciliation.

- (a) If the committee decides to submit the grievance to conciliation, a conciliation subcommittee shall be formed consisting of the previously

appointed investigating members and one additional committee member who shall serve as chair and who shall be selected by agreement of both parties or otherwise appointed by the chair of the full committee.

- (b) Within two weeks of the appointment of the conciliation subcommittee, it shall hold a meeting to which all parties to the dispute and the senior vice president and provost and chief operating officer shall be invited in writing. At this meeting, which shall be confidential and informal in nature, the committee members shall attempt to aid the parties in achieving a voluntary resolution of their differences.
 - (c) At the conclusion of the conciliation, the subcommittee chair shall prepare a report for the full faculty rights and responsibilities committee indicating only whether or not the grievance was resolved by conciliation.
- (6) Final review.
- (a) In those instances where conciliation proves unsuccessful, and when the complainant requests, the chair shall promptly schedule a final comprehensive review before the entire committee. All parties to the dispute shall be invited, in writing, at least two weeks before the scheduled review, to present their case before the committee.
 - (b) Although the review shall be treated with sensitivity, and intended primarily to inform fully the entire committee of all the issues, all parties shall have the right to be advised by counsel if they so desire.
 - (c) Within two weeks after the review, the committee shall complete its deliberation of the matter and shall decide whether to reject the complaint or to submit recommendations to the president. The decision to report to the president and each recommendation to be made to the president requires a simple majority vote of the full committee. Within two weeks of its final action, the faculty rights and responsibilities committee shall forward a copy of its findings or recommendations to the complaint and to the administrative officer whose recommendation is under appeal, as well as to the administrative officer at the next level of administrative review.
 - (d) In any event, the decision and recommendations of the committee shall be transmitted to the president with copies to the parties, the senior vice president and provost and chief operating officer, and the secretary of the faculty senate. The president shall inform the committee of any action in

the matter within thirty days of receiving the decision and recommendations. The administrative officer receiving any findings or recommendations from the committee shall inform all parties of his/her decision within thirty days after receiving the rights and responsibilities committee documents.

(D) Implementation of policies.

- (1) Purview. The committee, in accordance with its general charge as stated in the bylaws of the faculty senate, may consider any grievance relating to faculty well-being, rights, and responsibilities.
- (2) Presidential involvement. The president of the university shall not be involved in the grievance procedure until such time as the committee rejects a grievance or the committee, after completing the final review, decides to submit its recommendations to the president. Nor shall actions proposed to the board by the president in the regular course of business preclude consideration of a grievance by the committee. Dismissal or suspension of a faculty member from teaching duties during grievance procedures is justified only if immediate harm is threatened by continuance.
- (3) Grievance file. Each grievance submitted to the committee shall be assigned a file and file number. All documents pertinent or related to the grievance shall be kept in the file. The file must be maintained by the chair and transmitted to the successor. The file shall be treated with sensitivity and available only to the members of the committee. In all reports external to the committee the grievance shall be referenced only by its file number.
- (4) Committee report. When the committee has completed its consideration of a grievance, it shall report to faculty senate specifically that,

"a grievance was received by the committee and assigned file number _____. The committee has completed its consideration of the grievance and has (a) rejected the complaint, or (b) assisted in resolution of the complaint by conciliation, or (c) conducted a comprehensive review and has submitted a report to the president."

In the latter case, the report shall conclude with the statement that:

"the president (a) accepted the committee's recommendations, or (b) accepted the committee's recommendations with modifications, or (c) rejected the committee's recommendations."

Such reports shall be made once a semester.

- (5) Sanctions. In the case that sanctions are imposed following disciplinary proceedings, such sanctions shall be appropriate to the severity of the offense. Sanctions shall include verbal or written reprimand, withholding or postponement of salary and/or promotion for a specified period, suspension, and in the gravest cases, dismissal.

Replaces: 3359-20-03.6

Effective: 01/31/2015

Certification: _____
Ted A. Mallo
Secretary
Board of Trustees

Promulgated Under: 111.15

Statutory Authority: 3359

Rule Amplifies: 3359

Prior Effective Dates: 11/27/89, 7/20/90, 05/22/91, 11/24/92,
07/31/92, 09/16/96, 09/28/97, 06/25/07