

Chapter 27 – Alternative Dispute Resolution and Faculty Grievances
~~Administrative and Conciliatory Proceedings for the Resolution of Differences~~

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1 Chapter 27 Dispute Resolution and Faculty Grievances

2 This chapter describes the available dispute resolution resources and processes for faculty to resolve
3 disputes relating to administrative decisions and, also, conflicts among and between faculty colleagues.
4 Faculty are not required to follow the order in which the resources are presented below. Whenever
5 possible, faculty are encouraged to utilize dispute resolution options that engage those involved in the
6 dispute in early and effective problem solving to resolve the disputes.

7 Informal dispute resolution, such as described in Section 27-31 and 27-32, often yields outcomes that are
8 timelier and more nuanced than those available through more formal processes. When informal resolution
9 is unsuccessful or when a faculty member does not wish to attempt informal resolution, the faculty
10 member may seek assistance from semi-formal options offered by the University, such as the Office of
11 the Ombud or through Conciliation as described in Section 27-41.

12 When the dispute relates to a decision, action, or inaction by an administrator that affects the terms,
13 conditions, or course of the faculty member's faculty employment, the Faculty Grievance process
14 described in Section 27-51 has been designed to provide a transparent and efficient internal structure for
15 resolving such disputes between faculty and administrators. The types of disputes that are subject to a
16 faculty grievance are described in Section 27-54, Subsection A. Faculty are encouraged, but are not
17 required, to engage in or exhaust the dispute resolution options in this Chapter prior to filing a petition for
18 a grievance under Section 27-54, Subsection B. To encourage faculty to engage in alternative dispute
19 resolution as described in Section 27-41, the time limits are paused, including for filing a petition for a
20 grievance as described in Section 27-53, Subsection B or during a grievance as described in Section 27-
21 63, Subsection A.

22 When such disputes or conflicts require resolution of an allegation that would otherwise subject a faculty
23 member to disciplinary proceedings, such disputes must proceed as provided for in Chapter 28 of the
24 Faculty Code.

25 Faculty members are encouraged to seek advice from the Office of the Ombud, the Secretary of the
26 Faculty, or a Faculty Liaison about the options and processes described in this Chapter. More information
27 about the Faculty Liaisons is available in Section 27-110, Subsection C.

28 Finally, Section 27-110 describes the appointments of faculty roles that facilitate and support the Faculty
29 Grievance process described in this Chapter and proceedings as described in Chapter 28.

30 ~~This chapter describes informal proceedings available for the resolution of differences as described in~~
31 ~~Chapter 25, Section 25-62. The proceedings set forth in this chapter are voluntary. A faculty member may~~
32 ~~instead initiate a request for adjudicative proceedings, keeping in mind the time limits of Chapter 28,~~
33 ~~Section 28-35. Should the faculty member choose to engage in administrative and/or conciliatory~~
34 ~~proceedings prior to seeking adjudication, time limits provided in Chapter 28, Section 28-35 shall be~~
35 ~~extended for the period required for completion of such proceedings. Administrative and conciliatory~~
36 ~~proceedings are always available, with no time limits.~~

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37 ~~Section 27-31 Administrative Proceedings~~

38 ~~The faculty member may first discuss the issue about which he or she is concerned with the appropriate~~
39 ~~department chair and, if the faculty member so wishes, the academic dean. The matter may be concluded~~
40 ~~by mutual consent at this point.~~

41 **Section 27-31 Interpersonal Conflict Between Faculty Colleagues**

42 When disputes arise between faculty colleagues, faculty are encouraged to attempt to resolve the conflict
43 directly with the other faculty member. Faculty may also seek assistance from their unit head, such as a
44 chair or director, or seek assistance through the University alternative resolution resources as described
45 in Section 27-41, which are semi-formal processes provided by the University to support faculty in their
46 efforts to resolve such conflicts.

47 When unit heads are unable to facilitate resolution of the conflict, they are encouraged to refer the faculty
48 members to the Office of the Ombud for the purpose of engaging in alternative dispute resolution.
49 Engaging in alternative dispute resolution, however, is voluntary.

50 **Section 27-32 Informal Dispute Resolution of Administrative Decisions**

51 Faculty may, but are not required to, attempt informal resolution of disputes arising from administrative
52 decisions directly with administrators. Attempts at informal resolution, however, do not suspend the time
53 limits for filing a petition for a grievance under Section 27-53, Subsection A.

54 **Section 27-41 University Alternative Dispute Resolution Resources**

55 When informal dispute resolution attempts have not been successful or if a faculty member decides not to
56 engage in informal resolution, a faculty member may seek to utilize the following University resolution
57 resources. Participating in these processes is voluntary.

58 **A. Office of the Ombud**

59 The Office of the Ombud, as described in Executive Order No. 18, “The University Ombud,” provides a
60 resource for faculty to discuss their situation or dispute in confidence. Depending on the situation, the
61 Ombud may offer mediation or other methods of engagement to help the individuals involved resolve their
62 dispute. The Office of the Ombud is available to faculty in their work and educational relationships with
63 administrators, staff, and students, as well as faculty colleagues.

64 **B. Conciliation**

65 Conciliation as described in Sections 27-42 through 27-43 is an additional University resolution option
66 designed solely for disputes arising among faculty members or between individual faculty members and
67 administrators. Experienced faculty are appointed as conciliators and are attached to the Office of the
68 Ombud to conduct conciliations, as described in Sections 27-42 through 27-43. Similar to mediation and
69 other processes offered by the Office of the Ombud, conciliation is an option for faculty members to
70 receive support in attempting to resolve disputes, without resorting to more formal processes.

71 If the process of resolution by mutual consent under Section 27-31 does not take place or fails, the faculty
72 member or the dean may request the assistance of a conciliation officer as a neutral third party by
73 applying to the University Ombud for the assignment of a conciliation officer. Conciliatory proceedings
74 aim at resolving problems by informal means without resorting to the more formal adjudicative
75 proceedings provided in Chapter 28.

76 **Section 27-42 Section 27-41 Conciliators Conciliation Officers and Conciliation Board**

77 A faculty member or administrator may make a request to the Office of the Ombud to initiate conciliation.

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78 **A. Conciliator Conciliation Officer Eligibility Eligibility**

79 ~~Conciliators Conciliation officers~~ shall be ~~tenured members of the faculty, associate and full professors~~
80 ~~without tenure for reasons of funding, current voting faculty that hold the rank of associate professor or a~~
81 ~~higher rank in the tenure, without tenure, teaching, or research tracks or emeritus faculty who held such a~~
82 ~~rank at the time of retirement. They should also be~~ familiar with procedures and opportunities for the
83 resolution of disputes or complaints involving faculty members.

84 **B. Conciliation Officer Conciliator Numbers and Terms**

85 There shall be no fewer than six ~~conciliators conciliation officers~~ who shall serve three-year terms.

86 **C. Conciliator Conciliation Officer Selection**

87 ~~Conciliators Conciliation officers~~ shall be selected by the President from a list of names exceeding the
88 number of positions to be filled, prepared, and approved by the Senate Executive Committee. Vacancies
89 for the remainder of unexpired terms shall be filled according to this same procedure. ~~Conciliators~~
90 ~~Conciliation officers~~ may be reappointed to successive terms by mutual consent of the President and the
91 Senate Executive Committee.

92 **D. Conciliator Conciliation Officer Removal**

93 Any ~~conciliator conciliation officer~~ may be removed during his or her term of office by concurrent decision
94 of the President and the Senate Executive Committee.

95 **E. Attachment to University Ombud**

96 ~~Conciliators Conciliation officers~~ shall be attached to the Office of the University Ombud but shall be
97 limited in their activity to disagreements arising among faculty members or between individual faculty
98 members and the University administration.

99 **F. Conciliation Board**

100 In attempts to achieve conciliation of differences, the ~~conciliator conciliation officer~~ assigned to a case
101 shall have the assistance and advice of a Conciliation Board, consisting of the University Ombud and the
102 other ~~conciliators conciliation officers~~. The Conciliation Board shall:

- 103 1. Advise or assist the ~~conciliator conciliation officer~~, ~~at his or her~~ upon request, on conciliation
104 efforts ~~in which he or she is engaged~~; and
- 105 2. Report annually to the President, the Secretary of the Faculty, and the Senate Executive
106 Committee the number of conciliations, if voluntary disposition was or was not achieved, and
107 any observed patterns of disputes which have occurred, together with any recommendations
108 to be studied by the appropriate faculty council for legislative consideration.

109 **G. Conciliator Conciliation Officer Assignment**

110 The University Ombud, who may consult with the other members of the Conciliation Board, shall
111 determine which ~~conciliator conciliation officer~~ shall be assigned to a case, and shall inform the Secretary
112 of the Faculty of appointments made. No ~~conciliator conciliation officer~~ shall be assigned to a case arising
113 within ~~his or her own~~ a school or college in which the Conciliator holds an appointment.

114 **Section 27-43 Section 27-42 Conciliation Conciliatory Proceedings**

115 **A. Investigation by Conciliator Conciliation Officer**

116 The assigned ~~conciliator conciliation officer~~ is authorized to investigate the matter, to examine and collect
117 documents and other information, and to discuss the issues with both sides with a view to achieving a

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118 mutually agreeable resolution. In discussions with the conciliator ~~conciliation officers~~, only the parties may
119 participate.

120 **B. Conciliator ~~Conciliation Officer~~ as Intermediary**

121 The assigned conciliator ~~conciliation officer~~ shall act as an intermediary. Although free to advise and
122 assist the parties to the dispute in analyzing the situation and in crystallizing the issues, the conciliator
123 ~~officer~~ does not serve as a representative or counsel for any party.

124 **C. Privileged and Confidential Conciliations ~~Proceedings~~**

125 ~~Statements and information divulged in the course of the conciliatory proceedings shall be privileged and~~
126 ~~confidential. They may be shared by the conciliation officer only in the course of consultation with the~~
127 ~~University Ombud and the Conciliation Board. They shall not be used for impeachment purposes nor shall~~
128 ~~they be discoverable or subject to subpoena or disclosed to anyone else, including the Hearing~~
129 ~~Committee conducting a subsequent adjudicative hearing, or the other parties involved, or in any other~~
130 ~~adjudicative or judicial proceeding, without the written permission of the individual who divulged the~~
131 ~~original information. All materials shall be returned to the appropriate parties at the conclusion of the~~
132 ~~conciliatory proceedings.~~

133 The content of conciliations is privileged and confidential as set forth in this section, subject to other
134 applicable University policy and law. The content of conciliation includes statements and information
135 divulged in the course of conciliations and any communications occurring during or for the purpose of the
136 conciliation. During the conciliation, such content can only be shared outside of the conciliation by the
137 conciliator for the purpose of consultation with the Office of the Ombud and the Conciliation Board under
138 Section 27-42, Subsection F. In University proceedings and processes, including Faculty Grievances
139 under Section 27-51 through 27-101 and proceedings under Chapter 28, such content cannot be
140 disclosed nor can the conciliator, Office of the Ombud staff, or individuals involved in the conciliation be
141 compelled to disclose them. Statements and information may only be disclosed with the written
142 permission of the individual who divulged the original information or with the written permission of the
143 individuals involved in the conciliation if that disclosure relates to communications occurring during or for
144 the purpose of the conciliation.

145 **D. Concluding Conciliation ~~Conciliatory Proceedings~~**

146 Either party may decide to end conciliation ~~conciliatory proceedings~~ at any time. Ordinarily, the
147 conciliation effort shall conclude within 60 days of the request for conciliation. The University Ombud shall
148 keep the parties informed of these time limits. Upon completion or breaking off of the conciliation
149 ~~proceedings~~, the conciliator ~~conciliation officer~~ shall take one of two possible actions:

- 150 1. If a voluntary disposition was achieved, its results and terms shall, in writing, be given by the
151 conciliator ~~officer~~ to the parties to the conciliation and filed with the University Ombud.
152 2. If a voluntary disposition was not achieved, the conciliator ~~officer~~ shall, in writing, notify the
153 parties and the University Ombud that the ~~conciliatory proceedings have~~ conciliation has
154 ended and that other processes adjudicative proceedings may be available, such as Faculty
155 Grievances under this Chapter. as described in Chapter 28. The faculty member may seek
156 advice from the Secretary of the Faculty or the University Ombud about those processes.
157 ~~these procedures.~~

158 **E. University Ombud Report to the Secretary of the Faculty**

159 At the termination of a conciliation ~~proceeding~~, the University Ombud shall promptly report to the
160 Secretary of the Faculty the date of termination of the conciliation ~~proceeding~~, the general nature of the
161 dispute and whether a mutually agreeable resolution was or was not achieved.

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162 NOTE: The following is all new legislation.

163 **Section 27-51 Introduction and Overview of Faculty Grievances**

164 The grievance process described in Sections 27-52 through 27-101 is intended to provide a transparent
165 and efficient internal structure for faculty to question administrative decisions when other recourse is not
166 provided for by a University rule, regulation, or policy. The process is designed to promote resolution of
167 grievances at the earliest opportunity and at the appropriate levels of administrative decision making. A
168 faculty member may file a petition for a grievance to dispute administrative decisions, actions, or inactions
169 that affect the terms, conditions, and course of the faculty member's faculty employment as described in
170 Section 27-54, Subsection B and within the time limits as described in Section 27-53.

171 The grievance process is a multi-step review process, requested by the faculty member. As described in
172 Section 27-32, prior to filing a petition for a grievance, the faculty member may attempt to informally
173 resolve the dispute but is not required to do so. Otherwise, prior to and throughout the grievance process,
174 faculty and administrators are encouraged to utilize the alternative dispute resolution resources offered by
175 the University as described in Section 27-41, such as mediation or conciliation through the Office of the
176 Ombud. When they do so, the time limits for filing a petition or for conducting the grievance are paused as
177 described in Section 27-63, Subsection A. Required time limits begin again only when alternative dispute
178 resolution is exhausted and has not reached resolution as determined by the University Ombud.

179 Once a grievance has been initiated, certain grievances are addressed through a two-step unit-level
180 process as described in Section 27-71 with a later option to request an institutional-level review if the
181 grievance is not resolved. Some grievances, such as denial of tenure and/or promotion, however,
182 advance directly to Institutional Review as described in Section 27-54, Subsection A.

183 The Unit-level Review as described in Section 27-71 provides faculty members the opportunity to meet
184 with administrators to present their grievance and to receive a written response. It is designed to facilitate
185 problem-solving and early resolution and, if unresolved, to document the grievance and the administrative
186 responses. If the grievance is not resolved in the Unit-level Review, a grievant may request to advance to
187 Institutional Review under Section 27-81, Subsection A.

188 The Institutional Review is completed by a Faculty Grievance Panel comprised of three faculty members
189 selected from the Faculty Rights and Responsibilities Pool [see Section 27-110 Subsection A]. The panel
190 has the discretion to conduct a review solely based on the written grievance file or to hold an Institutional
191 Review meeting as described in Section 27-82, Subsection G. Either the grievant or the administrator
192 acting as the respondent may request a Presidential Review of the panel's decision by the President, the
193 panel may recommend Presidential Review, or the President may decide to initiate a Presidential Review.

194 Under [Chapter 34.05 RCW](#), the Administrative Procedure Act, relating to exhaustion of administrative
195 remedies, faculty may be required to avail themselves of the faculty grievance process prior to seeking
196 review beyond the University.

197 **Section 27-52 Definitions**

198 **A. Case Coordinator**

199 For each grievance, the Senior Coordinator and Coordinators(s) of the Faculty Rights and
200 Responsibilities Pool [see Section 27-110, Subsection B] decide which of them will be assigned as the
201 Case Coordinator as described in Section 27-61, Subsection A. The Case Coordinator takes the actions
202 as described in this Chapter, such as:

- 203 • Deciding whether a grievance will be initiated upon receipt of a petition and, if so, whether it will
204 proceed through a Unit-level Review or be advanced immediately to Institutional Review;
- 205 • Upon receipt of a request to advance to Institutional Review following a Unit-level Review under
206 Section 27-71, deciding whether the grievance will advance to Institutional Review;

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- 207 • Selecting the members of the Faculty Grievance Panel to conduct an Institutional Review;
208 • Coordinating the development of the grievance file for an Institutional Review;
209 • Facilitating the Institutional Review by the Faculty Grievance Panel and if the panel decides to
210 hold an Institutional Review meeting, facilitating that meeting; and
211 • Delivering the panel’s decision from an Institutional Review.

212 If the Senior Coordinator and Coordinators(s) cannot serve in this role in a grievance, the Senior
213 Coordinator may appoint a Case Coordinator from the Faculty Rights and Responsibilities Pool or the
214 Senior Coordinator may request that a hearing officer be appointed [see Chapter 28, Subsection 28-##].

215 **B. Day**

216 Day is any calendar day, including Saturdays, Sundays, and University holidays. The time limits specified
217 in this Chapter do not include the day of the act or event from which the time limit begins to run. The last
218 day of the time limit is included, except if the last day falls on a Saturday, Sunday, or University holiday,
219 then the time limit ends on the next business day.

220 **C. Faculty Grievance Panel**

221 A Faculty Grievance Panel completes the Institutional Review of grievance as described in [Section 27-82](#).
222 For each Faculty Grievance Panel, the assigned Case Coordinator selects three faculty members from
223 the Faculty Rights and Responsibilities Pool [see Section 27-110, Subsection [A](#)]. In selecting members of
224 a particular grievance panel, the Case Coordinator must attempt to achieve the highest degree of
225 diversity and make every possible effort to select panel members with differing backgrounds that the
226 Case Coordinator deems relevant to the issues at hand and the persons involved.

227 A member of the Faculty Rights and Responsibilities Pool must not be selected as a panelist if the
228 member:

- 229 • holds an appointment in the same department of a departmentalized school or college or is a
230 member of the same non-departmentalized school or college as the grievant or the
231 administrators involved;
232 • has some involvement in the substance of the grievance; or
233 • has a personal or professional relationship with a grievant or administrators involved that could
234 reasonably be expected to interfere with the panel member’s ability to reach an unbiased
235 decision, including as described in Chapter 24, [Section 24-50](#).

236 If after selection, any panel members discover that any of the above reasons would preclude them from
237 acting as a panel member, they must promptly notify the Case Coordinator and the Case Coordinator
238 must replace the panel member.

239 **D. Grievant**

240 Any person who, at the time of the decision(s), action(s) or inaction(s) being contested, meets the
241 definition of faculty member as set forth in Chapter 21, [Section 21-31](#) may petition for a grievance under
242 this Chapter. Once a grievance is initiated, the faculty member is referred to as the “grievant.”

243 **E. Respondent**

244 The respondent is the administrator selected by administration to respond to the grievance in Steps 1 and
245 Step 2 of a Unit-level Review under [Section 27-71](#) or in an Institutional Review under Section 27-82,
246 Subsection [A](#). Each respondent must have the authority to address and resolve the substance of the
247 grievance, including providing an appropriate solution. In a grievance that proceeds through a Unit-level
248 Review under [Section 27-71](#), the Step 1 respondent is typically the person acting on behalf of the
249 University in an administrative capacity who made the decision at issue in the grievance. and the
250 respondent for Step 2 is typically the next-level administrator over the Step 1 respondent.

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251 If the grievance deals with action(s), decision(s), or inactions(s) of a dean, the Provost or Chancellor may
252 act as the respondent for Step 2 or may delegate their authority to another administrator in an equivalent
253 or higher administrative appointment as the dean.

254 **Section 27-53 Time Limits for Filing a Petition for a Grievance**

255 **A. Time Limit for Filing a Petition**

256 Except if the time limit is extended under Subsection B or C below, a faculty member must file a petition
257 for a grievance with the Secretary of the Faculty as set forth in [Section 27-54](#) within 90 days of the date
258 the faculty member discovered or reasonably should have discovered the action(s), decision(s), or
259 inaction(s) or the underlying facts regarding the action(s), decision(s), or inaction(s) that give rise to the
260 grievance.

261 **B. Time Limits for Filing a Petition Extended During Alternative Dispute Resolution**

262 Prior to filing a petition for a grievance, faculty are encouraged to consider utilizing the University's
263 alternative dispute resolution resources as described in [Section 27-41](#). If a faculty member and
264 administrator have agreed to engage in alternative dispute resolution as described in [Section 27-41](#) prior
265 to the faculty member filing a petition for a grievance, the time limits for filing a grievance under
266 Subsection A above, are paused until alternative dispute resolution is exhausted. Once an individual
267 withdraws from alternative dispute resolution or the Office of the Ombud determines that alternative
268 dispute resolution is no longer effective, the Office of the Ombud will notify the individuals and the time
269 limit for filing a petition for a grievance resumes as of the date of the notice from the Ombud.

270 **C. Request for an Extension of Time Limits for Filing a Petition**

271 Prior to the expiration of the time limit under Subsection [A](#) above, a faculty member may make a request
272 to the Secretary of the Faculty to extend the time limit for filing a grievance. The Secretary of the Faculty
273 has the discretion to extend the time limit on a reasonable basis that includes but is not limited to that an
274 issue beyond the faculty member's control will prevent a timely filing or that circumstances would prevent
275 the faculty member from meaningfully participating in the grievance if it were filed in within the prescribed
276 time limit. Examples include, but are not limited to, that the faculty member is or will be on a medical leave
277 of absence or family leave during the relevant time period or that the faculty member holds a nine-month
278 appointment.

279 Within seven days of the request, the Secretary of the Faculty must respond to the request in writing,
280 providing reasoning for the decision. If the Secretary of the Faculty requires more time to review the
281 request, the Secretary of the Faculty must provide notice to the faculty member.

282 **Section 27-54 Petitions for a Grievance**

283 **A. Matters Subject to Grievance**

284 A faculty member may file a petition for a grievance as described in Subsection B below, to dispute
285 action(s), decision(s), or inaction(s) by any persons acting on behalf of the University in an administrative
286 capacity which affected the terms, conditions, or course of the faculty member's faculty employment.
287 Some examples are: the allocation of space, support staff, or other resources or materials; and teaching,
288 committee or other assignments within the department, school or other unit.

289 Grievances relating to the following advance directly to Institutional Review with the scope of review as
290 defined in the relevant section:

- 291 • Denial of tenure under [Chapter 25](#) and/or promotion under [Section 24-54](#), which is reviewed
292 under Section 27-83, Subsection A.1;
- 293 • A final decision regarding merit or salary increase under [Section 24-55](#), which is reviewed under
294 Section 27-83, Subsection A.1, only after the process in Section 24-55, Subsection H has been

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295 completed if it is mandatory or if the faculty member has exercised the option to engage in that
296 process;

- 297 • Non-renewal of an appointment under [Section 24-53](#), which is reviewed under Section 27-83,
298 Subsection A.1;
- 299 • Removal due to program elimination under [Chapter 26](#) and [Section 25-52](#), which is reviewed
300 under Section 27-83, Subsection A.2; and
- 301 • Other grievances where the President, Provost or Chancellor is the appropriate respondent
302 because the President, Provost, or Chancellor was actively involved in the final action(s),
303 decision(s), or inaction(s), which are reviewed under Section 27-83, Subsection A.1.

304 Petitions for a grievance relating to denial of tenure and/or promotion, merit or salary increase, removal
305 due to program elimination, and non-renewal may only be filed once the entire decision-making process
306 under the relevant Chapters of the Faculty Code is complete and the time limit begins when the faculty
307 member is informed of the final decision.

308 Certain types of disputes may be diverted from the grievance process as described in Section 27-61,
309 Subsection B when they are governed by other University rules or regulations which provide recourse for
310 the faculty member.

311 Decisions made within the grievance process under this Chapter are not grievable through a separate or
312 independent petition. These include decisions by the respondent(s), the Secretary of the Faculty, the
313 Case Coordinator, the Faculty Grievance Panel, and the President or designee.

314 **B. Filing a Petition for a Grievance**

315 A petition for a grievance must be filed in writing with the Secretary of the Faculty within the time limit
316 described in Section 27-53, Subsection A, unless extended under Section 27-53, Subsection B or C.
317 Faculty are encouraged to file separate petitions for unrelated grievances, even if they involve the same
318 administrator. Multiple faculty members who have related or substantially similar grievances or whose
319 grievances have arisen out of the same or similar factual circumstances may file one joint petition for a
320 grievance.

321 The petition should include:

- 322 1. A description of the action(s), decision(s), or inaction(s) and how it affected the terms, conditions,
323 or course of the faculty member's faculty employment;
- 324 2. If the grievance may be advanced directly to Institutional Review under Subsection A above, a
325 description of the procedural violation and/or the injustice under [Section 27-83](#) or, if the grievance
326 is of a removal due to program elimination, how that decision meets the standard under Section
327 27-83, Subsection 2;
- 328 3. The date the faculty member discovered the action(s), decision(s), or inaction(s) at issue;
- 329 4. The name and title of the person acting on behalf of the University in an administrative capacity
330 who engaged in the action(s), decision(s), or inaction(s) at issue in the grievance;
- 331 5. The solution the faculty member is seeking, including any economic relief (See Section 28-83,
332 Subsection B); and
- 333 6. A description of any attempts the faculty member has made to resolve the grievance, such as
334 informally or through alternative dispute resolution as described in [Section 27-41](#); however, the
335 faculty member need not disclose the substance of those resolution attempts.

336 In the petition, the faculty member should request the outcome or solution the faculty member is seeking.
337 The faculty member may also request a remedy or other redress as a solution if the faculty member has
338 experienced a consequence to the terms, conditions, or course of the faculty member's faculty
339 employment as a result of the action(s), inaction(s), or decision(s) at issue in the grievance. For more
340 information regarding available solutions, see [Section 27-83](#).

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341 If the date of the petition is outside the time limit in Section 27-53, Subsection A, the petition must also
342 describe any extensions that were granted for the purpose of alternative dispute resolution under Section
343 27-53, Subsection B or by the Secretary of the Faculty under Section 27-53, Subsection C. Otherwise,
344 the faculty member may request that the petition be reviewed by an Untimely Filing Subcommittee as
345 described in Section 28-61, Subsection C.

346 The faculty member is also encouraged to include any documentation that supports the grievance and
347 may also include names of others who have information relating to the substance of the grievance. In the
348 petition, the faculty member may also identify and request disclosure of information or documents not
349 within the control of the faculty member that are relevant to the grievance.

350 Within seven days, the Secretary of the Faculty will forward the petition to the Senior Coordinator of the
351 Faculty Rights and Responsibilities Pool [see Section 27-110, Subsection B].

352 **Section 27-61 Initiating a Grievance**

353 **A. Assignment of Case Coordinator**

354 Upon receipt of a petition, the Senior Coordinator and Coordinator(s) of the Faculty Rights and
355 Responsibilities Pool will decide which of them will be assigned as the Case Coordinator for the
356 grievance. The assigned Case Coordinator will then inform the faculty member who filed the petition and
357 the Secretary of the Faculty of the assignment.

358 For any grievance, the assigned Case Coordinator must not:

- 359 • hold an appointment in the same department of a departmentalized school or college or be a
360 member of the same non-departmentalized school or college as the faculty member who filed the
361 petition, or the administrator identified in the petition;
- 362 • be involved in the substance of the grievance; or
- 363 • have a personal or professional relationship with the faculty member who filed the petition or the
364 administrator named in the petition which would reasonably appear to interfere with the Case
365 Coordinator's ability to reach an unbiased decision, including as described in Chapter 24, [Section](#)
366 [24-50](#).

367 In an individual grievance, the Case Coordinator is not subject to removal based on a challenge for
368 disqualification by the grievant or any respondent. The Case Coordinator has the discretion to request to
369 be replaced and, if so, the Senior Coordinator or other Coordinator(s) of the Faculty Rights and
370 Responsibilities Pool must select a new Case Coordinator and notify the grievant and the relevant
371 respondent, depending at which step the substitution occurs, and the Secretary of the Faculty.

372 **B. Determinations by the Case Coordinator**

373 Within 15 days of receipt of the petition, the Case Coordinator must complete a review of the petition to
374 determine whether it will be accepted as described below. If accepted, the Case Coordinator decides
375 whether a Unit-level Review will be initiated under [Section 27-71](#) or if the grievance will be advanced to
376 Institutional Review as described in Section 27-54, Subsection A. If the Case Coordinator requires
377 additional time to review the petition, such as to consult with another University office under Subsection 1
378 below, the Case Coordinator must notify the faculty member who filed the petition and the Secretary of
379 the Faculty.

380 **1. Matters Subject to Grievance**

381 The Case Coordinator must determine whether the petition states a matter subject to a grievance as
382 described in Section 27-54, Subsection A. Failure to include the information in Section 27-54, Subsection
383 B is not a reason for declining the grievance; instead, the Case Coordinator may request additional

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384 information or clarification from the faculty member, if needed, before conducting a review of the petition
385 under this section.

386 If a petition for a grievance describes action(s), decision(s), or inaction(s) that are governed by another
387 University rule or regulation that provides recourse for the faculty member, the Case Coordinator must
388 contact the appropriate University office with purview over the allegations as provided for by University
389 policy or the next-level administrator over the administrator named in the petition. If, after consultation
390 with the appropriate University office or next-level administrator, it is determined that other issues raised
391 in the grievance can be separated from the allegations that are governed by another University rule or
392 regulation the Case Coordinator may initiate the grievance with a defined scope. If, however, the issues
393 cannot be separated or further assessment of the allegations is necessary, the Case Coordinator must
394 refer the grievance to the University office or next-level administrator. If the grievance is referred, the
395 faculty member filing the petition must be informed. If some or all of the allegations are accepted into that
396 other University process, then those allegations in the petition for a grievance must be declined.

397 Otherwise, if the petition states a matter that is not subject to a grievance under Section 27-54,
398 Subsection A, the Case Coordinator must decline to initiate a grievance and notify the faculty member.
399 The Case Coordinator may refer the faculty member to a Faculty Liaison [See Section 27-110,
400 Subsection C] or provide the faculty member with any available referrals to another University office.

401 **2. Timeliness**

402 If the grievance is not referred or declined under Subsection 1 above, the Case Coordinator must also
403 review the petition for timeliness as described in Section 27-53. If the time limit was extended because
404 the faculty member engaged in alternative dispute resolution, the Case Coordinator must confirm the
405 extension dates with the Office of the Ombud.

406 When evaluating timeliness, the Case Coordinator has the discretion to consider a petition timely if the
407 Case Coordinator determines that there has been a minor clerical or counting error in determining the
408 applicable time limits; otherwise if a faculty member fails to file a grievance within the stated time limits,
409 the Case Coordinator must inform the faculty member that the petition for a grievance has not been
410 accepted and provide the faculty member with information on how to request a review by an untimely
411 filing special committee as described in Subsection C, below.

412 **C. Untimely Filing Special Committee**

413 If a faculty member does not file a petition for a grievance within the time limits prescribed in Section 27-
414 53, above, then the right to a grievance under this Chapter terminates. Notwithstanding the foregoing, a
415 faculty member may make a request to the Case Coordinator to convene an untimely filing special
416 committee to review whether the petition should be accepted. In the request, the faculty member must
417 describe how it would be grossly unjust to refuse to accept the petition on the basis of untimeliness.

418 Upon receiving a request, the Case Coordinator must appoint a special committee of three members of
419 the Faculty Rights and Responsibilities Pool. The special committee decides whether the petition is
420 accepted despite the untimely filing on the grounds that it would be grossly unjust to refuse to accept the
421 petition. In making its decision, the special committee must consider the following factors:

- 422 1. The seriousness of the action(s), decision(s), or inaction(s) from which the grievance arises
423 and the seriousness of the alleged impact on the faculty member;
- 424 2. The reasons for the untimely filing and the extent to which they were or were not within the
425 control of the faculty member filing the petition; and
- 426 3. The degree of probable prejudice to other parties to the grievance if the petition is accepted.

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427 The special committee shall make its decision within ten days of notice of its appointment and provide its
428 decision in writing to the Case Coordinator, who must then take action in accordance with the special
429 committee’s decision.

430 **D. Notice of Grievance**

431 If all or some of the petition for a grievance is accepted, the Case Coordinator must notify the grievant,
432 the dean of the grievant’s school or college (or an individual designated by the dean), and the Secretary
433 of the Faculty that the petition for a grievance has been accepted and at what step the grievance will be
434 initiated.

435 If the grievance is initiated at Step 1 – Immediate Review, the grievance must then proceed under Section
436 27-71. If the Case Coordinator advances the grievance to Institutional Review, the Case Coordinator
437 must proceed with the grievance under Section 27-82.

438 **Section 27-62 Non-retaliation**

439 Faculty members, including those acting in their administrative capacity, are prohibited from retaliating
440 against a faculty member who has filed a petition for a grievance, or against any individual who
441 cooperates with or participates in a grievance under this Chapter.

442 Except as otherwise defined by another University policy, retaliation means to take an adverse action
443 against individuals (not including formal decisions made or actions taken as part of a grievance process)
444 because they have filed a petition for a grievance or cooperated with or participated in the grievance
445 process under this Chapter. For purposes of retaliation under this section, to take an action means there
446 must be a causal connection between the protected activity and the action taken, meaning that the
447 respondent had knowledge of the protected activity and that the protected activity was a motivating factor
448 for the action (although it need not be the only factor). An adverse action is any action that could dissuade
449 a reasonable person from engaging in the activity again in the future, which is evaluated from the
450 perspective of a reasonable person in the position of the individual raising the allegation. An adverse
451 action is more than an inconvenience or minor alteration of job responsibilities and must be considered in
452 the context of the individual case.

453 This provision only applies once a faculty member has filed a petition or participated in the grievance
454 process and not if the faculty member discloses that they are considering filing a petition. Those who
455 engage in alternative dispute resolution prior to the grievance process are protected from retaliation under
456 [Executive Order No. 18](#), “The University Ombud.”

457 **Section 27-63 Grievance Process, Generally**

458 **A. Grievance Time Limits Extended During Alternative Dispute Resolution**

459 After a grievance has been initiated, the grievant and relevant respondent or other administrator may
460 agree to engage in alternative dispute resolution utilizing University alternative dispute resolution
461 resources as described in Section 27-41 at any point in the process. When alternative dispute resolution
462 is attempted after a grievance has been initiated, the Office of the Ombud must provide written notice to
463 the Secretary of the Faculty that alternative dispute resolution has begun in order to pause the relevant
464 time limit and that relevant time limit is paused while alternative dispute resolution is ongoing.

465 If the grievance is resolved, the Office of the Ombud must notify the Secretary of the Faculty and the
466 faculty member must withdraw the grievance in writing. If the grievance is not resolved, the Office of the
467 Ombud must notify the Secretary of the Faculty and the extension period for the grievance process ends
468 as of the date of the notice. The Secretary of the Faculty must then notify the parties and the Case
469 Coordinator of the date of the re-initiated time limit depending on the step where the grievance was
470 paused, and the time limit re-initiates based on the date of the notice from the Secretary of the Faculty.

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471 **B. Extension of Time Limits**

472 The grievant and the respondents in a Unit-level Review under Section 27-71 may agree in writing to
473 extend the time limits in Step 1 or Step 2, with notice to the Secretary of the Faculty. If the extension
474 exceeds 30 days, the extension must be approved by the Secretary of the Faculty. If agreement for an
475 extension is not reached, the grievant or the respondent may make a request for an extension to the
476 Secretary of the Faculty, stating why the extension is necessary and reasonable. The Secretary of the
477 Faculty has the sole discretion to decide whether to extend time limits.

478 Once an Institutional Review has been initiated under Section 27-81, requests for extensions of time
479 limits by the parties must be directed to and decided by the Case Coordinator, with notice to the
480 Secretary of the Faculty if a time limit is extended.

481 **C. Withdrawal of a Grievance**

482 The grievant may withdraw a grievance at any step of the process by notifying the Secretary of the
483 Faculty in writing. Once the grievance is withdrawn, the grievant may re-file the grievance if it is re-filed
484 within the time limits for filing a petition described in Section 27-53.

485 **D. Communications Relating to a Grievance**

486 The Faculty or the Case Coordinator must serve all University notices relating to a grievance by electronic
487 mail (email) to the individual's University-issued email address or by other electronic means as
488 determined by the Secretary of the Faculty or the Case Coordinator. Service is complete at the time the
489 email is sent.

490 Faculty members/grievants and relevant administrators must submit petitions, requests, responses, and
491 other documents to the Secretary of the Faculty or the Case Coordinator via email or other electronic
492 means as determined by the Secretary of the Faculty or the Case Coordinator. The date of submission is
493 the date the communication is received by the Secretary of the Faculty or the Case Coordinator.

494 **E. Privileged Information or Documents**

495 Administrators cannot disclose and the Faculty Review Panel in an Institutional Review cannot seek
496 disclosure of information or records protected under a legally recognized privilege or that is protected
497 from disclosure by law.

498 As provided for by law and University policy, any communications or records relating to alternative dispute
499 resolution must be treated as privileged in a grievance as set forth in Section 27-43, Subsection C and/or
500 [Executive Order No. 18](#), "The University Ombud."

501 Individuals who are employed in positions that hold a privilege (an individual or authorized University
502 representative) under this section also cannot be compelled to disclose such information in an Institutional
503 Review meeting, except as permitted by law and when done in accordance with any relevant University
504 policy.

505 **F. Confidential Information or Documents**

506 Information or documents that confidential under University rules and regulations cannot be disclosed,
507 except as provided for by the University rule or regulation. This includes information described as
508 confidential in Chapter 24, [Section 24-54](#), Subsection B.

509 Individuals who are employed in positions who have access to confidential information or documents
510 under the University rule and regulations also cannot be compelled to disclose such information in an
511 Institutional Review meeting, except as required by the Faculty Grievance Panel in an Institutional Review
512 or as directed by the President under Section 27-82, Subsection E.4.

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513 **Section 27-71 Unit-level Review**

514 When a grievance has been initiated at the unit level by the Case Coordinator, the following process
515 applies. If multiple grievances have been filed or one petition has been filed by multiple grievants that are
516 related or substantially similar or the petitions arise out of the same or similar factual circumstances, the
517 Step 1 respondent or Step 2 respondent has the discretion to offer to hold a joint meeting with those
518 grievants or to meet with each separately. If any grievant(s) declines a joint meeting, the respondent must
519 meet with that grievant separately.

520 **A. Step 1 – Immediate Review**

521 An immediate review is intended to facilitate problem-solving at the administrative level closest to the
522 level of administrative decision making and, if unresolved, to document the grievance and the
523 administrative response.

524 **1. Scheduling the Step 1 Meeting**

525 Once the respondent for Step 1 has been identified as described in Section 27-52, Subsection E, the
526 respondent must notify the grievant and the Secretary of the Faculty.

527 The Step 1 respondent must meet with the grievant within 15 days of the date of notice of the petition
528 from the Case Coordinator. The grievant and Step 1 respondent may extend this time limit by mutual
529 written agreement or with approval of the Secretary of the Faculty in accordance with Section 27-63,
530 Subsection B. Once the Step 1 meeting has been scheduled with the grievant, the respondent must notify
531 the Secretary of the Faculty.

532 To prepare for the meeting, the Step 1 respondent may conduct inquiries, including seeking necessary
533 documents and meeting with others who may have information about the substance of the grievance,
534 including those identified by the grievant.

535 **2. Participation in the Step 1 Meeting**

536 The grievant may be accompanied in the Step 1 meeting by a Faculty Liaison or by one person to support
537 efforts toward problem solving, but that person cannot be an attorney acting as legal counsel. The
538 respondent may be accompanied by an administrator with the expertise and authority to support efforts
539 toward problem solving, but who may not be an attorney acting as legal counsel.

540 Prior to the meeting, the grievant and respondent must notify each other who will be attending the
541 meeting and also notify the Secretary of the Faculty. Once receiving this notice, if either requires
542 additional time to prepare for the meeting, they may agree to extend the time limit or make a request to
543 extend the time limit to the Secretary of the Faculty under Section 27-63, Subsection B.

544 **3. Step 1 Meeting**

545 The purpose of the meeting is to provide the grievant with the opportunity to describe the circumstances
546 leading to the grievance and to describe the solution the grievant is seeking. The respondent is
547 encouraged to offer alternative solutions, but the respondent need not make a decision regarding the
548 grievance in the meeting. The respondent is also encouraged to share any relevant information and
549 documentation with the grievant, particularly documents identified by the grievant in the petition and any
550 information obtained during the respondent's review of the grievance. If the respondent has the discretion
551 to do so, the respondent may share information or documents that are considered confidential under
552 Section 27-63, Subsection E but is not required to do so.

553 No part of the meeting may be recorded by audio or video by any participant in the meeting.

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554 **4. Step 1 Review Response**

555 Within seven days of the conclusion of the meeting, the Step 1 respondent must deliver a written
556 response and any supporting documentation to the grievant and the Secretary of the Faculty. The
557 response must also include any documentation shared in the meeting. If a mutually agreeable solution
558 was reached in the meeting, the Step 1 respondent must document that solution in the response. If not,
559 the response must include a description of the Step 1 respondent’s reasoning for the response and a
560 description of any alternative solutions that were discussed or considered.

561 Unless there is a written agreement to extend the time limit for the response, failure by the Step 1
562 respondent to hold a Step 1 meeting or issue a written response within the specified time limit permits the
563 grievant to submit a request to advance to Step 2 under Section 27-71, Subsection B.1. The Secretary of
564 the Faculty will notify the grievant and Step 1 respondent that the time limit has expired and the time limit
565 for the grievant to request to advance to the next step of the grievance process starts the date the notice
566 was sent.

567 **5. Concluding the Grievance**

568 If the Step 1 response resolves the grievance, the grievant must notify the Secretary of the Faculty. If the
569 grievant does not submit a request for Step 2 under Section 27-71, Subsection B.1, the Secretary of the
570 Faculty must notify the Step 1 respondent that the grievance has been concluded. The Step 1 respondent
571 must ensure the solution, if any, in the Step 1 respondent’s response is promptly implemented and notify
572 the Secretary of the Faculty when the solution has been implemented. If the solution is not implemented,
573 the Secretary of the Faculty may make a request for implementation to the President under Section 27-
574 85.

575 **B. Step 2 – Academic Unit Review**

576 If the grievance is unresolved in Step 1, the Step 2 - Academic Unit Review provides a method for the
577 grievant to access the next level of administrative decision making and engage an administrator with the
578 authority to make an independent decision. If the grievance is unresolved after completing this step, the
579 grievant may request to advance the grievance to an Institutional Review as described in Section 27-81,
580 Subsection A.

581 **1. Requesting Step 2**

582 If the grievant is not satisfied with the Step 1 response or offered solution, if any, the grievant may submit
583 a request for Step 2. The request must be delivered in writing to the Secretary of the Faculty within seven
584 days after the Step 1 response is delivered or after the notice of expiration of the time limit for the Step 1
585 meeting or response is delivered by the Secretary of the Faculty.

586 The request should include:

- 587 1. The relevant information from the petition under Section 27-54, Subsection B; and
- 588 2. A description of why the Step 1 response or solution offered, if any, did not resolve the grievance.

589 The grievant must provide any other relevant information or documentation that the grievant wishes to be
590 considered in support of the grievance that was not included with the initial petition, unless it is
591 confidential under Section 27-63, Subsection F and, if so, it may be disclosed under Section 27-82,
592 Subsection E if the grievance were to advance to Institutional Review.

593 Within seven days of the request, the Secretary of the Faculty must forward the request to the Step 1
594 respondent, along with the grievance file from the Step 1 review.

595 Unless there is a written agreement or an approval to extend the time limits for requesting Step 2, failure
596 by the grievant to request Step 2 within the specified time limit constitutes an acceptance of the Step 1
597 response, and the grievance will be concluded under Section 27-71, Subsection A.5.

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598 **2. Scheduling the Step 2 Meeting**

599 Once the respondent for Step 2 has been identified as described in Section 27-52, Subsection E, the
600 Step 2 respondent must notify the grievant and the Secretary of the Faculty.

601 The Step 2 respondent must meet with the grievant within 15 days of the date of the notice of the request
602 for Step 2 from the Secretary of the Faculty. The grievant and Step 2 respondent may extend this time
603 limit by mutual written agreement or with approval of the Secretary of the Faculty in accordance with
604 Section 27-63, Subsection B. Once the meeting has been scheduled, the Step 2 respondent must notify
605 the Secretary of the Faculty.

606 To prepare for the meeting, the Step 2 respondent may conduct inquiries, including seeking relevant
607 documents and meeting with others who may have information, including the respondent who conducted
608 Step 1 and those identified by the grievant.

609 **3. Participation in the Step 2 Meeting**

610 The grievant may be accompanied in the Step 2 meeting by a Faculty Liaison or by one person to support
611 efforts toward problem solving, but the person cannot be an attorney acting as legal counsel. The Step 2
612 respondent may be accompanied by an administrator with the expertise and authority to support efforts
613 toward problem solving, but who may not be the Step 1 respondent or an attorney acting as legal
614 counsel.

615 Prior to the meeting, the grievant and Step 2 respondent must notify each other who will be attending the
616 meeting and also notify the Secretary of the Faculty. Upon receiving this notice, if either requires
617 additional time to prepare for the meeting, they may agree to extend the time limit or make a request to
618 extend the time limit to the Secretary of the Faculty under Section 27-63, Subsection B.

619 **4. Step 2 Meeting**

620 The grievance file for the Step 2 meeting consists of the initial petition and any supporting documentation,
621 the Step 1 response and any supporting documentation, the grievant's request for Step 2, and any
622 additional documentation provided by the grievant that was not provided with the initial petition.

623 Similar to the Step 1 meeting, the purpose of the Step 2 meeting is to provide the grievant with the
624 opportunity to describe the circumstances leading to the grievance and to describe the solution the
625 grievant is seeking. The respondent is encouraged to offer alternative solutions, but the respondent need
626 not make a decision regarding the grievance in the meeting. The Step 2 respondent is also encouraged to
627 share any relevant information and documentation with the grievant that has not already been shared,
628 particularly documents identified by the grievant in the petition or request and any information obtained
629 during the respondent's review of the grievance. If the Step 2 respondent has the discretion to do so, the
630 respondent may share information or documents that are considered confidential under Section 27-63,
631 Subsection F but is not required to do so.

632 No part of the meeting may be recorded by audio or video by any participant in the meeting.

633 **5. Step 2 Response**

634 Within seven days of the conclusion of the meeting, the Step 2 respondent must deliver a written
635 response and any additional supporting documentation to the grievant and the Secretary of the Faculty.
636 The response must also include any documentation shared in the meeting. If a mutually agreeable
637 solution was reached in the meeting, the Step 2 respondent must document that solution in the response.
638 If not, the response must include a description of the Step 2 respondent's reasoning for the response and
639 a description of any alternative solutions that were discussed or considered.

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640 Unless there is a written agreement to extend the time limit for the response, failure by the Step 2
641 respondent to hold a meeting or issue a written response within the specified time limit permits the
642 grievant to submit a request to advance to Institutional Review under Section 27-81, Subsection A. The
643 Secretary of the Faculty will notify the grievant and the Step 2 respondent that the time limit has expired
644 and the time limit for the grievant to request to advance to Institutional Review starts the day of the notice.

645 **6. Concluding the Grievance**

646 If the Step 2 response resolves the grievance, the grievant must notify the Secretary of the Faculty. If the
647 grievant does not submit a request for Institutional Review under Section 27-81, Subsection A or if the
648 request for Institutional Review is not accepted by the Case Coordinator under Section 27-81, Subsection
649 B, the Secretary of the Faculty must notify the Step 2 respondent that the grievance is concluded. The
650 Step 2 respondent must ensure the solution, if any, in the Step 2 response is promptly implemented and
651 must notify the Secretary of the Faculty when the solution has been implemented. If the solution is not
652 implemented, the Secretary of the Faculty may make a request for implementation to the President under
653 Section 27-85.

654 **Section 27-81 Initiating Institutional Review Following a Unit-Level Process**

655 **A. Requesting Institutional Review**

656 In a grievance where a Unit-level Review has been completed under Section 27-71, if the grievant is not
657 satisfied with the Step 2 response or offered solution, if any, the grievant may submit a request for an
658 Institutional Review. The request must be delivered in writing to the Secretary of the Faculty within seven
659 days after the Step 2 response is delivered or after the notice of expiration of the time limit is delivered by
660 the Secretary of the Faculty under Section 27-71, Subsection B.6.

661 The grievant's request should include:

- 662 1. The relevant information from the petition as described in Section 27-54, Subsection B; and
663 2. A description of why the Step 2 response or solution offered, if any, did not resolve the grievance.

664 If not already stated in the initial petition, the request must also describe at least one of the following:

- 665 1. how any persons acting on behalf of the University in an administrative capacity, through action
666 or inaction, violated University regulations, rules, or policies relating to the terms, conditions, or
667 course of the grievant's faculty employment;
668 2. how the decision(s), action(s), or inaction(s) of any persons acting on behalf of the University in
669 an administrative capacity resulted in an injustice that affected the terms, conditions, or course of
670 the grievant's faculty employment. For purposes of this section, "injustice" includes, but is not
671 limited to:
672 a. Any action taken that was based at least in part on any reason that was unfair in light of
673 the decision being made; and
674 b. Any action that was not supported by an articulated reason that can be shown to be fair
675 and relevant to the circumstances.

676 Within seven days of the request, the Secretary of the Faculty must forward the request to the Case
677 Coordinator and the Step 2 respondent, along with the grievance file from Step 2.

678 Unless there is a written agreement or an approval to extend the time limits for requesting Institutional
679 Review, failure by the grievant to request to advance to Institutional Review within the specified time limit
680 constitutes an acceptance of the unit-level response, and the grievance will be concluded under Section
681 27-71, Subsection B.6.

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682 **B. Review of Request for Institutional Review**

683 When a grievant requests Institutional Review following a Unit-level Review under Section 27-71, the
684 Case Coordinator must review the request to determine whether the request states a matter that is
685 subject to Institutional Review as described in Subsection A above and is timely filed. The Case
686 Coordinator's review is only to determine if the request satisfies the standard for Institutional Review and
687 is not a substantive review of the grievance file from the Unit-level Review; however, if the request
688 describes action(s), decision(s), or inaction(s) that are governed by another University rule, regulation, or
689 policy that provides recourse for the faculty member, the Case Coordinator must conduct an assessment
690 as described in Section 227-61, Subsection B.

691 Failure to include the information in Subsection A above is not a reason for declining the request; instead,
692 the Case Coordinator may request additional information or clarification from the grievant, if needed,
693 before conducting a review of the request under this section.

694 The Case Coordinator must complete the review within 15 days after the request is delivered by the
695 Secretary of the Faculty. If the Case Coordinator requires additional time to review the request, the Case
696 Coordinator must notify the grievant, the Step 2 respondent, and the Secretary of the Faculty.

697 If the grievance is accepted for Institutional Review, the Case Coordinator must notify the grievant, the
698 Step 2 respondent, and the Secretary of the Faculty and proceed under Section 27-82. If the grievance is
699 not accepted, the Case Coordinator must deliver a written explanation of the decision to the grievant, the
700 Step 2 respondent, and the Secretary of the Faculty. The Step 2 respondent must then conclude the
701 grievance as described in Section 27-71, Subsection B.6.

702 **Section 27-82 Process for Institutional Review**

703 **A. Initiating Institutional Review**

704 In a grievance that has been advanced directly to Institutional Review under Section 27-61, Subsection C,
705 if the decision maker named in the petition will not be acting as the respondent as described in Section
706 27-52, Subsection E, the administrator who will be acting as the respondent must notify the Case
707 Coordinator, grievant, and the Secretary of the Faculty within seven days of the notice. The grievant and
708 the identified respondent are the parties to the Institutional Review and any Presidential Review.

709 In a grievance where a Unit-level Review has been completed under Section 27-71, the grievant and Step
710 2 respondent are the parties to the Institutional Review and any Presidential Review.

711 The parties receive all notices relating to the Institutional Review and any Presidential Review and may
712 participate in the Institutional Review and any Presidential Review as described in the relevant sections.

713 **B. Consolidated Review**

714 If multiple grievances are advanced to Institutional Review that are related or substantially similar or the
715 petitions arise out of the same or similar factual circumstances, the Case Coordinator may consolidate the
716 Institutional Review of the grievances, except that the Faculty Grievance Panel must issue separate
717 decisions for each grievance. If the panel decides that Institutional Review meeting(s) are necessary for
718 the review, the Case Coordinator will design the meeting(s) to ensure that the parties to each grievance
719 can fully participate but to avoid undue repetition or delay in each grievance.

720 **C. Appointing a Faculty Grievance Panel**

721 When an Institutional Review has been initiated, the Case Coordinator must select the members of the
722 Faculty Grievance Panel according to Section 27-52, Subsection C. Once the members of the Faculty
723 Grievance Panel are finalized, the Case Coordinator must notify the parties and the Secretary of the

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724 Faculty and must also notify the parties of their option to request a disqualification of any of the panel
725 members under Subsection D below.

726 Panel members must make themselves available to complete the review. If a panel member's absence
727 will delay the review or cause the panel to be unable to complete the review within the designated time
728 limits, the Case Coordinator may remove the panel member and select a substitute according to the
729 selection process in Section 27-52, Subsection C.

730 **D. Disqualification of Faculty Grievance Panel Members**

731 The parties may request disqualification of any panel member for the following reasons:

- 732 1. that the panel member has a personal or professional relationship with a grievant or the
733 respondent or original decision-makers that could reasonably be expected to interfere with
734 the panel member's ability to reach an unbiased decision, including as described in Chapter
735 24, [Section 24-50](#); or
- 736 2. that the panel member, outside of the grievance process, has received communications or
737 has obtained information which creates a significant risk of substantial unfairness.

738 The request for disqualification must be sent to the Case Coordinator within seven days after receipt of
739 notice of the composition of the panel or immediately upon learning of the reason for requesting
740 disqualification, if discovered after this time limit has expired. The Case Coordinator must provide a copy
741 of the request to the other party. Within seven days of the request, the Case Coordinator must decide
742 whether there is sufficient reason to disqualify the panel member and provide notice of the decision to
743 both parties. If the panel member is disqualified, the Case Coordinator must appoint another panel
744 member per Section 27-52, Subsection C and notify the parties and the Secretary of the Faculty of the
745 new member.

746 **E. Grievance File for Institutional Review**

747 To advance transparency in decision making and efficiency in the Institutional Review, the parties are
748 expected to disclose all information and documents relevant to the grievance to the Case Coordinator as
749 described in this section.

750 **1. Submission of Information and Documents**

751 If the grievance is accepted for Institutional Review following a Unit-level Review under [Section 27-71](#), the
752 grievance file from Step 2 and the grievant's request for Institutional Review will be included in the
753 grievance file for the Institutional Review. Within 10 days of the notice of Institutional Review, the parties
754 must provide any additional relevant information or documents to the Case Coordinator. If they wish to
755 have any confidential information or documents as described in Section 27-63, Subsection F kept
756 confidential from the other party, that confidential information and those documents should be submitted
757 separately with a request for a review under Subsection 2 below.

758 If the grievance is advanced directly to Institutional Review under Section 27-62, Subsection C, the
759 respondent who was identified under Subsection A above must submit to the grievant and the Case
760 Coordinator a written response to the petition within 10 days of the notice and is encouraged to offer any
761 solutions to address the grievance. Within 30 days of the notice, the parties must submit documents
762 relevant to the grievance to the Case Coordinator. If they have relevant confidential information or
763 documents as described in Section 27-63, Subsection F they wish to have kept confidential from the other
764 party, they may submit them separately to the Case Coordinator with a request for a review under
765 Subsection 2 below.

766 Neither party is expected to disclose privileged information or documents as described in Section 27-63,
767 Subsection E, unless the holder(s) of the privilege (an individual or authorized University representative)
768 waives the privilege in writing. Even if waived, the party submitting the privileged information or

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769 documents may submit them separately with a request for a review that they be treated as confidential
770 under Subsection 2 below, and not disclosed to the other party.

771 The Case Coordinator may extend these time limits as reasonable at the request of a party with notice to
772 the Secretary of the Faculty and the other party.

773 **2. Review of Confidential Information and Documents**

774 When a party makes a request for a review of confidential information or documents, they must provide
775 an explanation of why the information or documents are considered confidential as described in Section
776 27-63, Subsection E and should not be disclosed to the other party.

777 If the Case Coordinator or panel questions whether the information or documents identified as
778 confidential are protected from disclosure to the other party, the Case Coordinator may contact the party
779 offering the information or documents to attempt to resolve the questions. If the panel concludes the
780 information or documents are not confidential, the Case Coordinator must notify the party who provided
781 the information or documents prior to finalizing the grievance file and that party may request that the
782 President conduct a review as described in Subsection 4 below.

783 If the panel concludes that the information or documents are relevant but should be kept confidential, the
784 Case Coordinator must take reasonable steps to avoid disclosure to the other party. The Case
785 Coordinator must also create a list of any information or documents that were determined to be
786 confidential in the grievance file without disclosing the content and the list must be included in the
787 grievance file shared with the parties.

788 **3. Grievance File for Institutional Review**

789 The panel must make efforts to complete the review of submissions within 15 days of the end of the time
790 limit for submitting information and documents, unless the Case Coordinator extends the time limit with
791 notice to the parties and the Secretary of the Faculty. Only relevant information and documents need be
792 included in the grievance file as determined by the panel.

793 The panel's decision on what information and documents are contained in the grievance file for the
794 Institutional Review is final.

795 Once the grievance file is complete, the Case Coordinator must provide the grievance file for the
796 Institutional Review to the parties and the Secretary of the Faculty.

797 **4. Requesting Disclosure of Information or Documents**

798 If the panel believes there is relevant University-owned or controlled information or documents that have
799 not been submitted by the parties, the Case Coordinator may make a request to the party for disclosure
800 of such information or documents. If the party believes they are not relevant or are privileged and
801 protected from disclosure under Section 27-63, Subsection E, the party must describe why. If the party
802 believes they are confidential under Section 27-63, Subsection E, they must be disclosed if they exist and
803 are within the party's control and the party may identify them as confidential under Subsection 2 above.

804 If the grievant refuses to disclose such information or documents, the review panel may draw inferences
805 adverse to the grievant with respect to the issues to which the information or documents sought would
806 have been relevant. The Case Coordinator must inform the grievant, in writing (with a copy to the
807 respondent), of the decision to draw such inferences and the grievant may reconsider and provide the
808 requested documents.

809 If the respondent refuses to disclose such information or documents, the Case Coordinator may make a
810 request to the President in writing to decide whether the documents or information must be disclosed.

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811 If the President determines that the information or documents sought are privileged and/or legally
812 protected from disclosure, such as under Section 27-63, Subsection E, the President will inform the Case
813 Coordinator and not compel their disclosure. If the President determines the information or documents
814 are confidential under Section 27-63, Subsection E, the President must take such steps as may be
815 necessary to enforce compliance with the Case Coordinator's decision. This may include directing that
816 they be disclosed for the purpose of the panel's review as described in Subsection 2 above, to maintain
817 their confidentiality from the grievant. The President's decision regarding the disclosure of such
818 documents or information is final.

819 If the President refuses or fails to secure compliance with the decision to disclose, then the panel may
820 draw inferences adverse to the position of the respondent with respect to the issues to which the
821 information or documents sought would have been relevant. The Case Coordinator must inform the
822 respondent, in writing (with a copy to the grievant), of the decision to draw such inferences and the
823 respondent may take necessary steps to comply with the President's decision to disclose.

824 Any inferences drawn in regard to the grievant's position or respondent's position must be described in
825 the panel's written decision.

826 **F. Completing the Institutional Review**

827 The Faculty Grievance Panel's review must include a consideration of the final grievance file for the
828 Institutional Review. The Institutional Review is facilitated by the Case Coordinator and deliberations of
829 the Faculty Grievance Panel are confidential.

830 Prior to reaching a decision in the Institutional Review, the Faculty Grievance Panel has the discretion to
831 hold an Institutional Review meeting as described in Subsection G below. It is solely within the discretion
832 of the panel whether to hold a meeting for any reason, such as to explore alternative solutions if the
833 parties have not yet attempted to utilize University alternative dispute resolution resources as described in
834 Section 27-41. The Case Coordinator may also contact the parties to encourage them to engage in
835 alternative dispute resolution prior to completing the Institutional Review.

836 If the panel does not exercise its discretion to hold a meeting, it must issue its written decision in
837 accordance with Subsection H below.

838 **G. Institutional Review Meeting**

839 **1. Notice of the Institutional Review Meeting**

840 If the Faculty Grievance Panel decides to hold an Institutional Review meeting, the Case Coordinator
841 must notify the parties and the Secretary of the Faculty. Efforts should be made to hold the Institutional
842 Review meeting within 30 days, but no less than seven days, of the date the grievance file was provided
843 to the parties under Subsection E.3 above. The Case Coordinator must also notify the parties if the
844 meeting will be open or closed to the public.

845 At the discretion of the Case Coordinator, the meeting may be conducted fully or partially by electronic
846 means in a way that permits all those involved to participate effectively in, to hear, and see the entire
847 meeting while it is taking place.

848 **2. Submission of Witnesses**

849 Within 10 days of the notice of the Institutional Review meeting, any party may submit a written request to
850 the Case Coordinator and to the other party that others who have information about the substance of the
851 grievance be permitted to be interviewed by the panel. In addition to the name, title, and contact
852 information of the witness, the written request must include a description of the information the individual

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853 can present that is not contained in the grievance file and that is relevant to the grievance. Within seven
854 days, the parties may submit objections related to the other party's requests to the Case Coordinator.

855 The Faculty Grievance Panel has the sole discretion to determine whether those individuals will be
856 permitted to appear or whether it will request that others appear in the meeting. In accordance with
857 Section 27-63, Subsection E, if the parties have attempted alternative dispute resolution as described in
858 Section 27-41, employees of the Office of the Ombud and/or the conciliator(s) cannot be called as
859 witnesses.

860 At least 10 days prior to the meeting, the Case Coordinator must notify the parties of the witnesses that
861 will be permitted to appear at the meeting. The Case Coordinator is responsible for ensuring that all
862 witnesses receive notice of the meeting and the expected date and time of appearance. University
863 employees called as witnesses are expected to attend the meeting and administration must provide those
864 employees with release time, as appropriate, to attend the meeting.

865 **3. Participation in the Institutional Review Meeting**

866 In an Institutional Review meeting following a Unit-level Review under Section 27-71, both the Step 1
867 respondent and the Step 2 respondent may attend the entire meeting. Only the Step 2 respondent may
868 participate, and the Step 1 respondent may attend but not participate, except if called as a witness.

869 In a grievance that advanced directly to Institutional Review, the respondent may be accompanied at the
870 meeting by one administrator who may attend but not participate, except if called as a witness.

871 The grievant may be accompanied at the meeting by one person who may attend but cannot participate
872 in the meeting, except if called as a witness, or by a Faculty Liaison who may attend but not participate. In
873 addition to the Faculty Liaison or other person, the grievant may be accompanied by an attorney acting as
874 legal counsel. Only if the grievant is accompanied by legal counsel may the respondent be accompanied
875 by an attorney acting as legal counsel.

876 Within 10 days of the notice of the Institutional Review meeting, the parties must provide notice of who
877 will attend the meeting, including whether the grievance will be accompanied by legal counsel, to the
878 Case Coordinator and the other party. Subsequently, if the grievant will be accompanied by legal counsel,
879 the respondent must notify the Case Coordinator and the grievant whether the respondent will be
880 accompanied by legal counsel.

881 The parties' legal counsels may attend the meeting but may not participate in the meeting. The parties
882 may request reasonable breaks in the meeting to confer with counsel.

883 The Case Coordinator will make reasonable efforts to schedule the meeting at a time that is convenient
884 for the parties. If the grievant does not wish to attend the meeting, the Case Coordinator may proceed
885 with a meeting, or the panel may make a decision based on the grievance file. If the grievant or
886 respondent has not reasonably responded to or cooperated with efforts to schedule the meeting, the
887 Case Coordinator has the discretion to hold the meeting without the presence of that party, to recommend
888 that the panel complete the review based on the grievance file, or to dismiss the grievance. If the
889 grievance is dismissed and a Unit-level Review has been completed under Section 27-71, the decision
890 from the Unit-level Review becomes the final decision in the grievance.

891 **4. Conducting the Institutional Review Meeting**

892 The Institutional Review meeting is not a formal hearing or legal proceeding and civil rules of procedure
893 and evidence do not apply.

894 The Case Coordinator will facilitate the Institutional Review meeting to promote disclosure and
895 consideration of relevant information. Each party must be given a reasonable opportunity to state their

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896 positions and present information; however, the Case Coordinator may exercise the discretion to direct
897 the parties to focus their presentations on issues relevant to the grievance.

898 The Case Coordinator facilitates questioning of the parties and witnesses, if any. Only the panel members
899 may directly question the parties and witnesses. The Case Coordinator must permit the parties the
900 opportunity to submit to the Case Coordinator written questions for the other party or witnesses and the
901 Case Coordinator has the discretion to accept, reject, or rephrase any question submitted by the parties
902 for reasons including but not limited to their relevance or if they seek disclosure of information that has
903 been determined to be confidential or may be privileged.

904 The meeting must either be recorded, by audio only or video, or transcribed by a court reporter, as
905 determined by the Case Coordinator. A party or witness cannot create their own video or audio recording
906 of any part of the meeting.

907 **H. Decision from Institutional Review**

908 The Case Coordinator must deliver the panel's written decision to the parties, the Secretary of the
909 Faculty, and the President within 30 days of the date the grievance file for the Institutional Review was
910 provided to the parties and panel. If an Institutional Review meeting was held, the time limit for the panel's
911 decision is extended to 20 days after the meeting was concluded. If the panel requires additional time to
912 complete the review, the Case Coordinator must notify the parties and the Secretary of the Faculty. If the
913 panel exercised its discretion to hold an Institutional Review meeting as set forth in Section 27-82,
914 Subsection G, the file from the Institutional Review meeting must be included in the grievance file,
915 including any recording or transcript of the meeting.

916
917 The panel's decision must be based on the relevant scope of review for the grievance and must conform
918 to the available solutions set forth in Section 27-83. The panel must also describe its reasoning for the
919 decision. The panel may also recommend that the President conduct a Presidential Review under Section
920 27-84 and, if so, it must describe the reasons for recommending such review and, if possible, include a
921 recommended decision and/or solution.

922 The decisions and recommendations of the Faculty Grievance Panel must be determined by majority vote
923 of the panel members, excluding the Case Coordinator. A panel member cannot issue a separate
924 decision or recommendation, but the minority view may be referenced in the written decision.

925 **I. Concluding the Grievance**

926 If the grievance is concluded following Institutional Review because the President declines to conduct a
927 Presidential Review, the respondent must ensure the solution from the Faculty Grievance Panel, if any
928 action is required, is implemented. Once implemented, the respondent must notify the Secretary of the
929 Faculty when the solution has been implemented.

930 If the President does not complete a Presidential Review, a grievant or respondent may request a
931 clarification of the panel's decision, such as to reconcile any differences in the interpretation of the
932 decision. The President may also request a clarification for the purpose of implementing a decision of the
933 panel under Section 27-85.

934 **Section 27-83 Scope of Institutional Review and Decisions**

935 This section describes the scope of review to be applied by the Faculty Grievance Panel in each of the
936 following types of grievances [see Subsection A] and, also, the available solutions and remedies [See
937 Subsections B and C].

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938 **A. Standard of Review**

939 **1. Scope of Review for Grievances**

940 The scope of review and decisions by the Faculty Grievance Panel must be based on this section and
941 Subsection B, below, except as described in Subsection A.2. This includes grievances that were
942 advanced to Institutional Review because the President, Provost, or Chancellor was actively involved in
943 the final action(s), decision(s), or inaction(s) or were advanced following completion of Unit-level Review
944 process under Section 27-81, Subsection B.

945 The Faculty Grievance Panel must conduct the review as follows:

- 946 a. If the grievance alleges a procedural violation, the panel must determine whether any
947 persons acting on behalf of the University in an administrative capacity, through action or
948 inaction, violated University regulations or rules relating to the terms, conditions, or
949 course of the grievant's faculty employment as alleged in the grievance; and/or
950 b. If the grievance alleged an injustice, the Faculty Grievance Panel must determine
951 whether the decision(s), action(s), or inaction(s) of any persons acting on behalf of the
952 University in an administrative capacity resulted in an injustice that affected the terms,
953 conditions, or course of employment of the grievant. For purposes of this section,
954 "injustice" includes, but is not limited to:
955 i. Any action taken that was based at least in part on any reason that was unfair in light
956 of the decision being made; or
957 ii. Any action that was not supported by an articulated reason that can be shown to be
958 fair and relevant to the circumstances.

959 **2. Review of Grievances of Removal for Reasons of Program Elimination**

960 Grievances involving removal of faculty for reasons of program elimination under Chapter 26 must be
961 reviewed by the Faculty Grievance Panel based on the standard as described in Chapter 25, [Section 25-](#)
962 [52](#), Subsection D and solutions are as described in Subsection B, below.

963 **B. Decision and Solutions**

964 In its written decision, the panel must set forth its findings with respect to each of the material grounds or
965 issues raised in the grievance. If the panel reaches a finding of a procedural violation and/or an injustice,
966 the panel must describe the solution to be provided to the grievant, including direction to the Provost or
967 other appropriate party to take such steps as may be necessary to carry out the decision. The panel
968 should consider the solution requested by the grievant but is not limited to providing that solution and the
969 panel should also consider any alternative solutions offered by the respondent(s) in their responses or the
970 Institutional Review meeting.

971 In grievances relating to tenure and/or promotion, merit or salary increases, or non-renewals, or removal
972 due to program elimination, if the panel reaches a finding of a procedural violation and/or an injustice, the
973 panel must refer the decision to the dean as described in Section C, below. The panel cannot, however,
974 grant tenure and/or a promotion, grant a merit or salary increase, or direct that a faculty member be
975 reappointed nor can it make a substantive judgement about the qualifications of the faculty member.

976 The panel may recommend economic relief if the grievant has made a request in the petition for the
977 grievance and has been proven to be entitled to the relief during the course of the grievance. In addition,
978 the panel has authority to recommend an award of reasonable attorneys' fees to a prevailing grievant if
979 the panel determines that the position of the administration in the case was grossly unreasonable or
980 maintained in bad faith.

981 If the panel recommends economic relief, the panel must obtain input from the parties and
982 documentation to justify the specific amount being recommended. Such economic relief is subject to a

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983 subsequent determination that the University has the authority to award such relief as permitted by law
984 [see Section 27-85].

985 The panel cannot:

- 986 • Impose a disciplinary sanction against any individual; and/or
- 987 • Grant a status that falls within the sole authority of a faculty body or that requires a faculty vote,
988 except to extend a faculty appointment for the purposed described in Section C, below.

989 **C. Referral to Decision-making Process**

990 When the panel refers the decision to the dean under Subsection B, above, the panel must include
991 instructions about how the decision-making process must be corrected under the relevant sections of the
992 Faculty Code. In a grievance relating to a mandatory promotion and/or tenure decision, the panel may
993 also extend the faculty member’s faculty appointment through the conclusion of the following academic
994 year for the purpose of completing the decision-making process.

995 The panel may also direct that the Case Coordinator appoint a member of the Faculty Rights and
996 Responsibilities Pool, who was not a member of the panel, to monitor the decision-making process for the
997 purpose of ensuring that the panel’s decision is implemented. The panel must specify the monitor’s
998 authority, including but not limited to:

- 999 • attending all relevant votes, including any committee or sub-committee appointed under Chapter
1000 23, Subsection 23-53.A or Chapter 24, Section 24-52.B or any department faculty council or
1001 elected faculty council at the school, college level, or campus level; and/or
- 1002 • having access to all information to be considered, including recommendations by the chair, dean,
1003 and/or relevant faculty council.

1004 If, at any time, the monitor believes the panel’s instructions relating to the decision-making process are
1005 not being appropriately implemented, the monitor may make a written request to the Case Coordinator for
1006 clarification from the Faculty Grievance Panel as described in Section 27-82, Subsection J. The monitor
1007 must provide notice of that request to the dean and the faculty member. The panel may respond by
1008 providing clarification or may make a request to the President to issue instructions under Section 27-85.

1009 **Section 27-84 Presidential Review**

1010 **A. Purpose of Presidential Review**

1011 Presidential review is reserved for grievances where the decision and/or solution of the panel:

- 1012 1. Has a broad institutional impact or policy implications, such as if the decision raises an issue that
1013 is not addressed in a University regulation, rule, or policy, and if the panel’s decision were applied
1014 broadly, it would have an institutional impact; or
- 1015 2. May have exceeded the panel’s authority under Section 27-83.

1016 **B. Requesting Presidential Review**

1017 If any party is not satisfied with the Institutional Review decision, any party may request a Presidential
1018 Review by the President. The request must be delivered in writing to the Secretary of the Faculty within
1019 15 days after the decision by the Faculty Grievance Panel is delivered by the Case Coordinator.

1020 The request must include:

- 1021 1. An explanation of why the Faculty Grievance Panel’s decision did not resolve the grievance and
1022 why the President should accept review, under Subsection A above;
- 1023 2. If requested by the grievant, the solution the grievant is seeking;
- 1024 3. If requested by the respondent, the solution, if any, the respondent is seeking; and

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1025 4. A description of any attempts the parties have made to resolve the grievance, such as informally
1026 or if alternative dispute resolution was attempted as described in Section 27-41; however, the
1027 parties need not disclose the substance of resolution attempts.

1028 Within seven days after the date requests are due, the Secretary of the Faculty must forward the request
1029 to the President, the party or parties who did not request review, and the Case Coordinator.

1030 **C. Initiating Presidential Review**

1031 Within 30 days of receiving the decision from the Institutional Review and grievance file from the Case
1032 Coordinator, the President will decide whether to initiate a Presidential Review. When deciding whether to
1033 initiate a review, the President must give consideration to any requests for review submitted under
1034 Subsection B above, or a recommendation from the Faculty Grievance Panel under Section 27-82,
1035 Subsection J. The President may delegate the authority to initiate and conduct the Presidential Review to
1036 a Chancellor in a grievance involving a faculty member from that campus. The President (or Chancellor)
1037 must consult with the Chair of the Faculty Senate and the Secretary of the Faculty prior to initiating a
1038 Presidential Review.

1039 If the President initiates a review, the President must notify the parties, the Case Coordinator, and the
1040 Secretary of the Faculty. If the parties have not requested review and the Faculty Grievance Panel has
1041 not recommended review, the President must also describe the reasons for initiating Presidential Review.

1042 The request for Presidential Review will be deemed denied if the President does not notify the parties
1043 within the time limit above that a review will be initiated and the Secretary of the Faculty has confirmed
1044 that the President does not intend to do so. If a Presidential Review is not initiated, the Secretary of the
1045 Faculty must notify the parties and the Case Coordinator and contact the respondent to ensure that the
1046 grievance is concluded under Section 27-82, Subsection J.

1047 **D. Response and Grievance File for Presidential Review**

1048 When initiating a review, the President may request a written response from the party that did not seek
1049 Presidential Review or from both parties if the panel recommended Presidential Review or if the President
1050 independently initiated the review. If the President requests a response, the response must be provided
1051 to the President and the other party within 10 days of the request from the President. Neither party may
1052 submit a further response or reply to the other party's response.

1053 **E. Conducting the Presidential Review**

1054 Within 60 days of the date the parties were notified that a Presidential Review was initiated, the President
1055 must either affirm the panel's decision and issue a final written decision under Subsection G, below, or
1056 refer the decision back to the panel under Subsection F below.

1057 The grievance file for the Presidential Review consists of the grievance file from Institutional Review, any
1058 request(s) for Presidential Review, and any responses provided upon request of the President.

1059 If the President requires additional time to conduct the review, the President must notify the parties, the
1060 Case Coordinator, and the Secretary of the Faculty.

1061 **F. Referral to Faculty Grievance Panel**

1062 If the President refers the decision back to the Case Coordinator and Faculty Grievance Panel, the
1063 President must provide a written description of the reasons for the referral with a copy to the parties and
1064 the Secretary of the Faculty. Reasons for referring the decision back to the panel may include but are not
1065 limited to: requesting clarification of the decision or reasoning; that the review revealed the importance of
1066 information the panel did not adequately address in its decision; that the panel provided a solution that

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1067 exceeded its authority under Section 27-83; or to provide direction regarding the interpretation or
1068 application of University rules, regulations, or policies.

1069 If the President refers the decision back to the panel, within 30 days the panel must reconsider its
1070 decision based on the President's reasons. The Case Coordinator must deliver its written decision to the
1071 President, parties, and the Secretary of the Faculty that describes its consideration of the reasons for the
1072 referral. If the panel requires additional time for review, the Case Coordinator must notify the President,
1073 the parties, and the Secretary of the Faculty.

1074 Within 30 days of the delivery of the panel's decision, the President must issue a final decision as
1075 described in Section G below.

1076 **G. Final Decision**

1077 The written decision must be delivered to the parties, the Case Coordinator and Faculty Grievance Panel,
1078 and the Secretary of the Faculty within the time limits described above. The President's final decision
1079 must include the reasoning for the decision, including a description of the institutional considerations that
1080 were applied if the President's decision is not a reaffirmation of the panel's decision, and a solution, if
1081 any. If the President refers the decision to the decision-making process as described in Section 27-83,
1082 Subsection C, the President may take actions as described in that section.

1083 The President's written decision is the final decision in the grievance; however, a grievant or respondent
1084 may request a clarification of the President's decision, such as to reconcile any differences in the
1085 interpretation of the decision.

1086 **Section 27-85 Implementation**

1087 When the grievance is completed, regardless at which stage, the President is ultimately responsible for
1088 ensuring that the final decision and solution in the grievance are implemented.

1089 **A. Economic Relief**

1090 Before implementing any award of economic relief, the President must determine whether the University
1091 has the authority to grant such relief. In determining whether the University has the authority to fund such
1092 economic relief, the President must consider all types of funds over which the University has responsibility
1093 and discretion.

1094 **B. Clarification of Instructions**

- 1095 1. When requested by the Case Coordinator or the Secretary of the Faculty, the President must
1096 provide instructions in writing to the parties or other administrators to take any actions that
1097 are necessary to implement the decision and solution. If those individuals require clarification
1098 of the President's instructions, they may request clarification in writing with a copy to the
1099 parties, the Case Coordinator, and the Secretary of the Faculty, but efforts should be made to
1100 avoid a delay in the implementation of any solution, if possible. The President must then
1101 provide any written clarification to those individuals with a copy to the parties, the Case
1102 Coordinator, and the Secretary of the Faculty.
- 1103 2. If the panel's decision has become the final decision in the grievance, upon issuing any
1104 instructions relating to implementing a panel's decision, if the Case Coordinator or the Faculty
1105 Grievance Panel believes the President has misinterpreted the panel's decision, it may
1106 request a consultation with the President with notice to the parties and the Secretary of the
1107 Faculty.

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1108 **C. Further Consideration**

1109 Once a grievance is concluded, if the grievance reveals a gap or inconsistency in the interpretation of
1110 existing University rules, regulations, or policies, the President or faculty governance bodies should seek
1111 to address any such issues through the relevant shared governance processes.

1112 **Section 27-101 Recordkeeping and Faculty Grievance Report**

1113 **A. Recordkeeping**

1114 The Secretary of the Faculty is responsible for retaining all records relating to faculty grievances under
1115 Section 27-51 through Section 27-101, including petitions filed and not accepted and records relating to
1116 all faculty grievances, once concluded, in accordance with the University's Retention Schedule.

1117 Aspects of the records retained by the Secretary of the Faculty may be disclosed to other individuals not
1118 involved in the grievance, upon request to the Secretary of the Faculty, if the records are necessary for
1119 University operational needs, and the release is approved by the Secretary of the Faculty and the Senior
1120 Coordinator of the Faculty Rights and Responsibilities Pool [See Section 27-110, Subsection B].

1121 **B. Faculty Grievance Report**

1122 The Senior Coordinator of the Faculty Rights and Responsibilities Pool is responsible for reporting to the
1123 faculty annually in September. The report should include the number of petitions for grievances that were
1124 filed, a summary of the substance of each grievance, the number of grievances that were initiated or
1125 concluded during the prior academic year, and the decisions that resulted. Names of the individuals
1126 involved in the grievances cannot be published.

1127 **Section 27-110 Appointment of Faculty Pool and Faculty Liaisons**

1128 This section describes the appointments of faculty roles that facilitate and support the faculty grievance
1129 process described in this Chapter and, also, proceedings as described in Chapter 28. The selection
1130 processes for the appointments described below should be consistent with the University's commitment
1131 to diversity, equity, and inclusion and the necessity of diversity in University decision-making bodies.

1132 **A. Faculty Rights and Responsibilities Pool**

1133 The Faculty Rights and Responsibilities Pool ("FRRP") is a standing pool of at least 24 members of the
1134 faculty, selected broadly from colleges, schools, and campuses, nominated by the Senate Executive
1135 Committee and approved by the Faculty Senate. The pool members serve as panel members and
1136 decision makers in faculty grievances under this Chapter and in proceedings under Chapter 28.

1137 Eligible members must be voting faculty that hold the rank of associate professor or a higher rank in the
1138 tenure, without tenure, teaching, or research tracks or emeritus faculty who held that rank at the time of
1139 retirement. A faculty member may not serve on the Faculty Rights and Responsibilities Pool while
1140 currently holding an administrative appointment equivalent to a department chair or a more senior
1141 administrative appointment.

1142 Faculty Rights and Responsibilities Pool members serve three-year terms. Members are eligible for
1143 reappointment except if that member has served two consecutive terms, then the member is ineligible for
1144 reappointment for a period of three years.

1145 **B. Senior Coordinator and Coordinators of the Faculty Rights and Responsibilities Pool**

1146 The leadership of the Faculty Rights and Responsibilities Pool (FRRP) consists of one Senior Coordinator
1147 and at least two Coordinators nominated annually by the Senate Executive Committee and approved by
1148 the Faculty Senate to serve a one-year term. Those nominated must be a member of the FRRP or have
1149 been a member in the past.

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1150 The Senior Coordinator and the Coordinators are eligible for reappointment by the Senate Executive
1151 Committee if approved by the Faculty Senate. If they are not reappointed but are members of the FRRP,
1152 they may continue to serve on the FRRP based on the terms described in Subsection A above. In the
1153 extraordinary event that a Senior Coordinator cannot be identified from among the faculty, a hearing
1154 officer as described in Chapter 28, Section 28-##, may be temporarily appointed in this same manner.

1155 As designated by the Senior Coordinator, the Senior Coordinator and the Coordinators are responsible
1156 for managing the Faculty Rights and Responsibilities Pool, including making efforts to identify and put
1157 forward for approval a sufficient number of members as described in Subsection A above.

1158 **C. Faculty Liaisons**

1159 Faculty Liaisons are faculty members who serve as a resource for faculty who wish to learn about the
1160 resources and options to address disputes, conflicts, or other concerns. The Faculty Liaison may also
1161 provide support within alternative dispute resolution, grievances, or proceedings under Chapter 28 as
1162 permitted by those processes.

1163 Faculty Liaisons are selected broadly from colleges, schools, and campuses, nominated by the Senate
1164 Executive Committee, and approved by the Faculty Senate. Eligible members must be faculty that hold
1165 the rank of associate professor or a higher rank in the tenure, without tenure, teaching, research or
1166 clinical tracks or emeritus faculty who held that rank at the time of retirement. A faculty member may not
1167 serve as a Faculty Liaison while currently holding an administrative appointment equivalent to a
1168 department chair or a more senior administrative appointment.

1169 Faculty Liaisons serve three-year terms. They are eligible for reappointment.

1170 If a Faculty Liaison is not available, a member of the Faculty Rights and Responsibilities Pool may serve
1171 in the role of a Faculty Liaison at the request of the Secretary of the Faculty but cannot be selected for
1172 any other role, such as a panel member, for the same matter.