



AOP 13.05: FACULTY GRIEVANCE PROCEDURES

PURPOSE

The purpose of this Academic Operating Policy and Procedure (AOP) is to establish a standardized procedure concerning the review and resolution of the grievance of a faculty member.

REVIEW

This AOP will be reviewed every four years or whenever circumstances require an earlier review by the Executive Vice Provost with recommendations for revision to the Provost and Executive Vice President.

POLICY/PROCEDURE

1. Foreword

- a. The University operates under a philosophy that emphasizes the importance of ensuring the rights of its faculty. Both personnel and operating policies are formulated in order to assist administrators and faculty in working harmoniously toward the collective goals and objectives set forth by the Board of Trustees. When a faculty member has a grievance, efforts will be made to determine the facts surrounding that grievance and to respond appropriately and justly within a timely manner. The purpose of these procedures is to address grievances of faculty members and to provide a mechanism for resolving them. The times noted in these procedures are to be followed except under extenuating circumstances.
- b. Whenever possible, problems of faculty members should be solved within the University at the level at which they arise. The faculty member may wish to consult with the University Ombudsman prior to initiation of a formal grievance. Each member of the University faculty shall have the right to a hearing of a grievance through established channels. Access to these channels is restricted to University faculty members or those who were University faculty members when the event leading to the grievance occurred.
- c. This policy (AOP 13.05) will not apply to some types of grievances. Grievances related in any way to tenure, promotion, salary, grounds for termination, termination procedure, and notice of nonreappointment or termination are not covered by this policy. In such cases, the aggrieved faculty member should refer to other applicable University policies, including the Tenure and Promotion Policy (AOP 13.07) or the Termination of Employment Policy (OP 60.113). If the grievance is related in any

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way to harassment or discrimination based on being a member of a protected class, this policy AOP 13.05 will not apply. The aggrieved faculty member should instead refer to the Discrimination, Harassment, and Retaliation Policy (OP 03.03) or Sexual Misconduct Policy (OP 03.04). The grievance of a student or the grievance of a faculty member against a student will not be covered by this policy.

- d. A faculty member holding an administrative position will have access to these procedures with regard to his/her faculty duties, but will not have access to the procedures with regard to his/her administrative duties.

2. Faculty Grievance Process

An aggrieved faculty member is encouraged to pursue an informal resolution of the grievance with the individual(s) with whom the faculty member believes caused the grievance prior to submitting a formal grievance. If an informal resolution cannot be reached, the aggrieved faculty member may then make a formal grievance and proceed according to the following process:

- a. A written grievance must be submitted to the Office of the Provost and Executive Vice President. The grievance must contain a statement of the facts of the grievance, the individual(s) who the grievant believes is responsible for the wrongful action, and a precise description of the remedy sought by the grievant. The grievance must be signed and dated by the grievant.
- b. After reviewing the grievance, the Provost or his/her designee may attempt to pursue an informal resolution with the grievant and the respondent. If such an attempt is not successful within thirty (30) days of receiving the grievance or the Provost, in his/her discretion, determines that an informal resolution would be futile, the Provost will forward the grievance to the Grievance Committee.
- c. Membership on the Grievance Committee (“the Committee”) that hears an individual grievance will be determined by the level of the grievance. Each formation of the Committee will include five elected faculty members chosen by the Provost from the following:

- President of the Robert Holland Faculty Senate,
- Chairperson of the Robert Holland Faculty Affairs Committee,
- Chairperson of the Promotion and Tenure (Appeals) Committee,
- and a pool of full-time, tenured faculty members, two elected from each college, MSU Extension Service, MSU Meridian, and the University Libraries to serve two-year terms.

When the grievance involves a faculty member holding an administrative position, the Committee to hear the grievance will also include at least one administrator at the

level of the grievant and/or respondent and one higher level administrator, both to be chosen by the Provost. The grievant and the respondent shall have the right to challenge any individual member of the Committee with the total number of challenges limited to two (n=2) for each party. As each challenged member is excused, his/her replacement will be selected by the Provost in consultation with the other members of the Committee.

- d. Upon receipt of the grievance from the Provost, the Committee will schedule a grievance hearing. This hearing should be held within 10 business days after receiving the request. The Committee will elect its own chairperson, who will act as presiding officer. The notice of a time and place for the hearing must be delivered to the parties involved at least two business days prior to the hearing.
- e. The formal hearing will be conducted in private. During the proceedings, the parties concerned will be permitted to have a nonparticipating advisor of their choice. A recording or transcript of the proceedings shall be kept and made available upon request to the parties concerned. The grievant will present his/her own case and has the right to present whatever evidence, written or oral, he/she considers relevant or material to the grievance. This includes the calling of witnesses.
- f. After the presentation by the grievant, the respondent will be given an opportunity to present his/her case under the same rules as the grievant. The University may be represented by counsel. The Committee may also call witnesses as it considers appropriate. Both the grievant and the respondent may question all witnesses. The Committee will not be bound by strict rules of legal evidence. The Committee may receive any evidence of probative value in determining the issues involved. Every reasonable effort shall be made to obtain the most reliable evidence possible. All questions relating to the admissibility of evidence or other legal matters will be decided by the Chairperson of the Committee. Evidence considered in the hearing must relate to the grievance and be of the type relied on by faculty members or administrators in the conduct of their professional affairs.
- g. After all evidence is received, the Committee will meet privately to consider the evidence. The opinion held by the majority of the members will constitute the Committee's recommendations. The Committee should provide its recommendations in writing to the Provost, with copies to the parties to the grievance, no later than 5 business days from the last date of hearing of the grievance. Minority opinions of the committee may be submitted to the Provost and involved parties at the same time as the Committee recommendations are submitted. Recommendations to the Provost are advisory in nature.
- h. The Provost should send a written notice of his/her final decision within 5 business days of receipt of the Committee's recommendations. Copies of the final decision will be sent to the grievant, respondent, and Committee Chairperson. If the Provost's recommendation is different from that recommended by the Committee, the grievant, the respondent, and the committee will be informed in writing of the reasons. The Provost's decision is the final University decision on the grievance.

- i. The grievant may withdraw a formal grievance at any stage of this process but may not reinstate it once it is withdrawn. The withdrawal request should be made in writing to the Provost who will then notify the Committee if applicable.

This policy has been superseded.

REVIEWED:

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Executive Vice Provost & Dean, Graduate School

3/22/21
Date

/s/ David Shaw
Provost and Executive Vice President

3/22/21
Date

/s/ Rebecca Robichaux-Davis
President, Robert Holland Faculty Senate

3/22/21
Date

/s/ Tracey Baham
Director, Institutional Research and Effectiveness

3/22/21
Date

/s/ Joan Lucas
General Counsel

3/22/21
Date

APPROVED:

/s/ Mark Keenum
President

3/22/21
Date

This policy has been superseded.