

# **Policies and Procedures for the Committee on Academic Rights, Privileges & Grievances of the Academic Senate**

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# **Policies and Procedures for the Committee on Academic Rights, Privileges & Grievances of the Academic Senate**

## **1. Authority, Jurisdiction and Structure**

1. The authority of the Academic Senate arises from its relationship with the faculty and its authorization by the University to speak and act on behalf of the faculty. The Committee on Academic Rights, Privileges & Grievances is one of the Standing Committees appointed by the Academic Senate and is specifically charged to hear, evaluate and recommend a response to complaints from faculty of misconduct or unfair treatment.
2. A grievance filed at the level of the Academic Senate must raise matters of university-wide concern. It is expected that complaints or grievances on matters that reside within the confines of a College or School will be resolved at that level. It is also expected that faculty will attempt to resolve problems, issues, or complaints informally by working with appropriate parties.
3. Complaints or grievances that fall under Title IX of the Education Amendments of 1972 or Title VI of the Civil Rights Act of 1964 are not within the scope of these procedures. Faculty members should file such complaints with the University's Chief Compliance Officer.
4. The Academic Senate President has oversight over the Committee on Academic Rights, Privileges & Grievances and reports to the Provost and President of the University.
5. All proceedings within the grievance process are confidential. Participants are cautioned not to share any information regarding any grievance beyond those specified within this policy as appropriate recipients of such information.
6. The Committee on Academic Rights, Privileges & Grievances consists of an odd number of faculty members drawn from the faculty, with a minimum of three voting members.
7. The Chair of the Committee on Academic Rights, Privileges & Grievances serves as a non-voting member during adjudication of a grievance.
8. Faculty members serving on the Committee on Academic Rights, Privileges & Grievances are required to determine whether a conflict of interest exists among the members each time a grievance is submitted to the Committee for review. In cases where a conflict is determined to exist, that member must recuse him or herself from that particular case. If the number of regular Committee members with a conflict of interest prevents the Committee from reaching a quorum, the Committee is responsible for establishing an Ad Hoc Committee.

## **2. Filing a Grievance Process**

1. Faculty members wishing to file a grievance at the university level must complete the appropriate forms from the Academic Senate Office as specified in the appendix below. These forms must be submitted within 10 days of notification of intent to file a grievance to the Academic Senate Office. Supporting documents must be included.
2. Upon receipt of the grievance, the President of the Academic Senate will assign a number to the grievance and register the grievance by the date.
3. The Chair of the Committee on Academic Rights, Privileges, and Grievances will be notified of the grievance.
4. The committee will screen the grievance filing for appropriateness and send written notification to the President of the Academic Senate, who will in turn notify the grieving party in writing, as to whether the grievance has been accepted for hearing.

## **3. Grievance Routing Process**

1. If the grievance is not appropriate for the Committee as defined above, the Senate will refer it to the Grievance Committee established by the College in which the faculty member holds an appointment or to the appropriate administrative office for consideration. The Academic Senate notifies the grieving party of this decision by letter.
2. If the grievance involves a faculty member and a member of the university staff, adjudication of the grievance shall proceed under the joint auspices of the Academic Senate and Staff Management Council. An ad hoc committee for the hearing and decision will be established, co-chaired by the chair of the Academic Senate Committee on Academic Rights, Privileges, and Grievances and a member of the Staff Management Council, and composed equally from the Senate Committee and Staff Management Council. The grievance follows the process described below.
3. If the grievance involves a faculty member and a member of the senior administration (Vice President or other direct reports to the President), adjudication of the grievance shall proceed under an ad hoc committee. The ad hoc committee will be co-chaired by the chair of the Academic Senate Committee on Academic Rights, Privileges, and Grievances and a member of the staff or faculty appointed by the President and will include in equal numbers at least one additional member from the Academic Senate Committee and one additional member appointed by the President. The grievance follows the process described below.
4. If the grievance involves a faculty member and the President of the University, the Senate will refer the matter to the Executive Committee of the Board of Trustees. The Executive Committee of the Board of Trustees along

with the Faculty Trustee will evaluate the merit of the grievance. The Chair of the Board of Trustees will explain to the Academic Senate President the Board's intention to pursue or dismiss the grievance

If the grievance is dismissed, the Chair of the Board will explain in writing to the Academic Senate President the reasons for not pursuing the grievance investigation. In keeping with customary academic practice, it is expected that if the Board elects to pursue the grievance it will do so through the engagement of a neutral third party. After the process, the Chair of the Board will convey and explain the outcome in writing to the Academic Senate President.

#### **4. Grievance Review Process**

##### **4.1 Phase 1 – Primary Review Phase:**

1. Once the grievance has been determined appropriate for the Committee on Academic Rights, Privileges & Grievances, a hearing date is scheduled within 20 business days.
2. If it is determined that an Ad Hoc Committee is necessary, the grievance is referred within 10 days to a duly constituted Ad Hoc Committee and a hearing date scheduled within 20 business days thereafter.
3. The grievance shall be heard and decided within 40 days from the date that the grievance is received for hearing by the Committee or Ad Hoc Committee.
4. Grievances may be extended in 30 day increments. No grievance shall extend beyond the time limit of 100 days from the date of submission.
5. The Chair of the Committee shall initiate the grievance proceeding by delivering the written statement of the grievance to the Committee.
6. The grieving party shall be present and may offer documented materials previously submitted at the time of filing of the grievance. New materials may be submitted at the time of the hearing only under unusual circumstances and by approval of the Committee hearing the grievance.
7. The grieving party may provide the committee with a list of witnesses who may be called at the committee's discretion to provide information on behalf of the grievant.
8. Findings of fact, conclusions and recommendations regarding a grievance must be agreed upon and adopted by majority vote of the Committee.
9. Failure of the Committee to adopt findings of fact, conclusions, and/or recommendations shall constitute a referral of the grievance to the President of the University.

#### **4.2 Phase 2 - Decision & Actions:**

10. The Committee's decision will be delivered to the Academic Senate President.
11. The Academic Senate President will send the committee's decision and recommendations to the President of the University.
12. The President of the University will review and provide comment with recommendations, if any for modification of the Academic Senate's recommendations, within ten (10) working days of receiving the decision from the Committee.
13. If no recommendations for modification are made, the President of the University will issue the decision to the parties by email and certified mail within ten (10) working days.
14. If modifications are recommended, the recommendation for modification will be referred back to the Committee as an "amended decision" for additional review. The Committee will render its response within ten (10) working days.
15. If the decision is to accept the amended decision, the President of the University will issue the amended decision to the parties by email and certified mail within ten (10) working days.
16. Parties to the Grievance may respond to the decision within ten (10) working days. The decision becomes final and binding on the tenth working day following the issuance of the decision.
17. If the decision recommends a change in University policy or procedure or impacts the fiscal or administrative authority of the University, a recommendation will be sent to the appropriate administrative or academic office.

#### **5. Grievance Appeal Process**

1. If the Grievant does not agree with the findings of the Committee on Academic Rights, Privileges & Grievances, an appeal of the decision may be provided in writing by the grievant and must be directed to the Academic Senate President and the President of the University within ten (10) working days after receipt of the findings by the parties.
2. The appeal must include a copy of the Committee on Academic Rights, Privileges & Grievances decision, the background information submitted to the Committee by the grievant, and a brief statement of the basis for the appeal.
3. The President of the University shall respond to the appeal within ten (10) working days.

APPENDICES

Appendix A

**Charles R. Drew University of Medicine and Science Grievance Hearing Form**

Petition No: \_\_\_\_\_

Petitioner: \_\_\_\_\_

Date: \_\_\_\_\_

Time Started: \_\_\_\_\_

Time Ended: \_\_\_\_\_

Petitioner's Request: \_\_\_\_\_

Final Decision:

Signatures:

Date:

Appendix B

GRIEVANCE FORM		
Today's Date:	Name of Petitioner:	
College/School:	Department Program:	
Email:		
Name of Person(s) being grieved:		
Brief Description of Grievance:		
List Supporting Documents:		
Cite Policy/Procedure Violated:		
State the desired outcome of the Grievance Process:		
PREVIOUS STEPS TAKEN FOR RESOLUTION OF THIS ISSUE		
DATE(S)	PERSONS	DISPOSITION
FOR OFFICE USE ONLY		
Date Filed: _____		
Scheduled Hearing Date: _____		
Committee Members: _____		