

# CHARLES R. DREW UNIVERSITY OF MEDICINE AND SCIENCE

## GRIEVANCE PROCESS AND PROCEDURES

### OVERVIEW

The intent of this document is to bring consistency and uniformity among the overlapping processes and procedures of the four separate and distinct faculty grievance committees within the University.

#### **Authority**

The grievance process, procedures and/or committees are not legal processes or entities and do not intend to be. Therefore, the grievance committees are established in the College of Medicine, College of Science & Health, School of Nursing, and Academic Senate as vehicles through which faculty members' formal complaints are resolved.

Each grievance committee is duly mandated to follow policies and procedures consistent with standards established by the University and its Board of Trustees. They must develop grievance procedures in accordance with the constitution of each respective college, and in the case of the Academic Senate, in accordance with the constitution of the Academic Senate, and all must be consistent with regulations and statutes governing the conduct of faculty within institutions of higher education.

Each grievance committee in the three colleges and in the Academic Senate shall ensure a fair, objective, equitable, and non-partisan process for all faculty members, regardless of age, race, color, creed, religion, handicap, gender, sexual orientation, political position, reputation, and/or institutional status.

The Grievance Committees in the College of Medicine, College of Science & Health, School of Nursing, and the Academic Senate are authorized to ensure that review and hearing of grievances from faculty members are done in a prompt, timely, and professional manner. Each faculty member is guaranteed that decisions, conclusions, and recommendations made by these committees are based solely on the information presented to the committees.

The ultimate authority for the establishment and implementation of grievance committees within the University resides in the philosophy and belief in the protection of individual rights and academic freedom. The intent is to ensure that all faculty members' rights are secured under the protection of clearly defined policies and procedures, which insure academic freedom without fear of intimidation or reprisal.

**Faculty Members who serve on the Grievance Committees in the College of Medicine, College of Science & Health, School of Nursing, and the Academic Senate are provided limited liability to act on behalf of the University in the review and determination of academic related grievances.**

**California Corporation Code: Section 317 creates an obligation on behalf of the University to indemnify employees who act in good faith in the performance of their duties.**

**Purpose:**

The Purpose of the grievance committees in each of the colleges and at the Academic Rights, Privileges & Grievances Committee of the Academic Senate is to provide ‘just and timely review” for the resolution of grievances. Each committee is to provide just and timely reviews without discrimination, coercion, or reprisal for claims, which may be based upon an event or condition that affects the terms and/or conditions of employment of a faculty member or a group of faculty members at the University.

The grievance process for each college and Academic Senate are to be implemented in a manner as to:

1. Assist faculty in the resolution of a complaint through an approved institutional process which promotes and protects a faculty member’s right to be heard by his/her peers;
2. Establish and maintain access to a process that governs disputes, rights, and responsibilities of both faculty and the institution;
3. Assure “due process” for any faculty member who believes that his or her rights as a faculty member have been abridged; and
4. To provide a mechanism by which faculty may address policies and procedures important in maintaining academic freedom and/or individual faculty rights.

**Definitions:**

- **Grievance:** A formal complaint made by a faculty member based upon an unresolved event, circumstance, or condition that affects the welfare and/or terms and conditions of employment of a faculty member or a group of faculty members and does not fall within the jurisdiction of local, state, or federal governing bodies.
- **Informal complaint:** A concern, dispute, or allegation filed by a faculty member with his or her chairperson or immediate supervisor prior to filing a formal complaint.

- Faculty Member: Any employee who holds an academic appointment within the University.
- Parties to a Grievance: The Grievant and the Respondent
  1. Grievant: Any faculty member filing the grievance.
  2. Respondent: The individual against whom the grievance is filed.
- Days: Work week, exclusive of legal holidays, Saturdays and Sundays.
- Administration: Any office within the University that has responsibility for management and control extending beyond the scope of the College of Medicine, College of Science & Health, School of Nursing, and the Academic Senate.
- Chair of the Grievance Committee: Duly elected officer by the body of the committee and is responsible for ensuring that all grievances are presented to the committee and are heard in a timely manner.
- Conflict of Interest: Any situation, event, or circumstance which may prevent a member of the Grievance Committee from acting in a fair and just manner in the consideration of decision of finding of fact as known in the review and hearing of a grievance.
- Ad Hoc Committee: Duly constituted body selected by Academic Rights, Privileges & Grievances Committee to hear a grievance under the policies and procedures of the Academic Senate.
- Faculty Grievance Petition Form: Required questionnaire used to file a grievance stating the nature of the grievance and proposed remedy.
- Statement of Grievance: Document used by the College of Medicine, College of Science & Health, and School of Nursing stating the nature of the grievance and proposed remedy.
- Decision Letter: Notification of the finding of facts, conclusions, and/or recommendations sent to the parties.

**General Provisions: Grievance Committees in the College of Medicine, College of Science & Health, School of Nursing, and the Academic Senate.**

**Release Time**

1. A faculty member involved in the filing of a grievance within the College of Medicine, College of Science & Health, School of Nursing, and/or the Academic

Senate shall be released from his or her regular duties. *This release is without loss of wages, or compensation is provided as necessary to perform the tasks required and associated with the filing of a grievance.*

2. Parties to a grievance may be allowed up to a maximum of 8 hours of their regular work week to prepare documentation and shall be released from duties to attend the grievance hearing.

### **Exceptions**

1. The Grievance Committees in the College of Medicine, College of Science & Health, School of Nursing, and the Faculty Concerns Committee of the Academic Senate shall not hear grievances from any party whose rights are covered under Title VI and Title VII of the Civil Rights Act of 1964 and 1967. Specifically, grievances involving discrimination of any kind and/or harassment shall be referred to the Equal Employment Opportunity Officer within the University.
2. If the grievance is by or against any member or members of the University Executive Council, the Executive Committee of the Board of Directors will assume the role of the President. In cases where the President is a respondent, he or she must not participate in any of the deliberations and decisions of the Executive Committee of the Board of Directors for the period time that the grievance is under review.

### **Composition of Committees**

The Grievance Committee in the College of Medicine, College of Science & Health, School of Nursing, and the Academic Senate shall consist of a number of elected and/or appointed members of the full time faculty, as specified in the constitution by each college and the Academic Senate. Each representative shall have an alternate from his or her department.

### **Screening Committees**

Each Grievance Committee in the three colleges and the Academic Senate shall convene a screening committee of at least three committee members to review and recommend each grievance for appropriateness for a hearing.

### **Term Limits**

Each member within each college and the Academic Senate may serve a term as provided by each respective constitution. The chair of each Committee shall serve as provided by the constitution of each college and the Senate.

A committee member who files a grievance or has a grievance filed against him or her shall not serve as a member of the committee during the period of time that the grievance is under review and hearing. The position of that committee member shall not be assigned to another individual from the department/program/division of the grievant or respondent until such time as the grievance as been concluded.

## **Quorum**

A quorum for each grievance committee within the colleges and Academic Senate shall be a simple majority of the committee.

## **Record Keeping**

For uniformity, all cases in each college and Academic Senate will be assigned a number which reflect the year in which the grievance is filed as well as a number representing how many cases have been filed with the committee in any particular year.

For easy retrieval, case files, minutes, and any related documentations including letters and attendance rosters shall be kept of all meetings and shall be filed in the following manner:

- a. College of Medicine – Documents shall be filed and stored in the committee’s chairperson’s office and with the legal affairs office of the University.
- b. College of Science & Health – Documents shall be filed and stored in the committee’s chairperson’s office and with the legal affairs office of the University.
- c. School of Nursing – Documents shall be filed and stored in the committee’s chairperson’s office and with the legal affairs office of the University.
- d. Academic Senate – Documents shall be filed and stored in the Academic Senate’s office of the University.

Each Committee shall maintain documents for a period of three years or as long as deemed necessary by the University, including written findings of fact, conclusions, recommendations, minutes, audio-visual, presentation including presentations in Microsoft Power Point, and other materials related to a grievance.

## **Representation- Interested Person versus Rights to an Attorney**

Neither the Grievant nor the Respondent in the College of Medicine, College of Science & Health, School of Nursing, or the Academic Senate shall have the right to an attorney at the level of the review and hearing of a grievance, except in cases involving disciplinary action contemplated or taken against the Grievant. In keeping with the purpose of the grievance process, it is conducted in the spirit of seeking resolution prior to the utilization of legal and other recourse.

Each party in a grievance in the College of Medicine, College of Science & Health, School of Nursing as well as the Academic Senate shall waive his or her right to legal representation during the grievance process. However, either party has the right to have an “interested” person or a representative present during the hearing who is not an arbitrator. The parties may be present during the presentation of facts in the grievance and in the examination of witnesses and other individuals during the hearing.

An employee selected as a representative for the grievant must obtain the permission

of his/her immediate supervisor to attend the grievance hearing.

### **Time Limitation**

Faculty members may file a grievance within sixty days of the occurrence in the appropriate college or within the Academic Senate, if appropriate. A faculty member fired or suspended may also file a grievance within sixty days of the date of suspension or termination.

### **Required Paperwork**

The parties to a grievance in the College of Medicine, College of Science & Health, School of Nursing and Academic Senate must present his or her facts about the grievance. The failure of any party in any one of the colleges or in the Academic Senate in a grievance to submit the required paperwork shall not deprive the Committee of jurisdiction over the grievance. The respective grievance committee may excuse the party's failure to comply with the filing deadline and proceed with the fact-finding process at its own discretion.

### **Grievance filed by a Group of Faculty Members**

A group of faculty members may file a grievance. The Chairperson of the Committee may require the group to name a spokesperson to represent the views of the group and to present testimony.

Other members of the group may be present and may make additional statements with the permission of the Chairperson of the Committee.

All parties bringing a grievance must be faculty members of the respective colleges.

### **Withdrawal of a Grievance**

The party bringing a grievance may withdraw a grievance at any time before the Committee has rendered a decision. The request for withdrawal shall be in writing to the chair of the committee.

### **Confidentiality**

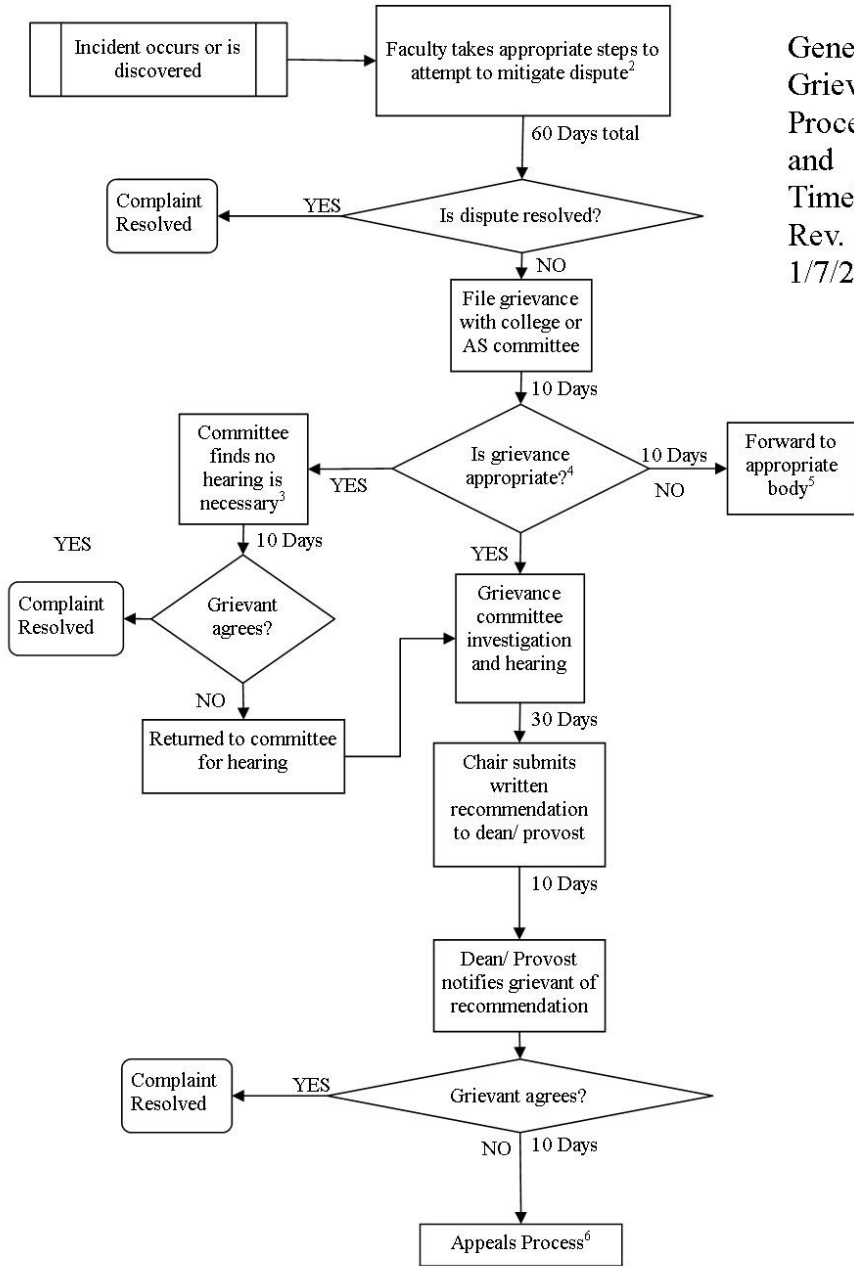
Each member of the committees in the College of Medicine, College of Science & Health, School of Nursing as well as the Academic Senate shall agree without exception to confidentiality. Confidentiality shall be maintained from the outset to conclusion of the grievance. Violation of the confidentiality requirement shall result in disciplinary action by the appropriate faculty assembly, such as the Faculty Council in the College of Medicine, the Faculty Association in the College of Science & Health, the equivalent faculty assembly in the School of Nursing, and the Academic Senate for the University.

To further ensure confidentiality, all copies of information provided to the committee members will be collected at the end of each meeting and shredded. The original and one copy will be maintained as described above.

Grievance hearings shall be conducted pursuant to the procedures outlined for each college and the Academic Senate.

All grievance deliberations will be held in executive session and shall be limited to the issues stated in the written statement provided by the grievant.

The final decision about a grievance will be made by a simple majority of the members who were present during the course of the hearing. The vote shall be taken in an executive session. The individual members vote is confidential and shall not be known beyond the members in attendance at the final executive session.



General Grievance Procedure and Timeline<sup>1</sup>  
Rev. 1/7/2011



## Grievance Procedure and Timeline, Rev. 1/7/2011

Based on current Grievance Procedures of COM, COSH, and AS and the timeline agreed upon by the leaders of these committees on 1/4/11.

### KEY:

1. This flowchart is intended to represent the basic process and timeline for both College-level and University-level (via Academic Senate) faculty grievances. It is the right of the grievant to file a grievance claim with either the College to which he/she belongs or with the Academic Senate. For the purposes of this document, "Committee" refers to either the AS- or College- level committee.
2. Before beginning the formal grievance process, individual faculty members must attempt to take steps to mitigate the dispute. Documentation of these steps will be included in the submission of a grievance to any committee.
3. In some cases, the Grievance Committee may find that although the case is appropriate for their review, no hearing of the facts is necessary, or that the committee believes other avenues should be pursued (such as mediation), rather than convening a hearing and all that entails.
4. The committee receiving the grievance claim will then screen the grievance for appropriateness.
5. If the claim is not appropriate for the committee receiving the grievance, that committee will forward the claim to the appropriate body, whether that be another grievance committee on campus, or an outside body, including regulatory agencies.
6. In cases heard by the College Grievance committee, appeals shall be forwarded to the Dean of that College. In cases heard by the Academic Senate committee, appeals shall be forwarded to the Provost. The appeals process of the grievance committee conducting the hearing shall apply. In cases where the grievant feels that a college grievance committee has not followed due process, a due process appeal may be made to the Academic Senate Grievance committee.