

Longwood University Faculty Senate  
**PROPOSAL/POLICY COVER  
SHEET**

This cover sheet is intended to provide information to members of the Faculty Senate about a new proposal/policy or about revisions to an existing proposal/policy. **If you are proposing a new policy, then attach the text of the policy to this form. If you are proposing a change to an existing policy, then attach the text of the current policy with any deleted language marked by a strikethrough and with new language marked by an underline. If you are deleting a policy, then attach the text of the policy to be deleted.**

**COMMITTEE(S)** that authored or sponsored this proposal:

*Faculty Status and Grievances* (Please contact Heather Lettner-Rust with questions.)

**TOPIC:**

*Reorganization of the sections on N. 12. Duties of the Committee and N. 14 Petitions sections regarding the Faculty Petitions & Grievances Committee in the FPPM. The material has been reorganized. Clarifications have been made when terms are broad.*

**BACKGROUND** (Provide a brief statement describing the origins of this proposal, the nature of the problem it addresses, and the work completed to devise the proposal):

*In examining the by-laws, there was material under Duties of the Committee in N. 12 that was clearly about the procedures that should be moved. The mix of content led to confusion about material. Procedures was also lacking. Material was read, moved, and revised according to those two headings.*

**SUMMARY OF NEW POLICY OR PROPOSED CHANGES OR DELETIONS TO AN EXISTING POLICY** (Provide a brief list or statement describing the content of the policy or the proposed changes or deletions):

*Changes are suggested in order to:*

- 1. Clarify language to specify to whom a reference is made. For example, “the person” is now “the responsible person according to the list of appeals.”*
- 2. When the content listed under Duties was examined, much of that material related to Procedures. Therefore, much of the content in Duties was moved to a new section.*

*The explanations for any changes are highlighted in blue. New material is in yellow. Moved material is in grey.*

**RATIONALE FOR THE POLICY OR PROPOSED CHANGES** (Provide a brief statement as to why the new policy, the changes, or the deletion is needed):

Briefly, this is about clarity.

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**Routing information and signature lines:**

Date submitted to Senate Executive Committee for Consideration:

Action(s) Taken:

Date first read at Faculty Senate:

Action(s) Taken:

Date final action taken by Faculty Senate:

Action(s) Taken:

Senate Chair: \_\_\_\_\_

Date submitted to the PVPAA (within 5 working days of Senate approval):

Action(s) Taken:

PVPAA: \_\_\_\_\_

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

Date submitted to other administration:

Action(s) Taken:

Administrator: \_\_\_\_\_

Date (within 15 working days of PVPAA's signature): \_\_\_\_\_

Date submitted to the Board of Visitors:

Coversheet updated 9/2017

## 12. Duties of the Committee:

a. The committee shall act in matters of:

(1) A faculty member's grievance against the administration (See Q. 14, Procedures for Appeals and Hearings);

(2) A faculty member's grievance against another faculty member(s) (See Q. 14, Procedures for Appeals and Hearings).

*(Explanation: "Q. 14" has been added for the sake of easier reference if the link is broken)*

~~b. The administration may at its discretion refer matters of faculty status to the committee for recommended action. These referrals must be made in writing to the committee.~~

~~c. The committee shall act upon a written statement signed by the complainant with a request for a hearing; a preliminary hearing shall be held as soon as possible after receipt of the request.~~

~~d. Committee members will disqualify themselves if the appeal involves a faculty member from their departments, or if it is felt that there is a conflict of interest.~~

*(Explanation: Conflicts of interest aren't part of the duties of the committee. This issue is handled in Q. 11. a.-c)*

~~d. The committee shall keep confidential records of its proceedings for three years.~~

~~e. The committee shall create, distribute, and count ballots to select the next year's committee (for method of selection, see Q. 9)~~

~~f. When the committee feels that such action is warranted, The committee shall hold a full hearing within approximately two weeks of the preliminary hearing, at which time all concerned parties shall be invited to be present. and the The Provost and Vice President for Academic Affairs' (PVPAA's) office shall be notified of the nature of the appeal. The PVPAA shall be requested to attend a full hearing of the Committee on Faculty Status and Grievances under the following conditions: (1) When the PVPAA has information pertinent to the case that, in the opinion of the committee, is not available elsewhere.~~

~~(2) The PVPAA will be present only for the portion of the hearing when the PVPAA is asked questions.~~

~~g. The President, or other Any individuals with pertinent information, may be requested to attend a hearing.~~

~~h. The recommendations of the committee shall be determined by majority vote.~~

~~i. In cases between the faculty and administration, the recommendations of the committee will be furnished to the parties concerned, the President and the PVPAA. If the committee determines that the grievance was caused primarily by inadequate procedure, it should recommend specific procedural improvements to the PVPAA. These procedural recommendations shall be in a separate letter from the recommendations concerning the appeal. If an appeal is made to the President,~~

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~~transcripts and records of the full hearing will be available to the President and the parties involved.~~

~~j. In the event that the committee, in its opinion, determines that there is a conflict of authority involved in a case, then it is the responsibility of the committee to seek an interpretation as to which authority takes precedence.~~

~~k. If the committee's recommendations are in favor of the complainant, and if, in the opinion of the committee, suitable action has not been taken within a reasonable time at the appropriate or highest University administrative level, the committee shall send a copy of the proceedings together with its recommendations to the President.~~

~~l. In grievances between faculty members, if the services of the committee lead to a resolution that is mutually satisfactory to everyone concerned, no further action will be taken and no report made.~~

~~(1) Intradepartmental complaints:~~

~~(a) If recommendations are made by the committee, copies will be furnished to the parties involved, to the department chair, and to all others to whom prior appeal had been made.~~

~~(b) If, in the opinion of the committee, suitable action has not been taken within a reasonable time, the committee, at the request of either party, shall send its recommendations through as many levels of appeal as necessary.~~

~~(2) Interdepartmental complaints: (a) If recommendations are made by the committee, copies will be furnished to the parties involved and to all others to whom prior appeal had been made.~~

~~(b) If, in the opinion of the committee, suitable action has not been taken within a reasonable time, the committee, at the request of either party may send its recommendations to either or both department chairs, deans, or the PVPAA, and through as many more levels of appeal as necessary.~~

*(Explanation: all material in strike out is Procedure, not Duties. It has been moved to Q. 14.)*

Color for new material--yellow

Color for moved material--grey

Explanations in blue

#### 14. Procedures for Appeals and Hearings:

##### a. Faculty-Administrative Grievance Avenue of Appeals

Before the Committee on Faculty Status and Grievances can hear a grievance, the aggrieved faculty member must have appealed the decision through all administrative channels short of the President.

*(Explanation: Inserted space here so the next sentence becomes a header for the list.)*

The appeal must start at the level at which the party was aggrieved or denied. The order of appeals is:

- (1) Departmental committee (if applicable)
- (2) Department chair (if applicable)
- (3) Dean of college (if applicable)
- (4) PVPAA
- (5) Committee on Faculty Status and Grievances

b. The administration may at its discretion refer matters of faculty status to the committee for recommended action. These referrals must be made in writing to the committee.

*(Explanation: (b) was moved from 12. Duties of the Committee because the situation describes a faculty/faculty grievance procedure rather than a duty of the committee.)*

##### c. Faculty-Faculty Grievance Avenue-of Appeals

Before the Committee on Faculty Status and Grievances can hear a grievance, the aggrieved faculty member must have appealed the decision through all administrative channels short of the President.

The appeal must start at the level at which the party was aggrieved or denied. The order of appeals is:

*(Repetition of this paragraph from above is necessary. Otherwise, you assume those looking for Faculty-Faculty avenues would read all of the above. This is a reference document. The reader is looking for the right section.)*

- (1) For Intradepartmental complaints:
  - (a) Other party (through an intermediary if necessary)
  - (b) Department chair
  - (c) Dean of college
  - (d) PVPAA
  - (e) Committee on Faculty Status and Grievances
  - (f) President

(2) Interdepartmental complaints:

- (a) Other party (through an intermediary if necessary)
- (b) One or both department chairs
- (c) One or both college deans
- (d) PVPAA
- (e) Committee on Faculty Status and Grievances
- (f) President

(3) The administration may at its discretion refer matters of faculty status to the committee for recommended action. These referrals must be made in writing to the committee. *(Explanation: (3) was moved from 12. Duties of the Committee because the situation describes a faculty/faculty grievance procedure rather than a duty of the committee.)*

**d.** Timetables for appeals

Timetables for appeals to the Committee in tenure and promotion reviews are already established in [Section III.AA Time Table For Tenure And Promotion To All Ranks](#).

*(Explanation: space added because this explanation is about two different timetables.)*

Timetables for ~~For~~ other appeals, the responsible person named in 14.a and 14. B. at each of the appeal levels must schedule, on a mutually agreed upon time and day, and hold a hearing with the aggrieved party within 10 working days of written receipt of the appeal. ~~That~~ The responsible person must respond in writing to the aggrieved party with a decision on the matter within 5 working days of the hearing. If ~~any of these~~ the responsible person does not hold the hearing or does not respond after the hearing within the prescribed time, the required effort to appeal at that level has been met and the aggrieved party may file an appeal at the next level.

**d. e.** Disqualifications of Committee Members

*(Explanation: Moved this section from below d. Request to Committee on Faculty Status and Grievances for Hearing to above the material about requests for Preliminary Hearing because it involves both Preliminary and Full Hearings.)*

(1) If any Faculty Status and Grievances Committee member is from the same department as any party to the grievance the complainant, the Faculty Status and Grievance Committee member will be disqualified from sitting at the hearing. In the event of a faculty grievance, any committee member from the same department as the second faculty member will likewise be disqualified from serving.

(2) If any Committee member(s) feel there is a conflict of interest present in the case, the Committee member(s) may and should disqualify themselves if they feel there is a conflict of interest.

(3) In the event that any member of the committee does not serve, an alternate, selected by order of precedence, will serve.

**d. f** Request to Committee on Faculty Status and Grievances for **a Submitting a Preliminary Hearing Appeal.**

*(Explanation: This heading specifically separates submitting an appeal from procedure.)*

A Preliminary Hearing is to determine whether the grievance falls within the authority of the committee and a full hearing is warranted.

*(Explanation: The above sentence is needed to define a Preliminary Hearing to an outside reader.)*

- (1) Request for a preliminary hearing to the Faculty Status and Grievances Committee must be in writing. All requests must contain enough information on the nature of the request grievance for the committee to determine whether the grievance falls within the authority of the committee and warrants a full hearing.
- (2) The inclusion of supporting data and documents is an aid to the committee in setting up the preliminary hearing.
- (3) It is helpful if A copy Copies of the material of the grievance and supporting data/documents must be are-submitted to the committee chair in paper or as a single pdf file.
- (4) A preliminary hearing shall be held as soon as possible after receipt of the request.

*(Explanation: This bylaw was moved from Q. 12. because it fits procedures rather than duties. (4) was added because the timing was not defined.)*

#### **15. g. Procedures for a Preliminary Hearing.**

*(Explanation This heading and material was moved this from Q 15 so that it's under the same heading as the general heading Q 14. Procedures for Appeals and Hearings.)*

- (1) All committee members (barring those disqualified in 14., d, 1-3 by conflict of interest) shall be present at all hearings and deliberations of the committee.
- (2.) The preliminary hearing is held to determine whether there are sufficient grounds for the complaint to warrant a full hearing.
- (3) The Committee will invite to the hearing the complainant and all others involved in the grievance.
- (4) The Committee will hear each individual separately, the complainant first. In trying to arrive at the pertinent facts, the Committee may deem it necessary to recall a witness after others have been heard. The Committee may ask questions of those appearing to clarify the evidence before it.
- (5) The evidence at this preliminary hearing will be recorded to preserve all oral evidence. In accordance with the committee's duties, all confidential records of its proceedings will be kept for three (3) years.
- (6) If any new documents are presented, the Committee will need six copies.
- (7) The decision of the Committee regarding the need for a full hearing will be reached by a majority vote.
- (8) The decision of the committee will be delivered within five (5) working days from receipt of the case by the chair.

*(Explanation: Added a deadline, there wasn't one previously. Five working days seemed reasonable.)*

#### **16. h. Procedures for a Full Hearing**

*(Explanation This heading and material was moved this from Q 16 so that it's under the same heading as the general heading Q 14. Procedures for Appeals and Hearings.)*

(1) If a full hearing is warranted by the decision of the FGSC, the full hearing shall hold be held within approximately two weeks 10 working days of the conclusion of the preliminary hearing. The time and place set by the Committee, as convenient as possible for all concerned.

*(Explanation: Moved the deadline from Q.12.f because this is about procedure.)*

(2) All parties involved in the appeal will be invited to be present and to give their evidence.

(3) All involved parties will be present during the presentation of evidence. If the Committee deems that an outside person has pertinent evidence not otherwise obtainable, it may request that evidence and then excuse that individual.

*(Explanation: Re-ordered d. and e. to be 2. and 3. so that information is connected.)*

d. (4) The claimant may, if he or she wishes, have another faculty member present as a silent witness to the proceedings.

e. (5) If the claimant wishes others to present evidence on his or her behalf, the Committee must be consulted ahead of time about the witnesses involved and the nature of the evidence. The Committee will decide which witnesses, if any, are pertinent to the appeal.

f. (6) When the committee feels that such action is warranted, it shall hold a hearing within approximately two weeks of the preliminary hearing, at which time all concerned parties shall be invited to be present and the The Provost and Vice President for Academic Affairs' (PVPAA's) office shall be notified of the nature of the appeal. The PVPAA shall be requested to attend a full hearing of the Committee on Faculty Status and Grievances under the following conditions:

(1) (a) When the PVPAA has information pertinent to the case that, in the opinion of the committee, is not available elsewhere.

(2) (b) The PVPAA will be present only for the portion of the hearing when the PVPAA is asked questions.

*(Explanation: The material from all of "f" is moved from Q12. f. Duties of the Committee to here in Q14. g. because this information relates to procedure for a Full Hearing.)*

~~g.~~ (7) The President, or other individuals with information pertinent, may be requested to attend the hearing.

~~f.~~ (8) The claimant will be given the first opportunity to present the case followed by the other parties involved.

~~g.~~ (9) The Committee members may ask questions of any party present to clarify the evidence.

~~h.~~ (10) All evidence given at The hearing will be recorded to preserve all oral evidence. In accordance with the committee's duties, all confidential records of



its proceedings will be kept for three (3) years by the committee chair under which the hearing took place.

(i. (11) The deliberations of the Committee after the evidence is submitted hearing will be private, confidential, and not recorded.

(j. (12) If it is not possible for the Committee to gather some evidence that is essential in deciding the appeal, the Committee may postpone or suspend the hearing and complete it as soon as the evidence is obtained. This provision does not apply in a case such as tenure where the Committee's decision must meet a deadline.

k. If any documents are presented, the Committee will need six copies.

#### **17. 15. Outcome of the Appeal in a Full Hearing**

*(Explanation: Moved this from Q.17 because with the changes there is no Q.16)*

a. In cases between faculty, the Faculty Status and Grievances Committee will notify the claimant, the other parties involved, the PVPAA, and the President of its decision and the reasons for it in writing as soon as possible after the full hearing. (This is usually about two working days).

b. If the claimant appeals to the President, transcripts of the full hearing will be made available to the President and the parties involved.

~~12. i.~~ c. In cases between the faculty and administration, the findings and recommendations of the committee will be furnished to the parties concerned, the President, and the PVPAA.

If the committee determines that the grievance was caused primarily by inadequate procedure, it should recommend specific procedural improvements to the PVPAA. These procedural recommendations shall be in a separate letter from the recommendations concerning the appeal.

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If an appeal is made to the President, transcripts and records of the full hearing will be available to the President and the parties involved.

~~j.~~ d. In the event that the committee, in its opinion, determines that there is a conflict of authority involved in a case, then it is the responsibility of the committee to seek an interpretation as to which authority takes precedence.

~~k.~~ e. If the committee's recommendations are in favor of the complainant, and if, in the opinion of the committee, suitable action has not been taken within a reasonable time at the appropriate or highest University administrative level, the committee shall send a copy of the proceedings together with its recommendations to the President.

~~l.~~ f. In grievances between faculty members, if the services of the committee lead to a resolution that is mutually satisfactory to everyone concerned, no further action will be taken and no report made.

(1) Intradepartmental complaints:

(a) If recommendations are made by the committee, copies will be furnished to the parties involved, to the department chair, and to all others to whom prior appeal had been made.

(b) If, in the opinion of the committee, suitable action has not been taken within a reasonable time, the committee, at the request of either party, shall send its recommendations through as many levels of appeal as necessary.

(2) Interdepartmental complaints:

(a) If recommendations are made by the committee, copies will be furnished to the parties involved and to all others to whom prior appeal had been made.

(b) If, in the opinion of the committee, suitable action has not been taken within a reasonable time, the committee, at the request of either party may send its recommendations to either or both department chairs, deans, or the PVPAA, and through as many more levels of appeal as necessary.

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*(Explanation: Moved this from Q.12 Duties of the Committee because this material relates to procedure regarding an outcome, not duties.)*

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~~(Explanation: From Q.12. because this relates to the Outcome of a Full hearing.)~~

d. If the committee's recommendations are in favor of the complainant, and if, in the opinion of the committee, suitable action has not been taken within a reasonable time at the appropriate or highest University administrative level, the committee shall send a copy of the proceedings together with its recommendations to the President.

e. In grievances between faculty members, if the services of the committee lead to a resolution that is mutually satisfactory to everyone concerned, no further action will be taken and no report made.

(1) Intradepartmental complaints:

(a) If recommendations are made by the committee, copies will be furnished to the parties involved, to the department chair, and to all others to whom prior appeal had been made.

(b) If, in the opinion of the committee, suitable action has not been taken within a reasonable time, the committee, at the request of either party, shall send its recommendations through as many levels of appeal as necessary.

(2) Interdepartmental complaints:

(a) If recommendations are made by the committee, copies will be furnished to the parties involved and to all others to whom prior appeal had been made.

(b) If, in the opinion of the committee, suitable action has not been taken within a reasonable time, the committee, at the request of either party may send its recommendations to either or both department chairs, deans, or the PVPAA, and through as many more levels of appeal as necessary.