

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 Committee

TOPIC:

FPPM VI: Governance

O. Committee on Faculty Status and Grievances

12. Duties of the Committee
13. Authorities of the Committee
14. Procedures for Appeals and Hearings
 - f. Submitting a Preliminary Hearing Appeal
 - g. Procedures for a Preliminary Hearing
 - h. Procedures for a Full Hearing
15. Outcome of the Appeal in a Full Hearing

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):

The current language in the FPPM (f. pg. 306) states, “A preliminary hearing is to determine whether the grievance falls within the authority of the committee and a full hearing is warranted.” By viewing the supporting documents and data submitted by the petitioner, the committee feels they can determine whether the dispute falls within the jurisdiction of the committee without holding a preliminary hearing. By eliminating the preliminary hearing, the committee can then move forward with a hearing. These changes are supported by current committee members who were part of the preliminary hearing last year.

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):

- There are a variety of terms used to describe the faculty member initiating the grievance within the policy. Revisions include using the term “petitioner” consistently throughout the policy to identify the individual with the grievance.
- Revisions proposed to streamline the process for requesting a hearing and for the committee to determine whether the dispute falls within their jurisdiction. The creation and inclusion of a form for faculty to fill out and submit to the committee.
- The removal of the preliminary hearing process as it not deemed necessary to determine whether the

- dispute falls within the jurisdiction of the committee.
- Revisions to identify the procedure for a hearing.

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

Preparing for and participating in two possible hearings (preliminary and full hearing) requires a tremendous amount of time and effort on all parties involved. Based on previous experience, the preliminary hearing is not deemed necessary to determine whether a grievance falls within the jurisdiction of the committee. By streamlining the process for faculty to request a hearing, the committee should be able to determine if the dispute falls within their jurisdiction and warrants a hearing. By eliminating the preliminary hearing process, the petitioner and all parties involved can focus their efforts on preparing for a single hearing.

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:

12. Duties of the Committee:

a. The committee shall act in matters of:

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

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

b. The committee shall act upon a written statement signed by the ~~complainant~~ petitioner with a request for a hearing; ~~a preliminary hearing~~ if the grievance falls within the jurisdiction of the committee. The hearing shall be held as soon as possible after receipt of the request.

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

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

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

13. **Authorities of the Committee:** The Committee on Faculty Status and Grievances has the authority to determine whether or not the ~~complainant~~ petitioner has a legitimate grievance and, if legitimate, to recommend an appropriate remedy to the appropriate administrative level. A grievance is legitimate if:

- a. The established policies of the university as adopted by the Board have been violated.
- b. The established procedures of the university have been violated.
- c. Established procedure is not adequate or fair (in which case a recommendation for change should be suggested).
- d. It appears that judgments concerning an individual's status have been made without properly considering all the evidence pertinent to the case, or
- e. The grievance involves any issue affecting faculty status including (but not limited to the following):

(1) Tenure

(2) Contract renewal

(3) Promotion

(4) Salary (limited to due process)

(5) Merit increases (limited to due process)

(6) Academic freedom

(7) Unethical conduct

(8) Other general areas

14. Procedures for Appeals and a Hearing:

a. Faculty-Administrative Grievance Avenues 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:

- (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

f. Submitting a Preliminary Hearing Appeal Request for a Hearing

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

- ~~(1) Request for a preliminary hearing to the Faculty Status and Grievances Committee must be in writing submitted using the Hearing Request Form. All requests must contain ~~enough information~~ the information as required on the form ~~on the nature of the grievance~~ to allow the committee to determine whether the grievance falls within the ~~authority~~ jurisdiction of the Faculty Status and Grievances Committee. The Hearing Request Form is located at the end of the policy and on the Faculty Senate webpage (hyperlink to Faculty Senate webpage). ~~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) A copy of the grievance and supporting data/documents must be 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.~~

(2) The Hearing Request Form must be submitted to the committee chair.

(3) If the grievance falls within the jurisdiction granted to the committee, a date for the hearing shall be provided within 5 work days.

(4) Upon establishing a hearing, the committee will invite the petitioner, the other person directly involved in the dispute (hereafter referred to as the respondent), and all other relevant parties to the hearing. Individuals invited to the hearing will be informed about the date and time of the hearing, nature of the grievance, procedures for the hearing, and instructions for preparing documents to be shared at the hearing.

g. Procedures for a Preliminary Hearing

(1) The following ‘Procedures for a Hearing’ will be read aloud at the beginning of the hearing.

(2) All Faculty Status and Grievance Committee members (barring those disqualified in 14. e, 1-3 by conflict of interest) shall be present at all hearings and deliberations of the committee.

(3) The committee will invite the petitioner, the other person directly involved in the dispute (hereafter referred to as the respondent), and all other relevant parties to the hearing.

(4) Six copies of all documents being presented by the petitioner and respondent must be given to the committee chair at least 48 hours before the time set for the hearing. Upon receipt of the documents, the committee chair will distribute the documents to all individuals who will be present at the hearing.

~~(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) If the petitioner wishes to provide additional witnesses, the committee must be notified at least 48 hours before the time set for the hearing and given the name, and a description of the relevance of each proposed witness to the proceeding. In its discretion, the committee may decline to hear a witness if it decides that the witness is irrelevant to the dispute.

(6) The Provost and Vice President of Academic Affairs’ (PVPAA’s) office shall be notified of the nature of the hearing. The PVPAA may be requested to attend the hearing if the PVPAA has information pertinent to the case that, in the opinion of the committee, is not available elsewhere. The PVPAA will be present only for the portion of the hearing when the PVPAA is asked questions.

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

(8) The petitioner and the respondent shall be present during the presentation of the evidence. Other witnesses will be sequestered.

(9) The petitioner may have another faculty member present as a silent witness to the proceedings.

(10) The petitioner is given the first opportunity to present their case followed by the respondent.

(11) The committee members may ask questions of any party present to clarify evidence.

(12) If committee needs additional evidence that it believes is essential in deciding the dispute, they may suspend the hearing and complete it as soon as the evidence is obtained.

(§ 13) 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.

(14) The deliberations of the committee after the hearing will be private, confidential, and not recorded.

(15) The decision of the committee will be reached by a majority vote and delivered by the chair within five (5) working days.

~~(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.~~

~~g. Procedures for a Full Hearing~~

~~(1) If a full hearing is warranted by the decision of the Faculty Status and Grievances committee, the full hearing shall be held within 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.~~

~~(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.~~

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

~~(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.~~

~~(6) 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:~~

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

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

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

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

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

~~(10) The hearing will be recorded to preserve all oral evidence. In accordance with the committee's duties, all confidential records of its proceeding will be kept for three (3) years by the committee chair under which the hearing took place.~~

~~(11) The deliberations of the committee after the hearing will be private, confidential, and not recorded.~~

~~(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.~~

15. Outcome of the Appeal in a Full Hearing

- a. In cases between faculty, the Faculty Status and Grievances Committee will notify the ~~claimant~~ **petitioner**, 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~~ **petitioner** appeals to the President, transcripts of the hearing will be made available to the President and the parties involved.
- 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.

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.

- 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.

- e. If the committee's recommendations are in favor of the ~~complainant~~ **petitioner**, 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.
- 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.

**Faculty Status & Grievances Committee
Hearing Request Form**

Overview: This form and related documentation are required to aid in the committee's determination of whether this issue falls within the jurisdiction of the committee. The committee chair can provide an electronic copy of this form upon request.

This form and the grievance summary shall be typed and submitted to the chair as one PDF document.

Person Making This Request (the petitioner or administrator) Name:

Title:

Department/Office:

Office Phone:

Email:

Previous Grievance Appeal Records

Per the FPPM, before the Faculty Status and Grievances Committee can hear a grievance, the petitioning faculty member must have appealed the decision through all administrative channels short of the President.

The appeal must start at the level the party was aggrieved or denied and proceed through the levels of appeal as described in the FPPM. 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.

Given this, place a checkmark to identify if you are:

An administrator referring a matter of faculty status for recommended action for one of the areas listed below.

OR

A faculty member petitioning for a hearing who has appealed a decision for one of the areas listed below.

The Faculty Status and Grievances Committee has the authority to accept hearings for areas listed below. **Checkmark all below that apply to this hearing request.**

- Faculty Status: Tenure
- Faculty Status: Contract renewal
- Faculty Status: Promotion
- Faculty Status: Salary (limited to due process)
- Faculty Status: Merit increases (limited to due process)
- Faculty Status: Academic freedom
- Faculty Status: Unethical conduct
- Faculty Status: Other general areas
- Established policies as adopted by the Board have been violated
- Established procedures of the university have been violated
- Established procedure is not adequate or fair (recommendation for change should be suggested)
- Judgments concerning an individual's status appear to have been made without properly considering all the

evidence pertinent to the case

Checkmark at which level the dispute first occurred (the level at which a party was aggrieved or denied) and write the date.

- Other party (for intradepartmental complaints only) / Date _____
- Departmental committee / Date _____
- Department chair / Date _____
- Dean of College / Date _____
- PVPAA / Date _____

Checkmark each level where the dispute was considered or heard and the date of that communication.

- Other party (for intradepartmental or interdepartmental complaints only) / Date _____
- Departmental committee / Date _____
- Department chair / Date _____
- Department chair #2 (intradepartmental complaints only) / Date _____
- College Dean / Date _____
- College Dean #2 (intradepartmental complaints only) / Date _____
- PVPAA / Date _____

Summary of Grievance: In **1 page**, list the parties involved and briefly summarize the nature of the grievance. The purpose of the summary is solely to aid in the determination of whether this issue falls within the jurisdiction of the committee. Further details and documentation will be requested if a hearing is scheduled.

