

RESOLUTION TO APPROVE CHANGES TO ADMINISTRATIVE AND PROFESSIONAL FACULTY GRIEVANCE PROCESSES

Background

The Commission on Administrative and Professional (A/P) Faculty Affairs (CAPFA) is responsible for oversight of A/P faculty grievances and for advising the provost and/or associate vice president for human resources prior to action. During 2013-2014, CAPFA determined through a formal grievance, and a close review of Section 7.7.2 and Section 7.7.6 of the Faculty Handbook that changes were necessary to better serve the needs of the grievant and the university. In addition to the changes to Sections 7.7.2 and 7.7.6 of the Faculty Handbook, it is recommended that Section 7.7.4 be revised to provide a better understanding of issues that are or are not valid for a grievance.

Pending Board approval, it is recommended that Section 7.7.2, *The Formal Grievance Procedure*, and Section 7.7.6, *Overview of the Formal Grievance Process for Administrative and Professional Faculty*, be modified to require that the question of an issue's admissibility to the formal grievance process be resolved at step one of the process. Currently, the question of an issue's admissibility into the grievance process can go unresolved through three steps of the formal grievance process. After review, CAPFA determined that a grievant should learn early in the process if an issue is not grievable per Section 7.7.4, *Valid Issues for Grievance*, so that they can be informed of their options under the jurisdiction of other university policies and procedures or through reconciliation or mediation services. Upon resolving the question of an issue's admissibility to the grievance process, the formal grievance process would follow the established steps and timeline.

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WHEREAS, the Commission on Administrative and Professional (A/P) Faculty Affairs (CAPFA) is responsible for oversight of A/P faculty grievances and advising the provost or associate vice president for human resources prior to action; and

WHEREAS, during 2013-2014 CAPFA determined through a close review of Section 7.7.2 and Section 7.7.6 of the Faculty Handbook that changes were necessary to better serve the needs of the grievant and the university; and

WHEREAS, Section 7.7.2, *The Formal Grievance Procedure* and Section 7.7.6, *Overview of the Formal Grievance Process for Administrative and Professional Faculty*, allow the question of grievability (defined as a determination of the appropriateness of an issue for grievance) to be initiated at any point in the formal grievance process by any party; and

WHEREAS, allowing grievances to progress into formal grievance steps without a grievability ruling leads to matters not grievable progressing into the formal grievance process; and

WHEREAS, the intent of this resolution is to only allow matters that meet the requirements under a grievability ruling as stated in the Faculty Handbook (Section 7.7.2, *The Formal Grievance Procedure*, and Section 7.7.6, *Overview of the Formal Grievance Process for Administrative and Professional Faculty*) to progress into the formal grievance process, and

WHEREAS, the grievability ruling allows for an impartial review of the grievability of the issue and is determinant of potential steps for resolution, and

WHEREAS, the recommended changes to Section 7.7.2, *The Formal Grievance Procedure*, and Section 7.7.6, *Overview of the Formal Grievance Process for Administrative and Professional Faculty*, require that the question of grievability (defined as a determination of the appropriateness of an issue for grievance) be resolved at the beginning of the formal grievance process; and

WHEREAS, if an issue is not grievable per Section 7.7.4, *Valid Issues for Grievance*, informing the grievant early in the grievance process would be beneficial and allow the grievant to pursue other options that might be available either through the jurisdiction of other university policies and procedures or through reconciliation and mediation services; and

WHEREAS, upon resolving the question of an issue's admissibility to the grievance process, the formal grievance process would follow the standard steps and timeline; and

WHEREAS, Section 7.7.4 was revised to provide a better understanding of issues that are or are not valid for a grievance;

NOW, THEREFORE, BE IT RESOLVED, that Section 7 of the Faculty Handbook be amended as follows:

Concerning Step One Written Grievance Submitted to Director/Department Head (new language):

1. Step one: A copy of the grievance form should also be sent to the chair of CAPFA.

If the step one administrator determines that the issue is not grievable and the grievant is not satisfied with the written response provided by the step one administrator, a copy of the grievance form will be sent to the chair of the Commission on Administrative and Professional Faculty Affairs (CAPFA). Within five calendar days upon receiving the grievance form, the chair of CAPFA will convene a grievability panel to determine the admissibility of the issue to the grievance process per section 7.7.4 of the Faculty Handbook. If the issue is deemed grievable the grievance process moves forward to the step two administrator. If the grievability panel determines the issues presented by the grievant are not grievable then the process is concluded. The decision of the grievability panel is final. A written report summarizing the deliberation and documenting the ruling of the grievability panel will be provided to all parties.

RECOMMENDATION:

That the resolution to approve the changes to the administrative and professional faculty grievance processes be approved.

June 2, 2014