

***CHAPTER 6: FACULTY GRIEVANCES**

PREAMBLE

The University seeks to provide and sustain an environment conducive to the creation and sharing of knowledge and creative endeavors. Effective performance of these central functions requires that faculty members, administrators, and staff treat each other fairly and with civility, mutual respect, and reasonable consideration.

The grievance process provides a means to resolve disputes that have not been resolved through the normal process of reasoned discussion. The grievance process is intended to clearly define the matters that are at issue; to assure the faculty member that their complaint or problem has been presented to and considered by appropriate University officials and bodies; and to assure the University community that decisions involving faculty members in their relationship to the University are fully considered.

A grievance is an official statement of a complaint over workplace or employment conditions believed to be wrong or unfair. This chapter addresses grievances initiated by faculty. A faculty member may file a grievance, for example, if they have been subject to a violation, misinterpretation, or inequitable application of the provisions of the Faculty Handbook, other published University or School/Unit policies, or their appointment letter. As faculty, Deans may file grievances against other faculty for the same reasons.

6.1 Purpose

This chapter provides the procedures for grievances by faculty regarding conditions of employment, due process, violations of academic freedom or academic responsibility, and other issues of grievance or unfair action of concern to the faculty not listed below.

Procedures for addressing other types of grievances are outlined elsewhere in the Faculty Handbook:

1. Grievances alleging discrimination, harassment, or retaliation on the basis of race, color, sex, religion, national origin, age, disability, genetic information, sexual orientation, gender identify, gender expression, pregnancy, marital status, military status, veteran status or any other status or classification protected by federal, state or local law, are handled by the Office of Institutional Equity and the Senate Committee on Equal Opportunity Grievances as outlined in 6.4.
2. Cases involving allegations of scholarship and research misconduct will be forwarded to the School Grievance Committee by the dean of the school after an initial inquiry as outlined in Chapter 9.6 of the Faculty Handbook.
3. When a dean or administrator intends to take disciplinary action against a faculty member, they initiate disciplinary processes as outlined in Chapter 7.

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4. Faculty who wish to appeal tenure and promotion decisions may file those concerns with the Senate Committee on FTFR as outlined in Chapter 4.
5. Faculty who believe a student is acting in a disruptive, disrespectful, dishonest manner, or exhibits otherwise problematic behavior in a class or office may file a report with the [Office of Student Conduct](#).

6.2 School Faculty Grievance Procedures

6.2.1 Preliminary Faculty Grievance Proceedings

When faculty members believe their rights as faculty have been violated, they should ordinarily discuss the matter with the relevant chair, dean, or other administrator(s) to reach a mutual settlement. If the parties are unable to solve the problem through discussion, then the faculty member can follow the grievance procedure as outlined below.

All parties are encouraged to seek mediation to resolve disputes. The Office of Human Resources & Institutional Equity offers a conflict resolution program to support the Tulane community to take a positive, proactive approach to resolving conflicts and disputes in the workplace. Please visit <https://hr.tulane.edu/conflict-resolution-program> to learn more and to speak with Tulane's conflict resolution specialist.

As per the procedures outlined in the University Senate Bylaws, faculty may appeal tenure decisions directly to the Committee on Faculty Tenure, Freedom and Responsibility (FTFR).

6.2.2 School-Based Faculty Grievances (Not involving Equal Opportunity/Anti-Discrimination)

Each School has its own procedures to address faculty grievances; however, all schools shall follow the guidelines outlined below. Formal proceedings for a faculty grievance shall commence within the aggrieved faculty member's school and following the procedures outlined by the school for the operations of its standing Grievance Committee (see Guidelines in 6.2.3 below). Typically, the faculty member must file a grievance in writing to their school's standing grievance committee within six (6) months of the discovery of the action on which the grievance is based.

The school's dean's office shall maintain all grievance records in a confidential manner.

The grievance must clearly state the nature of the dispute and the relief being sought.

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Two or more persons with essentially the same grievance may file a single grievance, covering all of them. If an individual files a grievance, and it is later discovered that one or more others are similarly affected, the others may ask to join the original grievant at any stage of the grievance procedure.

Grievances against a dean are first heard by the school's grievance committee.

The faculty member may seek the counsel of the chair of the Senate Committee on Faculty Tenure, Freedom and Responsibilities at an early stage.

6.2.3 Policies for School Faculty Grievance Committees

For both legal and policy reasons, it is appropriate for each school to adopt and publish procedures providing for the prompt and equitable resolution of grievances or complaints.

It is also important for school-based grievance procedures to be standardized to ensure fair and equitable disposition of all faculty concerns regardless of the school of appointment. These guidelines are presented to the faculties to achieve this outcome in each school.

6.2.3.1 Constitution of the School Faculty Grievance Committee

- a. Each school must have a standing grievance committee comprising at least 3 (three) elected faculty members who do not hold administrative positions with the title of dean, provost, or Department chair. Elections must be competitive. The committee shall elect a chair either annually or for a pre-established term.
- b. The charge to the committee must be clearly outlined either in the school's constitution or in some other policy document that is available to faculty.
- c. The school's constitution or other policy document should also indicate that a member of the faculty with a grievance should, in the first instance, take the matter to their department chair, director, dean, or the dean of faculty affairs for the school/unit, or other appropriate administrator and attempt to pursue an informal resolution before bringing up formal charges.

6.2.3.2 Jurisdiction of the School Faculty Grievance Committee

- a. The School Faculty Grievance Committee shall have jurisdiction to receive, hear, and recommend dispositions of grievances and complaints originated by faculty members in the school.

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- b. In the event of any jurisdictional ambiguity – for example, a grievance involving individuals from several schools – the school Faculty Grievance Committee shall forward the case to the Senate Committee on Faculty Tenure, Freedom, and Responsibility (FTFR).

6.2.3.3 School Faculty Grievance Committee Procedures

Upon receiving a formal written complaint or grievance, the committee may pursue the following actions:

- a. Decide to hold formal hearings;
- b. Decide that a case does not warrant a formal hearing and provide a written explanation to the person who brought the grievance, the person against whom the grievance was brought, and the dean of the school. If the Dean is the respondent, the explanation will go to the Provost's Office.
- c. Appoint a sub-committee consisting of at least three members of the committee to hold a preliminary hearing to determine whether a formal hearing should be held. If the sub-committee decides that the grievance should be heard, that decision shall be binding.
- d. Any member of the Grievance Committee who has a conflict of interest or the reasonable appearance of a conflict of interest in the grievance (as determined by the chair) shall be recused from discussion and vote in that grievance. The final authority on resolving conflicts of interest rests with the Committee chair. **If there is an allegation that the Chair of the Grievance Committee has a conflict of interest, then, out of the presence of the Chair, the other members of the Grievance Committee shall determine, by majority vote, whether to recuse the Chair due to a conflict of interest. If there are only two members of the Grievance Committee other than the Chair, the Committee may appoint an additional member on an ad hoc basis, as necessary, from the School's faculty to the Grievance Committee to obtain a majority vote.**
- e. If grievances involve departmental/area decisions, members of that department/area shall recuse themselves from the grievance process.
- f. The Committee shall explain its findings in writing to the person or persons who brought the grievance and the respondents(s). The Committee shall also report its recommendation to the dean of the school and other appropriate administrative officers. If the dean is a party to the grievance, the Committee shall report its recommendation directly to the Senior Vice President for Academic Affairs and Provost.

6.2.3.4 School Faculty Grievance Hearing Procedures

Each school will determine and publish appropriate hearing procedures, which should include the following provisions:

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- a. The hearings shall be private and all matters pertaining to the grievance shall be kept strictly confidential except to the extent that (i) release of information is necessary to the implementation of these procedures and (ii) the Dean is kept informed of the fact of the submission of the grievance, its contents, and the status of the grievance procedures as applied (unless the Dean is the respondent).
- b. The burden of proof shall rest upon the grievant to establish the facts supporting the grievance by the equivalent of a preponderance of evidence. They must submit the grievance in writing. The respondent should be given the opportunity to submit a written response.
- c. An advisor for each party may be present, as long as the advisor is a faculty member of the University and receives no compensation for being an advisor. The role of the advisor is to serve in a consulting capacity. An advisor normally may not address the grievance committee but can with permission of the Chair.
- d. The Committee is not bound by strict rules of legal evidence and may admit any evidence that is of probative value for the issues involved but shall afford all parties to the grievance the opportunity to present witnesses, documentary or other evidence, and arguments on their behalf.
- e. Only the Chair and Members of the Committee can question witnesses. While parties cannot directly cross-examine witnesses, either party may provide the Chair and Committee members with questions to ask witnesses on their behalf.
- f. The Chair of the Committee is responsible for maintaining records of all Committee meetings and hearings.

6.2.3.5 Timeline for Faculty Grievance Committee Actions

- a. All grievances must be handled in an expeditious manner.
- b. Typically, the grievance should be submitted within six months of the date of the alleged action. (Grievances alleging discrimination, harassment or retaliation (see Chapter 5 of the Faculty Handbook) or research misconduct (see Chapter 9 of the Faculty Handbook) have no statute of limitations).
- c. In schools where the majority of the faculty hold 9-month appointments, Faculty Grievance Committee actions occur during the academic year so that the timetables below may have to be revised to accommodate summer breaks.
- d. Upon receiving a grievance, the Faculty Grievance Committee shall notify in writing all parties involved within five (5) working days.

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- e. No later than twenty (20) working days after resolving any jurisdictional issues, the Faculty Grievance Committee shall set dates and places for the hearing which are mutually acceptable to all parties, which dates shall not be sooner than twenty (20) working days nor later than forty (40) working days after the delivery of the notice.
- f. No later than fifteen (15) working days after the hearing, the Faculty Grievance Committee shall make explicit findings of fact and arrive at conclusions. The report may include such supporting material as deemed appropriate by the committee and a recommendation to the dean. The parties to the grievance shall be given a copy of the report and they may submit a statement to the dean concerning the committee report within ten (10) working days after receipt of the Faculty Grievance Committee report.
- g. Upon receipt of the report, the dean may:
 - i. Take or initiate whatever action in his/her view the report warrants and so advise the parties to the grievance.
 - ii. Ask the Faculty Grievance Committee to investigate or to consider the matter further. Upon completion of the supplementary review by the committee, the dean shall take whatever action, if any, that in their view the report warrants and so advise the parties to the grievance.
 - iii. If the Dean's decision is contrary to the Committee's recommendations, the Dean shall communicate the reasons to the Committee and the parties to the grievance.
- h. The final action by the dean completes the formal grievance procedures at the school level.

6.2.3.6 Subsequent Faculty Grievance Actions

The grievant or the respondent may pursue an appeal to the Senate Committee on Faculty Tenure, Freedom and Responsibility. outlined below.

6.3 Faculty Grievance Appeal Process (not Equal Opportunity/Anti-Discrimination)

If the faculty member believes the decision of the school's standing faculty grievance committee or the decision by the dean is unsatisfactory, they may appeal the ruling and bring the grievance forward to the Senate Committee on Faculty Tenure, Freedom, and Responsibility (FTFR) within six (6) months of the first findings. See the FTFR bylaws for the process governing appeals.

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