University Grievance Policy

I. Scope

This policy provides a process that may be used to resolve grievances among members of the University community, including students, staff, faculty, and administrators. This process is applicable only to grievances regarding actions taken directly and specifically against the grievant by the respondent, or conduct directed specifically toward the grievant by the respondent. This process shall not be used to challenge University policies and procedures of general applicability. Moreover, grievances regarding the following matters are specifically excluded from the scope of this policy:

- Grievances by individuals alleging violations of their civil rights, which are governed by the Civil Rights Resolution Policy (BU-PP 028).
- Grievances entirely among students.
- Grievances by staff members involving claims that the staff member has been denied rights under the employment policies of the University, which are governed by the Staff Grievance Policy (BU-PP 822).
- Grievances by students against faculty members involving academic issues, which are governed by the Academic Appeals Policy.
- Grievances involving tenure decisions, which are governed by the Tenure Policy (BU-PP 704).
- Dismissal proceedings initiated by the University against a faculty member, which are governed by the Dismissal Policy (BU-PP 705).
Grievances involving a faculty member's annual evaluation or compensation, which are governed by the Evaluation/Compensation Appeal Process.

II. Informal Resolution

The goal of informal resolutions is to resolve disputes among individual members of the University community without resort to a formal grievance procedure. Members of the University community should make reasonable and good faith efforts to resolve disputes with each other directly, promptly, and informally. Persons seeking to resolve a dispute informally may seek the assistance of academic administrators (including department chairs, deans, and the provost) or staff supervisors as appropriate.

III. Formal Grievance Process

Most disputes between or among University faculty, staff, and students should be resolved informally. At times, however, informal resolution is not possible. If resolution of the grievance is not accomplished informally, then the grievant may initiate the formal grievance process.

A. University Grievance Committee

To assist in the formal resolution of grievances, the University shall establish a University Grievance Committee (the "Committee"). The Committee shall be composed of ten faculty representatives (one from the College of Arts and Sciences, one from the seminary, one from the libraries, one from each of the six Schools, and one from Honors College), two student representatives, and two University staff members. Student representatives participate in grievance proceedings only when a student is either the grievant or the respondent. Staff representatives participate in grievance proceedings only when a staff member is either the grievant or the respondent. Membership on this Committee and the Chair and Vice Chair shall be determined through the established University Committee process involving the Committee on Committees. The Vice Chair shall perform the functions assigned to the Chair under this policy in the event the Chair is unavailable or disqualified.

B. Committee Procedures

Bill of Particulars. The grievant initiates the formal grievance process by submitting a bill of particulars to the Chair of the Committee. The bill of particulars shall (1) identify the person(s) against whom the grievance is brought (the "respondent(s)"); (2) describe in detail the factual basis for the grievance; (3) describe the reasonable and good faith efforts made by the grievant to resolve the matter informally; and (4) describe the remedy or relief sought by the grievant. The grievant must sign the bill of particulars.

Answer. The Chair shall promptly provide the respondent with a copy of the grievant's bill of
particulars. The respondent shall file an answer with the Chair no later than seven (7) calendar days after the respondent's receipt of the bill of particulars. The Chair may extend this deadline for submitting an answer, but should not extend the response date more than fourteen (14) additional calendar days without the agreement of the grievant or some extraordinary circumstance. Once the respondent has submitted an answer, the Chair shall promptly provide the grievant with a copy of the answer.

**Determination of Hearing.** The Committee shall meet promptly (ordinarily within fourteen (14) calendar days) following the filing of an answer to determine whether a Hearing is warranted. A Hearing is not warranted if the Committee determines: (1) that the grievance is outside the scope of this policy; or (2) that reasonable and good faith efforts have not been made to resolve the matter informally. Should the Committee determine that no Hearing is warranted, the Committee shall promptly (ordinarily within seven (7) calendar days of the determination) provide notice and a brief written explanation of this decision to the grievant and the respondent. Otherwise, the Committee shall promptly (ordinarily within twenty-one (21) calendar days of the determination) schedule a Hearing.

**Notice of Hearing.** Notice of the time, date, and place of the Hearing shall be mailed to the grievant and respondent at their last known University addresses. Notice of the Hearing date shall be given at least fourteen (14) calendar days before the scheduled Hearing date, unless the Committee, the grievant, and the respondent otherwise agree.

**Hearing Procedures.**

1. **Who May Attend.** Only members of the Grievance Committee, the grievant, and the respondent may attend the full Hearing. Other witnesses may be present only while giving testimony. A committee member shall be disqualified if the member determines that he or she could not act without unfair bias or prejudice in reaching a decision. Objections to the participation of the particular Committee members must be submitted in writing to the Committee Chair in advance of the Hearing. The Chair's decision on the objection is final and binding. The grievant and the respondent may each designate one member of the Committee to be excused from participation in resolution of the grievance. In the event there are multiple grievants, the multiple grievants may collectively designate one Committee member to be excused, provided the grievants are in agreement regarding who is to be excused. Likewise, in the event there are multiple respondents, the multiple respondents may collectively designate one Committee member to be excused, provided the respondents are in agreement regarding who is to be excused. In the event multiple grievants or multiple respondents cannot collectively agree on the member to be excused, then such grievants or respondents shall not be entitled to excuse a member. The grievant and the respondent must provide the Chair written notice in advance of the Hearing of Committee members to be excused.

Since the grievance process is an internal, professional procedure for resolving disputes, it
should not be construed as a formal legal proceeding such as a trial. Thus, while an individual may seek legal advice pertaining to the process, lawyers representing the disputants are specifically prohibited from attending any portion of the Hearing.

2. Record of Committee Proceedings. The Hearing shall be tape recorded, if such recording is requested by any grievant or respondent. The Chair shall maintain a written record of all action taken by the Committee on a particular grievance and shall make this record available to the parties to the grievance on request. In no event, however, should the vote of an individual Committee member be disclosed and the record shall be maintained in such a manner as to preserve the confidentiality of the votes of individual Committee members.

3. Decorum. Proper and professional decorum is required during the Hearing. The Chair may exclude from the Hearing any person who fails to maintain a proper and professional decorum.

4. Quorum. The Committee may take action only if a quorum is present at a meeting of the Committee. A quorum is a majority of Committee members eligible to participate in the formal resolution of a particular grievance. A Committee member is not eligible to participate if that member (1) has been determined to be disqualified, (2) has been excused by a party to the grievance, (3) is a student representative on the Committee and the grievance does not involve a student, or (4) is a staff representative on the Committee and the grievance does not involve a staff member.

5. Evidence. The grievant and the respondent may introduce evidence and examine witnesses. No rigid rules of evidence will be in effect. The Committee may allow hearsay testimony. The Committee may exclude character evidence and evidence that is irrelevant or unduly repetitious. The Committee may limit both the number of witnesses and the time granted to each witness during the Hearing.

6. Failure to Appear. Failure of the grievant or the respondent to appear at the Hearing shall not prevent the Hearing from proceeding. The Committee may, however, decide to cancel the Hearing if the grievant or the respondent is not present.

7. Order of Presentation. The grievant shall proceed first, followed by the respondent.

8. Questioning. The grievant and the respondent shall have a reasonable opportunity to rebut opposing evidence and to cross-examine opposing witnesses. Committee members may question the grievant, the respondent, and witnesses.

9. Committee Recommendation. After the Hearing is concluded, the Chair of the Committee shall excuse the grievant and the respondent. The Committee shall then discuss the evidence presented during the Hearing. The Chair shall then poll the members of the Committee present at the Hearing by secret ballot on the question of whether to sustain the grievance.
Committee members should consider the preponderance of the evidence in making their recommendation. The recommendation to sustain or deny the grievance will be determined by a simple majority of the Grievance Committee members present at the Hearing.

10. Remedy. A grievant may request certain remedies. If the Committee recommends that the grievance be sustained, the Committee shall discuss and recommend an appropriate remedy. The recommendation for such a remedy will be determined by a simple majority of the Committee members present at the Hearing.

Report of the Recommendation(s). The Chair of the Grievance Committee shall prepare a written report of the recommendation(s) of the Committee. This report shall be reviewed by the Committee members who participated in the Hearing. Members shall indicate their approval by signing the report. The Chair of the Committee shall promptly report the recommendations(s) of the Committee to the President of the University through the Provost and Vice President for Academic Affairs, and shall also provide a copy of the report to the grievant and the respondent.

Determination of Grievance. The President, in consultation with the Provost and Vice President for Academic Affairs, shall decide the grievance. The President may, in his or her complete discretion, accept or reject the recommendations of the Committee, in whole or in part. The President's decision is final and will be communicated to the grievant and the respondent in a manner that is deemed appropriate. Ordinarily, the President's decision should be communicated within fourteen (14) calendar days of the President's receipt of the Committee's report.

IV. Implementation

The process described in this policy is intended to facilitate the internal resolution of grievances among members of the University community. The University expects participants in the process to attempt in good faith to carefully follow the procedures described in this policy. Nonetheless, there may be circumstances when participants in the process err in attempting to follow the procedures described in this policy. If such an error is promptly brought to the attention of the Chair of the University Grievance Committee, the University will make reasonable efforts to correct the error, if practicable. However, such an error in complying with the requirements of this policy shall in no event provide the basis for any legal claim against the University or against participants in the process.

Approved February 29, 2000