

**UNIVERSITY OF NORTH DAKOTA
COLLEGE OF ARTS & SCIENCES
FACULTY GRIEVANCE POLICY
ADOPTED MAY 2018**

I. INTRODUCTION

- A. Any faculty member, as defined in SBHE Policy 605.1., who has a problem, complaint, or resentment that may become subject to this grievance policy must first attempt to resolve the grievance at the department level. The individual with a problem, complaint, or resentment shall hereinafter be referred to as the “grievant” and the issue of concern shall be referred to as the “grievance.”

- B. SBHE Policy 612 defines a “faculty grievance” as "an allegation of a violation of a specific Board or institutional policy, procedure or practice pertaining to the employment relationship. This includes the terms of the grievant's employment contract and this policy. Discretionary actions, such as salary adjustments and performance evaluations, may not be grieved, except to determine: (a) whether the discretionary action was made in accordance with relevant Board or institutional policies, practices, procedures or criteria; and (b) whether the action constitutes a clear abuse of discretion. Complaints involving any matters covered under Sections 605.3 or 605.4 are not grievances under this policy. Grievances cannot be filed against written Board and institutional policies, per se." The University's procedures for resolving faculty grievances are governed by sections 612 and 605.5 of the SBHE Policies for Academic Staff (UND Faculty Handbook, section II.2.1)

- C. This grievance policy shall be utilized by faculty to resolve faculty grievances within the College of Arts and Sciences. A faculty member wishing to bring a grievance under SBHE 612 must first utilize the process outlined in this policy to resolve the grievance at the Department and/or College level.

II. DEPARTMENT-LEVEL GRIEVANCE PROCESS FOR FACULTY

- A. If the grievance involves an administrator (other than the Dean) or staff at the College level and/or College policies or procedures, other than those associated with the academic petition process, the Dean shall assign a department chair to handle the grievance in the manner noted below. If the grievance involves the dean, the Vice President for Academic Affairs shall assign a dean of another college to handle the grievance.

- B. Informal Options
 - 1. The grievant shall discuss the grievance first directly (or with the help of the department chair) with the person(s) involved in an attempt to resolve the grievance informally.
 - 2. If after attempts to resolve the grievance in accordance with B.1. are not successful, then the grievant may initiate mediation by requesting assistance from

any person or entity appropriate to provide mediation. A person or entity is only appropriate to provide mediation if all parties involved in the grievance agree. If the person or entity requested to mediate agrees to do so, then that mediator shall contact the parties in question and/or the department chair and proceed with mediation through a process that all parties agree to. Information about the conflict management services and mediation resources can be found at <http://und.edu/provost/conflict-management.cfm>.

C. Formal Grievance Process

1. Within twenty (20) business days of the occurrence that forms the basis for the grievance, or if mediation was attempted, twenty (20) business days after the last mediation session, the grievant shall initiate the formal grievance process by filing a written grievance with the department chair as determined by the process in Section A above), indicating the basis for the grievance and the specific remedy sought.
2. Except as explained in Section C.3. below, the department chair shall visit with the grievant and the individual(s) alleged to be the basis for the grievance and shall request such additional information as deemed necessary to render action(s), if any, in response to the grievance.
3. If departmental policy or bylaws dictate that grievances are decided upon by a departmental committee, then the chair will follow policy or the bylaws and provide the written grievance to the chair of the department committee and ensure the correct departmental process is followed. Once the departmental committee process is concluded, the outcome shall be forwarded to the department chair in accordance with section C.5 below.
4. Within twenty (20) business days after the formal written grievance was provided to the department chair, the department chair shall provide the parties to the grievance with a written statement indicating what actions, if any, will be taken in response to the grievance.
5. It is the responsibility of the department chair to retain a record of the department-level grievance process, which shall include copies of any relevant documents used in the process. In the event the grievance results in disciplinary action or document to be placed in the personnel file, such action will be documented in accordance with NDCC, SBHE, and UND policy.
6. If either party is dissatisfied with the decision of the department chair or department committee, they may appeal the decision as provided in the College-Level Process – Section III below.

III. COLLEGE-LEVEL PROCESS

- A. The College Executive Committee (CEC) is formed as outlined in College of Arts & Sciences (Bylaws) to consider a party's appeal of a decision related to a grievance through the departmental process.

B. CEC Process/Timeline

1. An appeal of a department-level decision may be submitted by either party (referred to as the “appellant”). The other party or parties to the appeal are referred to as the respondent(s). An appeal must be filed with the Dean within five (5) business days after notification of the decision of the department chair or department committee. The appeal must indicate the basis for the appeal and the specific remedy sought. A copy of the decision from the department-level process must accompany the appeal that is submitted to the Dean (together referred to as “Appeal”).
2. A copy of the final recommendation of the CEC will be sent by the CEC chair to the grievant, respondent, the Dean, and the chair of the department in which the grievance was originally considered
3. The appeal process will be completed in twenty (20) business days from the day the grievance is filed with the Dean. If the CEC cannot complete the process in twenty (20) business days, they may request an extension from the Dean, which shall be granted upon a showing of good cause from the CEC.

C. CEC Procedures

1. The CEC must hold an initial meeting and elect a chair within five (5) business days after notification from the Dean that an appeal has been filed.
2. The CEC chair will notify the respondent of the opportunity to submit information to the CEC and provide the respondent with the appeal within one (1) business day of being elected. The chair will include in the notification the respondent’s deadline for providing responsive information, which will be within five (5) business days of the date of the respondent’s notification and receipt of the appeal.
3. There will be no review of the appeal by any member of the CEC until the chair has received a response from the respondent. After obtaining respondent’s response, the chair will distribute both the appeal and the response to the CEC.
4. Within ten (10) business days of the CEC meeting outlined in Section C.1., the CEC shall interview the parties and review all documentation. The parties may suggest individuals to the CEC for purposes of gathering information pertaining to the appeal issues. The CEC will choose whom to interview. All College of Art & Sciences employees are expected to cooperate fully with the CEC investigation. If individuals involved or who are deemed by the CEC to have relevant and material knowledge of the issues are not available for interview during the ten (10) business days allotted, the CEC shall inform the Dean that they need additional time. An extension for this reason shall be granted.
5. Within twenty (20) business days from the appeal filing date the CEC shall issue a report providing findings and recommendations for disposition of the appeal issues to the Dean. The parties will also receive a copy of the report; however, no further input will be accepted after the findings and recommendations are provided to the Dean.
6. Within five (5) five business days of receiving the CEC report, the Dean or designee shall concur, modify, or reject the CEC recommendation and notify the parties of the Dean’s or designee’s decision.

7. Any appeal not resolved at The College Level may be forwarded by either party through the appropriate university process (see UND Faculty Handbook, section II-2).

D. General Information

1. Secretarial support for the CEC will be provided by the Dean's office staff, who will be responsible for keeping official minutes, and distributing and storing all documents provided by the parties involved.
2. All documents related to the appeal will be retained for a period of three years after the final resolution at the College level. At that time, the Dean will be responsible for destroying the documentation, besides documentation that is placed in the personnel record of any party in accordance with the University's Procedure for Establishment, Maintenance and Utilization of Comprehensive Faculty Personnel Records, NDCC § 54-06-21 and NDCC § 44-04-18.1(1). Should the recommendation of the CEC be appealed to a higher level, all documents shall be provided to the relevant administrator or committee and subsequent security and storage shall be maintained according to appropriate University policies and/or procedures.