

College of Arts and Sciences Grievance Policy
(2/13/2007- Ad Hoc Committee of Antes, Abrahamson, Ganje, ODonnell, Staples)
(revised by Martha Potvin and John La Duke 3/8/07)
revised again after Julie Evans review
Approved by A&S Faculty on 4/28/08

Authorization:

According to UND policy subsection XI.b.1 of section III.2.1 of the Faculty Handbook "A faculty member who believes that they have been harmed by the University of North Dakota (University/UND) action should first attempt to resolve the matter by speaking with the person who is believed to have caused the problem at issue. If the problem is not resolved at this level, then the grievant should utilize established departmental, college, or professional school procedures, if any." Please note that this is not a policy to grieve non-renewal, termination, or dismissal of faculty. Please refer to section 8.2 of the UND Faculty Handbook if your concern is non-renewal, termination, or dismissal.

Definitions:

"Grievance" means an allegation of a violation of a specific Board of Higher Education (SBHE/Board) or University policy, procedure, or practice pertaining to the employment relationship with the exception of dismissals, terminations, or non-renewal of contracts. A grievance is a disagreement between two (2) or more individuals involving a specific SBHE or UND policy, procedure, or practice pertaining to the employment relationship. A grievance may also be an allegation that there has been a specific violation, misapplication or misinterpretation of the faculty handbook. 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 of the SBHE policies are not grievances under this policy. Grievances cannot be filed against written Board and institutional policies, per se.

"Grievant" is the person bringing the complaint.

"Respondent" is the person(s) named by the Grievant.

"Mediation" means a process in which a mediator facilitates communication between parties to assist the parties in reaching voluntary decisions related to their dispute. (SBHE Policy § 605.5)

Principles:

The grievance procedures for the College of Arts & Sciences were formulated under the following principles:

- Exhaust informal processes before more formal processes are undertaken.
- Don't duplicate processes. If something was done at the Department level, do not redo at the College level.
- Don't prolong consideration of the issues.
- Don't engage in adversarial processes too soon.
- Keep decisions in the parties' hands as long as possible.
- Make faculty of the College aware of the UND Conflict Resolution Center (Center) services. Section 612 of Board policy requires consent of both parties to the choice of a mediator and provides for alternative mediators other than those of the Center. If the parties to the grievance do not agree on the mediator, a mediator would be appointed by the Dean. Mediation is required by UND and Board policy for a University level grievance and will only be required again at the University level if the issue has changed from the College grievance to the University grievance.

Procedure:

1. The Grievant should discuss the grievance first with the Respondent(s) involved, in an attempt to resolve the situation. It should be clear to the Respondent as to what action caused the Grievant to feel harmed and what the Grievant wants to see as a resolution. The resolution should be specific to the Grievant.
2. If no resolution is reached, then department procedures*, if any, should be followed. If a satisfactory outcome does not result from the Departmental procedures, then the Grievant may forward the grievance to the College level within seven (7) business days of the conclusion of the Departmental process. If no departmental level procedure is available, see step 3.
3. If no resolution to the grievance is reached through steps 1 and 2, the Grievant would consult the UND Conflict Resolution Center (if they have not already done so) within 5 business days of the conclusion of the Departmental process, which will attempt means to assist the participants in addressing the concerns. This may include mediation. Normally, Such processes should be completed within ten (10) business days from the time of initially consulting the Conflict Resolution Center, unless such time is extended by mutual consent of the parties involved. A ten (10) business day extension may be granted to either party without challenge by the other or to some future date by mutual consent of the parties involved. If resolution is not achieved within ten (10) business days (thirty (30) business days if each party requests an unchallengeable extension) and the Grievant wishes to pursue the matter further, the Grievant will have up to seven (7) business days to notify the Dean of the grievance and the attempts that have been made to resolve the situation.
4. At the College level, the Dean may request that the Grievant put the grievance in writing, stating the facts, and listing specific rules/procedures upon which the grievance is based. The Dean may engage in further attempts to address the concerns and has 15 business days to do so, which may be extended by mutual consent of the parties involved. The Dean may refuse to undertake a review if s/he determines that the disagreement does not involve a policy, procedure, or practice pertaining to the employment relationships as defined above and has 15 days to do so.
5. The Dean will prepare a memorandum summarizing any agreement reached or decision that s/he has made. Once these attempts, if any, by the dean are completed, the college grievance procedure has concluded.
6. If the faculty member wishes to pursue the matter further, he/she may file a University level grievance using the procedures in Section II-2 of the Faculty Handbook.

*Departments are encouraged to develop departmental grievance policies and procedures that follow the principles set out above.

Description of Conflict Resolution Center Role College of Arts and Sciences Grievance Procedure

Responsibilities

The principal responsibility is to assist faculty in the College of Arts and Sciences in addressing concerns raised in disagreements between (or among) each other. The Conflict Resolution Center staff will use informal means, such as mediation, which retain the rights of the individuals involved to make their own decisions. In carrying out this responsibility, the Conflict Resolution Center will:

- Serve as a source of information for faculty of the College on options available to them in pursuing complaints.

- Keep all contacts confidential except as required by SBHE or UND policies.
- Report annually to the Dean, in a manner that protects confidentiality, on the number of contacts, disposition of cases, hours devoted to carrying out these responsibilities, or additional information as appropriate. In addition, feedback related to UND or College policies or procedures associated with patterns of complaints may also be reported to the Dean. All mediation is confidential; therefore, anything gleaned from mediation may not be revealed.
- Make faculty of the College aware of Conflict Resolution Center services.

Board policy requires consent of both sides to the mediator and provides for alternative mediators other than the Conflict Resolution Center. It also provides for appointment of a mediator if the parties cannot agree.

Qualifications

The Conflict Resolution Center staff member assisting faculty in the College of Arts and Sciences should

- Be an experienced mediator
- Have excellent communication skills
- Be knowledgeable about College, UND, and SBHE policies and procedures related to possible faculty grievances and complaints