2515 Faculty Grievances

Effective Date: 7/1/2024 | Last Reviewed: 7/1/2024 | Old Policy Number: A13.2

Preamble

In accordance with AAUP guidelines, any faculty member who alleges cause for grievance may petition the elected Stonehill College Faculty Grievance Committee for recommendations for redress concerning the fairness, interpretation, or application of a policy, practice, rule, or working condition, as they apply to scholarship, academic integrity, academic freedom, and/or teaching- or service-related activities or matters. The Stonehill College Faculty Grievance Procedure is designed to establish a process for the prompt, efficient and just resolution of faculty grievances. Although formalistic in structure, it embodies a flexible approach to the nature of individual grievances. The Faculty Grievance processes are intended to complement, not to replace, prior alternative and/or informal approaches to resolving faculty complaints. See Section 2.01 below.

Article 1. General Provisions

1.01 Administration of Grievance Procedure.

1. The Stonehill College Faculty Grievance Procedure is administered by the Faculty Grievance Committee, (hereinafter "the committee"). The Faculty Grievance Committee is established to hear faculty grievances. The membership of the Committee consists of five (5) faculty members. Normally the committee comprises three (3) tenured faculty, one each from SOB, STEM, and LASSE, and two (2) non-tenured faculty, one each from School of Business and School of Arts and Science, selected by the Faculty Senate by a process determined by the Faculty Senate. Additionally, five alternates will be elected, to serve as needed, and will comprise three (3) tenured alternate faculty, one each from SOB, STEM, and LASSE, and two (2) non-tenured alternate faculty, one each from School of Business and School of Arts and Science.
2. A subcommittee of the Grievance Committee composed of the three (3) tenured members will hear appeals of tenure or promotion decisions, on the grounds that the tenure or promotion decision was made capriciously or in violation of the established tenure and promotion procedures (see Policy 2506)
3. A subcommittee of the Grievance Committee composed of the three (3) tenured members will hear appeals of faculty disciplinary action under Policy 2507.
4. All members of the Grievance Committee will attend two training sessions:
    a. the diversity, equity, and inclusion training provided to Diversity Advocates for faculty search committees prior to beginning an elected or re-elected term, and
    b. procedural training on hearing grievances (e.g. appropriate lines of questioning and evidentiary standards), provided by a source external to Stonehill College, prior to hearing a grievance. This training may be provided on an as-needed basis when a grievance inquiry is submitted.
5. Automatic conflicts of interest for members of the Grievance Committee with the grievant or the respondent include membership in the same department and/or being party to the grievance. If for any reason a member cannot serve, normally, they will be replaced by their corresponding alternate. In the event that both a regular member and the corresponding alternate are both recused, a replacement will be made first from

available elected alternate members of the same rank (tenured/not tenured) or higher (e.g. tenured for not tenured).

1.02 “ Confidentiality. Confidentiality is important to the success of any grievance procedure.

1. Only the members of the Grievance Committee and Senate President shall have access to confidential documents made available to them. No member of the Grievance Committee shall discuss the grievance, confidential documents, or oral testimony outside the Grievance Committee meetings, except with other members of the Grievance Committee. In the event that it is necessary to consult with other individuals in order to obtain information pertinent to the grievance, the grievant and respondent will be notified.
2. No one who appears before the Grievance Committee or who participates in the grievance process in another capacity shall reveal information gained during the proceedings unless required by law.
3. Confidentiality is in the best interest of ensuring a fair process for all parties. As such, all parties to the grievance are encouraged to exercise restraint in discussing the grievance outside the Grievance Committee, and may be asked to disclose to the committee the names of those people with whom they have discussed the grievance and matters related to it.

1.03 “ Definition of "Grievance." As used in the Stonehill College Faculty Grievance Procedure:

1. A "grievance" is the full written complaint submitted under section 4.04 below concerning the fairness, interpretation, or application of a policy, practice, rule, or working condition as they apply to scholarship, academic integrity, academic freedom, and/or teaching- or service-related activities or matters.
    a. The term "grievance" includes a complaint lodged in response to a denial of promotion and/or tenure or the termination of an untenured faculty member, which alleges procedural irregularities in the promotion and tenure or termination processes (see Policy 2506).
    b. The term "grievance" does not include a complaint lodged in response to a denial of promotion and/or tenure or a termination of an untenured faculty member which challenges the validity of assessments made by a complainant's superiors or colleagues on the substantive merits of the complainant's bid for promotion and/or tenure or reappointment (See Appendix C of the Faculty Handbook).
    c. The term grievance does not include complaints alleging discrimination, harassment, or illegal activities, as pursuant to Title IX and Cleary.
2. The grievant is the person or persons submitting the grievance. The respondent is any person or persons who the grievant identifies as responsible for the conditions of the complaint, as described above.
3. Throughout these procedures, weeks refers to calendar weeks and days refers to business days.

1.04 “ Who May File Grievance.

1. The Grievance Committee is a committee of the Stonehill College Faculty Senate. Accordingly, any faculty member may file a grievance with the Grievance Committee under the procedures outlined in this document. Administrators with faculty rank who are functioning as teaching faculty may file a grievance with the Grievance Committee if the

issue involves scholarship, academic integrity, academic freedom, and/or other teaching-related matters. Administrators who previously were granted tenure may file a grievance with the Grievance Committee if the issue involves termination or revocation of tenure. All faculty members are entitled to submit a grievance, to have that grievance confidentially assessed by the faculty who comprise the Grievance Committee, and to be treated fairly throughout the process. However, there should be no assumption that the Grievance Committee will advance all grievance initiation requests through the full grievance process.

1.05 " Prejudice Not to Accrue by Filing Grievance.

1. Submission of a grievance shall not in any way prejudice the grievant.

1.06 " Protection from Retaliation.

1. It is a violation of this Policy to retaliate against an individual because they submitted a grievance or otherwise cooperated or participated in the administration of this Policy. The College recognizes that retaliation can take many forms (e.g., threats, intimidation, and reprisals), that retaliation may be committed by or against an individual or a group, and that a grievant, respondent, or third party may commit or be the subject of retaliation. The College will take prompt action to investigate any report of retaliation and will pursue disciplinary action as appropriate. An individual who in good faith reports potential misconduct under this Policy is entitled to protection from any form of retaliation following the report, even if the reported misconduct is later not proven.

Article 2. Informal and Alternative Resolution of Complaints

2.01 " Before turning to the Grievance Committee, faculty and other institutional members may consider seeking confidential advice from a mentor, department chair or program director, Dean of School, Faculty Senator(s), or other appropriate faculty colleague(s).

2.02 " Before turning to the Grievance Committee, faculty and other institutional members may consider filing a Bias Incident Report or discussing the issue with Human Resources.

2.03 " An attempt to informally or alternatively resolve a complaint is not a prerequisite to invoking the formal grievance procedure, nor does attempting informal or alternative resolutions obviate access to the Grievance Committee. However, if the complaint is resolved informally or alternatively, this will be considered binding.

Article 3. Initiation of a Grievance

3.01 " The grievance procedure is normally initiated by filing a complete grievance initiation form (Appendix 1) with the Faculty Senate President. If the Faculty Senate President or Faculty Senate Vice President is a party to the grievance, the inquiry form may be filed directly with any member of the Grievance Committee.

3.02 " The Grievance Initiation Form will:

1. Identify the person filing the grievance and department and/or program.

2. Identify all respondents, along with their departments or programs.
3. Briefly, in 200 words or less, summarize the nature of the complaint. This summary will be provided to the respondents upon the acceptance of the grievance by the Grievance Committee (see Section 4.04.1 below).
4. Provide a summary of the evidence in support of the grievance.
5. Provide a summary of the remedy sought.

3.03 " Prompt Submission of Grievances.

1. If the formal grievance procedure is to be invoked, the grievant is encouraged to initiate the process as soon as reasonably possible after they become aware of the basis for the complaint and after any efforts to resolve the matter informally under Article 2 above prove unsuccessful.
2. If the grievance concerns a denial of promotion and/or tenure or about a termination of an untenured faculty member, the grievance document must be submitted under section 4.02 below within 60 days after the denial of promotion or tenure or termination of employment. Per College Policy 2506, the grievant must also notify the Vice President for Academic Affairs of their intent to appeal the decision within 30 days of the denial of promotion or tenure, regardless of when they submit the grievance

Article 4. Grievance Initiation Process

4.01 " In accordance with AAUP standards, submission of a grievance initiation request form will not automatically entail investigation or detailed consideration thereof. In the initial hearing, the committee will decide whether the initial facts merit a detailed investigation and, as such, whether they will accept the grievance.

4.02 " At any stage during the grievance initiation, the Grievance Committee may ask the Faculty Senate President for a deadline extension for reasonable grounds, including but not limited to breaks and exam periods. Whenever granted, the new deadline will be communicated to all relevant parties by the Faculty Senate President within 2 days.

4.03 " Upon receipt of the Grievance Initiation Request Form, the Faculty Senate President shall constitute the Grievance Committee for the preliminary review of the grievance according to section 1.01. The committee will elect a committee chair and inform the Faculty Senate President within 1 week, unless the committee requests and is granted an extension from the Faculty Senate President. While maintaining confidentiality about the grievance, the Faculty Senate President also will inform the Vice President for Academic Affairs that a grievance has been filed.

4.04 " The chair of the committee shall calendar the matter for a preliminary review before the committee within two weeks of receipt of the Grievance Initiation Request. If prompt preliminary review involves the necessity of a meeting during a semester break or summer break, it is in the sole discretion of the committee to schedule a meeting during the break or to request an extension from the Faculty Senate President.

4.05 " Some matters fall outside the purview of the Faculty Grievance Committee (Section 1.03.1). Any matters of harassment and/or discrimination or criminal conduct are governed by Stonehill College Policy 1338. Committee members will complete required training (Section 1.01) prior to making a determination. Committee responses to grievance will comply with any

Cleary or Title IX mandated reporting that becomes necessary as a result of reading the initiation request.

4.06 " Preliminary Hearing on Request to Initiate a Grievance.

1. 1. At the preliminary review session(s) the committee will determine:
    a. Whether a full investigation is warranted.
    b. Whether the grievance procedure is the appropriate channel for resolving the issue at hand, at this time.
    c. Whether, based on the information in the initiation form, further recusals are necessary from the Grievance Committee to resolve a conflict of interest, and, in such a case, which alternate Grievance Committee members will serve. A conflict of interest refers to professional, personal, or financial considerations that may compromise a faculty member's judgment in hearing the grievance. A quorum of five committee members, at least three of whom must be tenured, is required for the preliminary review.
    d. Whether the potential grievance has been rendered moot by subsequent action of the College and/or the grievant and, if so, whether a full investigation is nonetheless warranted.
2. The preliminary review is conducted in a confidential session and, unless otherwise directed by the committee, may be attended only by committee members.
3. Preliminary review should be completed within two weeks, unless the committee requests and is granted an extension from the Faculty Senate President.
4. If the majority of the committee present and voting decides that, under the criteria outlined in sections 1.03 and 4.04 above, the request does not constitute a grievance, the matter will not proceed to a full investigation. A decision to terminate at this juncture normally concludes the committee's involvement in the matter. Decisions reached upon preliminary review will be explained in writing and transmitted to the Faculty Senate President, who will inform the grievant. The Faculty Senate President will also inform the Vice President for Academic Affairs that a request to initiate a grievance was not advanced to a full investigation and on what basis the decision not to advance to a full investigation was reached. The grievant may request that the full Faculty Senate review the process leading to the Grievance Committee's decision not to proceed, according to the procedure outlined in Article 6. The grievant may also seek redress through other channels, including HR.
5. If the majority of the committee present and voting decides that, under the criteria outlined in section 1.03 and 4.04 above, the matter warrants a full investigation, a grievance will be initiated. A decision to advance the grievance to the full review process will be transmitted in writing to the Faculty Senate President, who will inform the grievant. At this time, the Faculty Senate President will inform the Vice President for Academic Affairs, or in the event the Vice President for Academic Affairs is a party to the grievance, the College President, that a grievance is proceeding to a full investigation. Absent extenuating circumstances, as determined by the Faculty Senate President, or as emerge in the course of the full investigation, no additional information will be provided to the Vice President for Academic Affairs before the generation of the Grievance Committee Report.

4.07 Full Investigation of Grievance.

If the committee determines that a full investigation of the grievance is warranted, the committee shall initiate the grievance and begin the investigation process within two weeks of making the determination, unless they request and are granted an extension by the Faculty Senate President, and shall diligently pursue it to completion as defined in 4.06. At any stage during the full investigation, the Grievance Committee may ask the Faculty Senate President for a deadline extension for reasonable grounds, including but not limited to breaks and exam periods. Whenever granted, the new deadline will be communicated to all relevant parties by the Faculty Senate President within 2 days. The hearing will be conducted in a manner that will provide all parties ample opportunity to present all relevant data, facts, evidence, and witnesses. Normally, this process would include the following steps:

1. The committee will notify all parties involved in the grievance that an investigation will be undertaken, and provide the respondent with the short summary of the alleged issue provided by the grievant in Section 3.02.3.
2. Both the grievant and the respondent have the right to request that an elected committee member, either regular or alternate, be excluded from the Grievance Committee. Such a request should be submitted to the Faculty Senate President, Vice President or appropriate member of the Governance Committee within one week of notification of the grievance. Though the decision to honor such exclusion request(s) will ultimately be made by the elected Grievance Committee members in consultation with the Faculty Senate President and/or the Governance Committee, they are expected to seriously consider all such requests, and to constitute the Committee in a way that ensures that the grievance at hand will be treated fairly and impartially. The full Grievance Committee will normally be constituted within two weeks of the receipt of exclusion requests, with replacements made according to the process established in Section 1.01.5.
3. The grievant will provide the full grievance committee with a complete written account of the grievance, including relevant documentation and witnesses, within two weeks of notification of acceptance of the grievance.
4. The committee will review the written account and may ask for additional clarification, information, or documentation, before beginning, or at any point during the investigation. Based on that review, the committee will compose 1) a detailed summary of the essential facts of the grievance, including the specific allegations and the nature of the supporting evidence, bearing in mind both the grievant' s confidentiality and the sensitive nature of the material, while also providing the respondent with the relevant information, and 2) a planned timeline for completing the investigation. This process should be completed within two weeks.
5. The committee will provide all parties to the grievance with a copy of the detailed summary and the planned timeline.
6. The respondent will provide the committee with a list of any relevant witnesses within two weeks of receipt of the detailed summary.
7. The committee shall adhere to the following principles during all the investigation:
    a. The committee shall inform the grievant, respondent, and Faculty Senate President if the timeline for completing the investigation changes. The Senate President will inform all parties to the grievance of the change in timeline within 48 hours.
    b. All parties to the grievance may bring a support person chosen from the faculty to any interviews or hearings. The support person may be present and communicate with the party to the grievance privately, but may not participate in the interview/hearing unless they do so while serving as a named witness.
    c. The rules of evidence do not apply.
    d. A preponderance of evidence will be applied to all decisions within the grievance.

e. Grievance members are expected to keep adequate, accurate notes throughout the process. All work products created, including but not limited to a record of committee procedures, committee notes, correspondence, and report drafts, must be retained by the Grievance Committee Chair for 60 days from the finalization of the grievance process, including any requests for Senate Review, or until June 30th of the academic year in which the grievance process is completed, whichever is later, at which point they may be submitted for destruction with a records disposition form (per Policy 1104).

8. 8. In conducting a full investigation, the committee may utilize any procedures it deems appropriate to the nature of the complaint, including but not limited to the following:
    a. Requesting additional documentation from the grievant, from other parties named in the grievance or who have relevant knowledge of its contents, and/or from the College at any time during the investigation. All individuals involved in the grievance and/or preliminary review process are expected to provide relevant information and documentation on a timely basis when requested.
    b. Interviewing all individuals named in the grievance and all witnesses requested by any party to the grievance.
    c. Interviewing other witnesses, as appropriate or relevant, including but not limited to the Department Chair/Program Director, any individual or subgroup of the department/program, either as individuals or as a group, the Dean of School, or any staff member or administrator.
    d. Gathering additional relevant documentation, either individually or as a group, as appropriate.
    e. In the case that the grievance involves Rank and Tenure, the committee may also meet with, at its discretion, the Rank and Tenure Committee individually or as a group. The purpose of these meetings is to enable the committee to assure that no procedures were violated. The committee shall keep in mind that it is not to substitute its judgment for the judgment of the Rank and Tenure Committee; it is merely to guarantee due process in adherence to the Faculty Handbook Appendix C and College Policy 2506.
    f. In hearing complex issues, the Committee may request an advisor, expert, or internal or external legal counsel from the Vice President for Academic Affairs and/or the General Counsel's Office.
    g. If the committee determines that a holding a hearing will serve its investigation, it may do so, in accordance with the following procedures:
        i. The hearing is closed to all persons except as the committee may otherwise direct. It is at the discretion of the committee to decide who is present during any portion of the hearing, but the grievant and respondent should not be present during the hearing at the same time.
        ii. The grievant and the respondent have the right to be heard personally, as do any individuals named in the written grievance and all named witnesses.
        iii. Committee members may participate actively in the hearing to such extent as they deem appropriate.
        iv. The committee will endeavor to assure that the hearing is conducted in a fair manner, and that any evidence presented is subsequently reviewed fairly and without bias.
    h. In addition to the above procedures, the committee may make any such further procedural rules as it considers helpful for its investigation, provided it communicates the additional procedures clearly to all parties in a timely fashion.

i. If, during the course of a hearing, information comes to light that requires mandated reporting, those issues will be reported to the appropriate offices. Additional issues will remain with the grievance committee.

4.08 - Committee Report on Grievance.

1. Upon completion of an investigation under section 4.04 above, the committee will develop a written report stating the procedures the committee followed, justification for any deviations from the procedures as outlined in this document, and the committee's findings and recommendations. The report shall indicate the names of committee members assenting to it. Members who disagree with the majority findings may also submit a minority report.
2. The committee will submit its report on the grievance as outlined in the planned timeline (Section 4.04.4), unless an extension is granted by the Faculty Senate President. The Faculty Senate President will inform all parties to the grievance of any changes in the timeline within 48 hours. In the event that completion of a full investigation would require the committee to meet during the summer break or when the College is otherwise not in session, it is in the sole discretion of the committee to conduct the investigation during the break or to wait until the College is back in regular session. If the committee elects to delay its investigation until the College is back in session, it should submit its report within six weeks of the date on which the College returns to session.
3. The chair of the committee will provide the full report to the grievant and the respondent in hard copy, and if requested, in electronic form. All parties to the grievance will acknowledge receipt of the report via email to the chair of the committee within 24 hours of receipt.
4. Each party is provided the opportunity to append a written response to the committee's report within one (1) week of receipt, before it is transmitted to the Vice President for Academic Affairs and the Faculty Senate President.
5. The chair of the committee will provide the full report and any responses to the Vice President for Academic Affairs and the Faculty Senate President

4.06 " Normally, submission of its written report concludes the investigative work of the Grievance Committee in the matter. A copy of the written report will be placed in each party's confidential personnel file in the Office of Human Resources.

Article 5. Action by Vice President for Academic Affairs on Committee's Recommendations.

5.01 " Within one week after receipt of the committee's report, the Vice President for Academic Affairs shall notify the committee chair that the report has been received and may request any necessary clarification from the Grievance Committee.

5.02 " The Vice President for Academic Affairs may approve, disapprove, or modify the committee's recommendations or may remand the case back to the committee for further investigation. Unless notified under section 6.01 below that the grievant has asked the full Faculty Senate to review the grievance for procedural issues, the Vice President for Academic Affairs shall indicate the College's response to the committee's report by written communication (hard copy) to the committee chair, to the Faculty Senate President, to the grievant, and to the respondent within two weeks of the date on which the committee's report was received. All recipients should acknowledge receipt of the response through email within 24 hours of receipt.

Article 6. Review of Grievance for Procedural Issues by the Faculty Senate

6.01 " If they believe the procedure outlined in this policy was not appropriately or fully followed, the grievant or respondent may submit a written request to the President of the Faculty Senate requesting full Faculty Senate review of the grievance process for procedural errors. This must be done within two weeks of receiving a committee decision under section 4.05.3 not to proceed with a full investigation, or within two weeks after receipt of the College's response from the Vice President for Academic Affairs following a full investigation under section 5.02.. The grievant or respondent will submit duplicate copies of the request to the Vice President for Academic Affairs and the chair of the Grievance Committee at the same time as the submission to the President of the Faculty Senate.

1. If the grievant is making the request under section 4.03.5, the request should include a copy of
    a. the decision of the committee communicated under section 4.03.5, and
    b. an explanation of the procedural grounds meriting review by the full Faculty Senate.
2. If the grievant or the respondent is making the request under section 6.01, the request should include a copy of
    a. the final report of the committee (including any appendices) filed under section 4.05.4 above, and
    b. an explanation of the procedural grounds meriting review by the full Faculty Senate.

6.02 Upon receipt of a request under section 6.01, the President of the Faculty Senate will convene the Senate as soon as possible, consistent with Faculty Senate rules. All Faculty Senate discussions of grievance proceedings will be conducted in executive session. Senators with conflicts of interest with the grievant or respondent may not participate in the review. Automatic conflicts of interest between Senators participating in the review with the grievant or the respondent include membership in the same department and/or being party to the grievance. Other conflicts of interest include financial or other personal considerations that may compromise a faculty member's professional judgment in hearing the grievance, as in section 4.03.1b. Those senators charged with reviewing the grievance will complete training, as outlined in section 1.01.4b.

6.03 If the Faculty Senate agrees to review the grievance for good faith adherence to the procedures outlined in this policy, it may fashion procedures for doing so that it deems appropriate under the circumstances. The purpose of these meetings is to enable the Faculty Senate to determine whether any Grievance procedures were violated. The committee shall keep in mind that it is not to substitute its judgment for the judgment of the Grievance Committee; it is merely to guarantee due process in adherence to this policy. 1. If a majority of the voting senators agree that all the steps in the Grievance Procedure have been adequately followed, the Senate will affirm that this has occurred and that the Grievance Committee's decision stands. 2. If a majority of the voting senators find that any steps in the Grievance Procedure have not been adequately followed, the Senate will identify the deficiencies in writing and make a recommendation about how to proceed.

6.04 <RESERVED FOR FUTURE USE>

6.05 The Faculty Senate President shall transmit a report communicating Faculty Senate's rejection of the grievant' s petition for Faculty Senate review, or stating the Faculty Senate's findings and recommendations upon completion of the Faculty Senate review to the Vice President for Academic Affairs, to the chair of the Grievance Committee, and to the grievant and respondent.

6.06 Within one week after receipt of the Faculty Senate's report, the Vice President for Academic Affairs shall notify the committee chair that the report has been received and may request any necessary clarification from the Senate.

6.07 The Vice President for Academic Affairs shall communicate the College's response to the report of the Faculty Senate to the Faculty Senate President, to the chair of the Grievance Committee, to the grievant, and to the respondent, within two weeks of receiving the report of the Faculty Senate. In light of the Senate's report, the Vice President for Academic Affairs may return the matter to the Grievance Commit or affirm their initial response.