Appendix E. Grievance Procedures

POLICY OWNER: DEPARTMENT OF HISTORY

REVIEW, APPROVAL & CHANGE HISTORY:
Approved by vote of the faculty in the Department of History on April 17, 2019.

I. Overview

This policy applies to faculty and students in the Department of History within the College of Liberal Arts and Sciences. Staff in the College of Liberal Arts and Sciences follow the University Staff Grievance Procedure. It is to be followed when a grievant is unable to resolve a conflict through informal means of dispute resolution, such as direct or indirect consultation, compromise resolution, or mediation.

Pursuant to articles V and VI of University Senate Rules and Regulations (USRR) regarding Organization for Conflict Resolution, Unit Level Grievance Procedures (5.2), and Procedures for Conflict Resolution; article XII of the University Senate Code regarding Judicial Functions and Procedural Guarantees; and Article VII of the University Senate Rules and Regulations regarding Faculty Rights and Responsibilities, the Department of History establishes the following procedure to hear grievances arising within the Department of History. Appeal of a grievance heard at the unit level is to the University Judicial Board. The University Ombuds and Faculty Ombuds also exist to assist with conflict resolution. This procedure shall not be used to hear disputes assigned to other hearing bodies under USRR 6.2.

For disputes involving alleged academic misconduct, see the College of Liberal Arts and Sciences policy on academic misconduct. For alleged violations of student rights, such as grade appeals, the initial hearing normally will be at the unit level. There is an option to hold an initial hearing at the Judicial Board level if both parties agree, or if either party petitions the Judicial Board chair to have the hearing at the Judicial Board level and the petition is granted. The petition must state why a fair hearing cannot be obtained at the unit level; the opposing party has an opportunity to respond to the petition (USRR 6.4.3.1). Except as provided in USRR 6.5.4 regarding use of grievance process, no person shall be disciplined for using the grievance procedure or assisting another in using the grievance procedure.

The Department of History shall provide a copy of this procedure to anyone who requests it.

II. Grievance Procedures

1. Time limits. To make use of this unit-level procedure, the Complainant must file the written complaint with the Department of History within six months from the action or event that forms the basis of the complaint. The six-month time period shall be calculated using calendar days (including weekends and days during which classes are not in session).
2. Initial steps for the Complainant to follow:
   a. To start the grievance process, the complainant must read thoroughly these Grievance Procedures and relevant provisions of the University Senate Code, University Senate Rules and Regulations, and applicable University policies.
   b. The complainant should consider mediation or other informal resolution of the dispute.
   c. The complainant should then submit a written grievance to the Department Chair, who will forward it to the chair of the Governance Committee. The chair of the Governance Committee will typically handle subsequent communications on behalf of the Department of History.
   d. The complaint shall contain a statement of the facts underlying the complaint and specify the provision(s) of the Faculty Code of Conduct, University Senate Code, the University Senate Rules and Regulations, the Code of Student Rights and Responsibilities, or other applicable rule, policy, regulation, or law allegedly violated.
   e. The complaint shall also indicate the witnesses or other evidence relied on by the complaining party, and copies of any documents relevant to the complaint shall be attached to the complaint.

3. The complaint shall identify the Respondent(s) within the unit level jurisdiction of the Department of History, and at the time the complaint is submitted to the Department of History, the complaining party shall also provide a copy of the complaint, with accompanying documents, to the responding party.

4. Upon receipt of the complaint, the Department of History shall contact the Respondent(s) to verify that they have received a copy of the complaint and to provide them with a copy of these Grievance Procedures.

5. Pursuant to procedural guarantees under article XII, section 2 of the University Senate Code, a Respondent has the privilege of remaining silent and refusing to give evidence in response to a complaint. The Respondent also has the right to respond and give evidence in response to the complaint. Both parties may self represent or choose to be represented by an advisor or counsel.

6. The Respondent shall submit a written response to the Department of History within 14 calendar days of receiving the complaint. The response shall contain the Respondent’s statement of the facts underlying the dispute as well as any other defenses to the allegations in the complaint. The response shall also indicate the witnesses or other evidence relied on by the responding party, and copies of any documents relevant to the response shall be attached to the response. The responding party shall provide a complete copy of the response to the complaining party.

7. Upon receipt of the response, the Department of History shall contact the complaining party to verify that a copy of the response has been provided.
8. Upon receiving the complaint and response, or if the Respondent fails to respond within the 14-day time period, the Governance Committee [hereafter “the Committee”] shall consider the complaint, with the chair of the Committee acting as chair of the proceedings. The Committee members shall be disinterested parties who have not had previous involvement in the specific situation forming the basis of the complaint.

9. Pursuant to USRR 6.8.4.2 regarding Sharing of Information Concerning Multiple or Successive Grievances, the Committee chair may contact other hearing bodies within the University to determine whether a grievance or complaint involving the underlying occurrence or events is currently pending before or has been decided by any other hearing body.

10. Upon receiving the complaint, if the Committee chair determines that any of the following grounds exist, they may recommend to the Department Chair that the complaint be dismissed without further proceedings. The grounds for such dismissal are:
   a. the grievance or another grievance involving substantially the same underlying occurrence or events has already been, or is being, adjudicated elsewhere by proper University procedures;
   b. the grievance has not been filed in a timely fashion;
   c. the Department Chair and Department of History lack jurisdiction over the subject matter or any of the parties;
   d. the grievance fails to allege a violation of a University rule;
   e. the party filing the grievance lacks standing because he or she has not suffered a distinct injury as a result of the challenged conduct and has not been empowered to bring the complaint on behalf of the University;
   f. the party filing the grievance has been denied the right to file grievances pursuant to USRR 6.5.4 regarding Abuse of Grievance Process.

11. If the Committee chair determines that a grievance on its face properly should be heard by another body, the chair will recommend that the Department Chair send the grievance to the appropriate hearing body without further proceedings at the departmental level. The Department Chair will send a copy of the referral to the complainant(s) and any responding parties.

12. Prior to scheduling a hearing, the parties shall participate in mediation of the dispute unless either party waives mediation. Mediation shall be governed by USRR 6.2.3.

13. If mediation is successful, the mediator will forward to the Department Chair, the Committee chair, and all parties a letter describing the outcome of the mediation and the terms upon which the parties have agreed to resolve the dispute. This letter shall be a recommendation to the Department Chair. The Department Chair will notify the mediator, the committee chair, and the parties that the recommendation has been accepted, modified, or rejected.

14. If mediation is not successful, the mediator will notify the Department Chair, the Committee chair, and the parties that mediation has terminated. If mediation is not
successful, or if it is waived by either party, the grievance Committee will schedule a
hearing no later than 30 calendar days from the written submission of the complaint. The
30-day period may be extended for good cause as determined by the Committee chair.
The 30-day period shall be suspended during the mediation process. The hearing will be
closed unless all parties agree that it shall be public.

15. Each party may represent themself or be represented by an advisor or counsel of their
choice.

16. Each party has the right to introduce all relevant testimony and documents if the
documents have been provided with the complaint or response.

17. Each party shall be entitled to question the other party’s witnesses. The Committee may
question all witnesses.

18. Witnesses other than the parties shall leave the hearing room when they are not testifying.

19. The Committee chair shall have the right to place reasonable time limits on each party’s
presentation.

20. The Committee chair shall have the authority and responsibility to keep order, rule on
questions of evidence and relevance, and shall possess other reasonable powers necessary
for a fair and orderly hearing.

21. The hearing shall not be governed by the rules of evidence, but the Committee chair may
exclude information he or she deems irrelevant, unnecessary, or duplicative. Statements
or admissions made as part of the mediation process are not admissible.

22. The Committee will make an audiotape or videotape [hereafter “tape”] of the hearing but
not of the deliberations of the Committee. The tape will be made available to the parties,
their authorized representatives, the Committee, and the Department Chair. If a party
desires a copy of the tape or a transcript of the tape, that party will pay for the cost of
such copy or transcript. In the event of an appeal, the tape will be provided to the
appellate body as part of the record of the case.

23. After the presentation of evidence and arguments, the Committee will excuse the parties
and deliberate. The Committee’s decision will be a written recommendation to the
Department Chair. The Committee shall base its recommendations solely upon the
information presented at the hearing.

24. The Committee will send its written recommendation to the Department Chair and the
parties as soon as possible and no later than 14 calendar days after the end of the hearing.

25. Within 14 calendar days of receiving the Committee recommendation, the Department
Chair will notify the parties of the acceptance, modification, or rejection of the
recommendation. The Department Chair will also advise the parties of the procedure available to appeal the decision.

26. The Department of History will retain a file of all materials relevant to the grievance for a period of five years, after which it will be destroyed.