

Report of the Faculty Grievance Committee
to the University Council
University of Georgia
November 5, 2009

The Faculty Grievance Committee met several times during Spring semester 2009 and Summer semester 2009 to address one grievance and to develop its written recommendations to President Adams about that grievance.

The Committee has met twice to date during Fall semester 2009. The first meeting, on September 22, 2009, was called by outgoing chair Professor Paul Thomas, whom the committee takes this opportunity to thank for his six years of devoted work as a member and then as chair. Professor Anne Bothe was elected by the committee at that meeting to serve as chair for the 2009-2010 academic year.

With no grievances currently pending, the Committee is working to revise and update its procedures, the most current version of which is dated June 1993. Thus, at a second meeting, on October 16, 2009, the committee welcomed Ms. S. Elizabeth Bailey, Associate Director of the Office of Legal Affairs at the University of Georgia, to share her knowledge and expertise about how the Committee might work most effectively and efficiently. Professor Anne Dupre, the current ombudsperson for faculty, has also been invited and agreed to meet with the committee. Because of the potential importance of the Faculty Grievance Committee's otherwise internal procedures to individual members of the University of Georgia faculty, the Committee also welcomes written input from interested members of the faculty as to matters of procedure for the Faculty Grievance Committee. Such input should be directed to the chair of the Committee by email by December 15, 2009 (abothe@uga.edu).

The current (1993) procedures are appended to this report.

Respectfully submitted,

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Procedures of the Faculty Grievance Committee
Of the University Council of the University Of Georgia
Revised June 1993

The professions are distinguished by their capacity for self-governance. The professions protect their numbers and the public by adherence to internal codes, structures and procedure decided upon and administered by members of the profession who share a set of values. Not the least of these shared values in a respect for fair treatment of all members.

Critical to fairness in the governance of professionals is the rapid and just resolution, of grievances by a group of one's professional peers. Peer review of grievances in a university setting encourages early resolution of complaints without requiring formal hearings and highly publicized litigation.

In this spirit of fairness the Statutes of The University of Georgia direct that the University Council establish a Faculty grievance Committee. That Committee has been created in accordance with the Bylaws of the University Council., and in order to encourage and facilitate peer review of faculty grievances, the committee wishes to announce the following procedures.

1. The Committee has jurisdiction to investigate and consider all complaints of faculty members, except matters subject to formal proceedings as provided by Board of Regents or Bylaws of University Council (such as promotion and tenure matters) unless the aggrieved faculty member reasonably alleges that the formal proceeding was affected by a violation of a constitutional right or by discrimination based on sex, race, religion, national origin, handicap, or age.

See Statutes of the University of Georgia, Article V, Section 2, 2 (a),

2. The Consolidated Grievance Procedures and the procedures of this Committee are mutually exclusive. This Committee will not consider or review a grievance that the faculty member previously pursued through the Consolidated Grievance Procedures.

3. All complaints must be in writing and addressed to the Chairperson of the committee. The complaint should make clear when, where and under what conditions the problem or problems occur, what is at issue, against whom the complaint is filed, and what remedy is sought. The complaint may consist of a request for investigation by the Committee.

4. Upon receipt of a written complaint, the Chairman shall study the request to see that the information described above is included and clearly stated. The chair may contact the faculty member filing the request and seek additional information

5. The Chair will ascertain whether the complaint is within the jurisdiction of the Committee. The Chair will also ascertain if the faculty member filing the complaint has sought resolution of the grievance through appropriate grievance procedures available in the several schools and colleges. In most instances, the chair will advise that these procedures be used first. If a faculty member has already pursued relief through grievance procedures available in his or her unit, and wishes to appeal to the Committee, the faculty member shall supply:

- (i) the written report of the school or college committee, which should state any findings of fact which support its conclusions and recommendations
- (ii) a statement indicating the grounds for appeal, including procedural or substantive errors;
- (iii) any record of the previous hearings.

6. After taking the above steps, the chair shall present the complaint to the full Grievance Committee, which may decide (i) to investigate the complaint, (ii) to hold a hearing, or (iii) that neither an investigation nor a hearing is merited.

7. Should the Committee determine that an investigation is merited a subcommittee of one or two members of the Grievance Committee shall be appointed by the Chair. The subcommittee shall investigate the complaint and attempt mediation. The investigation and mediation may include contacting all parties to the issue (including the President), seating separately or together with all parties, contacting others who may be of assistance, or reviewing documents that may apply. The subcommittee will complete its charge as soon as reasonably possible. In order to facilitate the work of the subcommittee, the Chair shall notify all appropriate administrators in writing that an investigation is underway and seek their cooperation in the work of the subcommittee. The subcommittee shall report to the full committee the results of its efforts. If mediation has been successful, the committee will communicate the results to the parties concerned and to the President. Should mediation fail the Chair shall meet with the faculty member filing the grievance and discuss the options of withdrawing the complaint, accepting the

findings of the subcommittee, or requesting a hearing before the Faculty Grievance Committee. Should the faculty member request a hearing before the Faculty Grievance Committee, the Chair shall inquire of the Committee if it considers that the case merits a hearing. Should the Committee decide that a hearing is not merited, it may report its findings and recommendations to the President based upon the investigation by the subcommittee.

a. If a hearing is decided upon, the Chair will forward to the Party against whom the complaint is made a copy of the written complaint and shall request that a written response be forwarded to the Chair within twenty (20) calendar days. Upon receipt of the response, the Chair will set a hearing to be held before the Committee at the *earliest* possible date.

9. When a hearing has been set, the Chair will notify in writing all parties to the complaint of the date of the hearing and will forward a written description of the procedures to be followed at the hearing. Such procedures will include order of presentation of arguments, definitions of admissible evidence, order of cross-examination, and the calling and examination of witnesses. The Chair or the secretary shall preside at all hearings. The participants at the hearing shall be limited to the parties to the complaint and no less than four members of the Committee. Each person involved will be allowed to bring one colleague or attorney for counsel but such adviser may not speak or participate in any fashion. A list of witnesses and all written material and other evidence must be made available to all parties in accordance with the timetable established by the Committee. At the conclusion of a hearing, the committee shall forward its findings and recommendation to the President.

10. Hearings will be tape recorded. There will be no observers at any meeting or hearing of the Committee nor will any minutes or records of the Committee be made public except by court order or an otherwise required by law.