

University of Georgia University Council
Committee on Statutes, Bylaws, and Committees

The Committee on Statutes, Bylaws, and Committees met on September 21 of the current year and has unanimously approved the attached proposed amendments to the University Council Bylaws and the Statutes of the University of Georgia. These amendments address the following issues:

- The Committee received a request from the Faculty Grievance Committee with regards to a revision and change of the wording in the description of the procedure and jurisdiction of the Committee.
- The revisions have two overarching goals. First, to harmonize the Committee's description in the University Council Bylaws with the procedures followed by the Committee; and second, to update the procedures themselves to bring them into line with Board of Regents policies and actual Committee practice.
- An amendment is proposed to provide a mechanism by which the changes requested by the Faculty Grievance Committee will take place.
- To avoid discrepancy between the Bylaws and the Statutes pertaining to the regular meeting of the Faculty Grievance Committee, amendments to the Statutes are proposed to bring them into alignment with the Bylaws.
- We also received a request from the University Research Foundation in regards to a proposed resolution that would amend the procedure for establishing the three members of the UGARF board of directors. At the present time, the University Council appoints three individuals to the UGARF board that are members of the Council.
- Their rationale is that when UGARF passed its resolution back in of April of 1988 it granted the authority to the Council to appoint these three UGARF board members. The explicit intent was that "any faculty member (not just Council members)" would be eligible for the University Council-UGARF seats.
- Presently, the University Council's Bylaws state both that the election be conducted in compliance with UGARF's rules and that the faculty to be elected "must be members of the University Council at the time of their election." This places an additional restriction on the election to UGARF's board that the faculty selected must be members of the University Council at the time of their election.
- At this time, the Council and UGARF both desire to eliminate the conflict between the current UGARF Restated Articles of Incorporation and the Council's Bylaws.
- The Committee on Statute, Bylaws, and Committees approves the following proposed amendment:

"The Council shall elect faculty members to the Board of Directors of The University of Georgia Research Foundation in accordance with the Articles of Incorporation and Bylaws of the UGARF."

Respectfully submitted,

Silvia Giraudó, Phd.
Chair, Committee on Statutes, Bylaws, and Committees

University Council By Laws: Faculty Grievance Committee

IX Faculty Grievance Committee

A Membership

Faculty with academic rank: The seven voting members on the Faculty Grievance Committee shall be elected by the elected faculty members of the University Council. No more than two members shall be from any one School or College. Faculty may be elected from within or outside the University Council and shall serve three-year terms.

Faculty Grievance Committee Chair: The Chair of the Faculty Grievance Committee shall be elected each year from among the members on the Committee.

B Duties

- 1 To receive and evaluate requests for grievance resolution and to decide how to act on those requests.
- 2 To conduct inquiries into faculty grievances and to attempt the resolution of these grievances in consultation with the parties involved~~by mediation or hearings~~, and to ~~present issue reports and recommendations to the President regarding for appropriate responses to~~ the grievances it has considered ~~to the President~~.
- 3 To consider appeals of cases heard by grievance committees in the schools and colleges and to ~~present issue its reports and recommendations for to the President regarding the grievance appeals it has heard. appropriate responses to grievances to the President~~. In most instances, individuals must first seek resolution of their grievances through grievance procedures available in the schools or colleges, when those procedures are available, before seeking resolution in the ~~University Council Faculty Grievance Committee~~.
- 4 To establish, maintain, and publish procedures by which the above duties are conducted. These procedures are available at [here](#) [Hyperlink to appropriate web location].

C. Excluded Matters

The following matters are not grievable to the committee:

1. Matters covered under the UGA Non-Discrimination and Anti-Harassment Policy (NDAH). Individuals with potential claims under

the NDAH Policy should contact the EOO or a University Ombudsperson.

2. Matters (like NDAH matters) that are assigned by University or Board of Regents rules, policies or procedures to other entities

3. Pursuant to Board of Regents policy, a grievance also will not be available to dispute:

X promotion and tenure decisions,

XI performance evaluations,

XII hiring decisions,

XIII classification appeals,

XIV challenges to grades or assessments,

XV challenges to salary decisions,

XVI challenges to transfers or reassignments,

XVII termination or layoff because of lack of work or elimination of position,

XVIII investigations or decisions reached under the institutions Harassment Policy, and

XIX normal supervisory counseling.

Procedures of the Faculty Grievance Committee of the University Council of the
University Of Georgia Revised ~~June 1993~~2015

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 ~~peace~~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 ~~G~~rievance 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 ~~C~~ommittee wishes to announce the following procedures.

1. The Committee has jurisdiction to investigate ~~and~~ee consider all complaints of faculty members, except matters subject to formal proceedings as provided by Board of Regents or Bylaws of University Council (~~such an promotion and tenure matters~~see [University Council Bylaw IX](#)) ~~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~~[Grievance and Disciplinary Review policy administered by the Office of Legal Affairs](#), 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~~[those procedures](#).

3. All complaints must be in writing and addressed to the Chair~~person~~ 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 in 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 Chair~~man~~ shall study the request to see that the information described above is included and clearly stated. The ~~C~~hair 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 ([see University Council Bylaw IX](#)). The Chair ~~will~~ also [will](#) 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~~ will decide ~~(i) to investigate the complaint, (ii) to hold a hearing, or (iii) that neither an investigation nor a hearing if further investigation is merited. Further investigation usually will be merited when the matter is within the jurisdiction of the Committee, the faculty filing the grievance has complied with the above documentation requirements, and the grievance is neither frivolous nor without any apparent factual foundation.~~

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 resolution. The Committee investigation and mediation proceedings may include contacting all parties to the issue (including the President), seating speaking separately or together with all parties, contacting others who may be of assistance, or and reviewing relevant documents that may apply. The subcommittee will complete its charge as soon as reasonably possible.~~ In order to facilitate the work of the Csubcommittee, 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 Committee will complete its charge in a timely manner.

~~8. The subcommittee shall report to the full committee the results of its efforts. If resolution mediation has been is successful, the Ccommittee will communicate the results in writing to the parties concerned and to the President. Should resolution 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 to issue a report and recommendation to the President. 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.~~

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~~a. If the faculty member filing the grievance requests the Committee to issue a report and recommendation to the President, the Committee will conduct further investigation as it deems necessary. Upon completion of its investigation, the Committee will prepare and provide its report and recommendation to all parties to the dispute prior to submitting it to the President. The parties shall have 20 calendar days to respond in writing. Responses will be appended to the report and submitted to the President.~~

~~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 as otherwise required by law.~~

Procedures of the Faculty Grievance Committee of the University Council of the
University Of Georgia Revised 2015

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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 (see University Council Bylaw IX).
2. The Grievance and Disciplinary Review policy administered by the Office of Legal Affairs, 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 those procedures.
3. All complaints must be in writing and addressed to the Chair 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 Chair 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 (see University Council Bylaw IX). The Chair also will 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
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6. After taking the above steps, the Chair shall present the complaint to the full Committee, which will decide if further investigation is merited. Further investigation usually will be merited when the matter is within the jurisdiction of the Committee, the faculty filing the grievance has complied with the above documentation requirements, and the grievance is neither frivolous nor without any apparent factual foundation.

7. Should the Committee determine that an investigation is merited the Committee shall investigate the complaint and attempt resolution. The Committee proceedings may include contacting all parties to the issue (including the President), speaking separately or together with all parties, contacting others who may be of assistance, and reviewing relevant documents. In order to facilitate the work of the Committee, the Chair shall notify all appropriate administrators in writing that an investigation is underway and seek their cooperation in the work of the Committee. The Committee will complete its charge in a timely manner.

8. If resolution is successful, the Committee will communicate the results in writing to the parties concerned and to the President. Should resolution fail, the Chair shall meet with the faculty member filing the grievance and discuss the options of withdrawing the complaint, or requesting the Committee to issue a report and recommendation to the President.

9. If the faculty member filing the grievance requests the Committee to issue a report and recommendation to the President, the Committee will conduct further investigation as it deems necessary. Upon completion of its investigation, the Committee will prepare and provide its report and recommendation to all parties to the dispute prior to submitting it to the President. The parties shall have 20 calendar days to respond in writing. Responses will be appended to the report and submitted to the President.

Proposed Resolution to Amend the Bylaws of the University Council

WHEREAS, the current Restated Articles of Incorporation of the University of Georgia Research Foundation (“UGARF”), effective March 27, 2008, establish that three members of the UGARF board of directors will be elected by the University Council of the University of Georgia (“Council”).

WHEREAS, specifically, UGARF’s Articles of Incorporation state at Section 6(5) that, with respect to the UGARF board of directors:

“Three members shall be elected by the University Council of the University of Georgia. The three members elected by the University Council of the University of Georgia shall be members of the faculty of the University of Georgia, but not necessarily members of the University Council. One member so elected shall be from the physical sciences, one from the social sciences and the other from the other areas of the University of Georgia’s faculty.”; and

WHEREAS, pursuant to that authority the Council adopted Bylaws that provide for electing these three members of the UGARF board of directors “in accordance with the Statutes of the UGARF;” and

WHEREAS, the Council’s Bylaws place an additional restriction on election to UGARF’s board that “[t]hese faculty must be members of the University Council at the time of their election;” and

WHEREAS, the Council and UGARF both desire to eliminate the conflict between the current UGARF Restated Articles of Incorporation and the Council’s Bylaws;

NOW, THEREFORE, be it

Resolved, that Part III, Section II of the Council’s Bylaws is amended as follows:

“The Council shall elect faculty members to the Board of Directors of The University of Georgia Research Foundation in accordance with the ~~Statutes~~ Articles of Incorporation and Bylaws of the UGARF. ~~These faculty must be members of the University Council at the time of their election.~~”