

# APPENDIX IX: GRIEVANCE POLICY & PROCEDURE

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It is the policy of Washburn University of Topeka that disputes concerning the terms and conditions of employment of faculty members be resolved, if possible, within the University community and in the best interests of the grievant and the University. A procedure providing a mechanism for the resolution of complaints concerning the terms and conditions of a faculty member's employment is hereby adopted. It shall be the responsibility of all concerned in the grievance process to exercise good faith efforts to resolve grievances in the best interests of the grievant and the University.

## A. Terminology

1. "Faculty member" includes any member of the General Faculty as defined in the University Bylaws.
2. "Grievant" refers to a faculty member who files a grievance.
3. "Respondent" refers to a University employee whose perceived actions or omissions gave rise to the grievance or to a university employee designated by the Provost & Vice President of Academic Affairs to respond to the grievance.
4. "Parties" refers to grievants and respondents (and no others).
5. "Unit" refers to each of the School of Law, School of Business, School of Applied Studies, Division of Continuing Education, School of Nursing, the Library, Social Science Division, Humanities Division, Natural Sciences Division, Creative and Performing Arts Division, and Education-Kinesiology Division.

## B. Access

Access to the grievance process is a faculty right. Any faculty member may file a grievance. No person shall be penalized for submitting or proceeding with a grievance. No restraining, coercive, discriminatory, or retaliatory action will be taken against a faculty member because of the faculty member's initiation or participation in a grievance.

## C. Termination of the grievance

The grievant may terminate the grievance process at any time by withdrawing the petition. All parties may jointly terminate the grievance by mutual consent. Withdrawal or termination will be in writing and sent to the grievant's immediate administrative supervisor with copies to all parties.

## D. Advice and counsel

Each party to a grievance may designate one consenting faculty member to act as an advisor and to assist in the preparation of a grievance or response. Each party may also be represented by counsel.

## E. Scope

The grievance procedure provided may be used for any complaint concerning the terms and conditions of a faculty member's employment; provided, however, (a) the policy and procedure shall not extend to complaints concerning petitions for promotion, tenure, termination or non-reappointment and (b) the policy and procedure shall not be applicable to complaints under the jurisdiction of the university's Affirmative Action Policy.

## F. Grievance procedure

### 1. Written Complaint

A faculty member who has a grievance will file a written complaint with the immediate administrative supervisor 1) within 30 calendar days of the date the faculty member knew, or should have known through due diligence, of the situation giving rise to the grievance or 2) as extended by timely attempts to exhaust available informal administrative remedies.

The written complaint will include:

- a. Name of the grievant;
- b. Statement of facts giving rise to grievance;
- c. Identification of individuals (if known) whose actions or commissions resulted in the situation giving rise to the grievance;
- d. Identification of provisions of written policies involved;
- e. Date on which the act or omission occurred and the date on which the grievant first gained knowledge of act or omission;
- f. The date of the initial submission of the grievance;
- g. The relief sought.

Once a grievance is filed, it may not be amended.

### 2. Administrative Resolution of the Written Grievance

A faculty member who has a grievance must attempt to resolve the matter through University administrative channels. This attempt should start with the faculty member's immediate administrative supervisor. (This supervisor may or may not be a party to the grievance.) If the grievance remains unsettled, relief shall be sought at the next higher level in the administrative structure, ending with the grievant's Vice President. At each administrative level, the administrator will notify all parties in writing of actions taken. This notification will be given within 14 days of the administrator's receipt of the grievance. If at any administrative level, the grievant considers the matter resolved, the grievant and the administrator will sign a memorandum outlining the complaint and its resolution. A copy of the memorandum will be sent to each party and to each previous administrative level. If the grievant does not consider the matter resolved or if the administrator fails to respond within 14 days, the grievant will, within seven days, notify the administrator and will forward the grievance to the next higher administrative level. The administrator will forward a summary of his/her action to the next high next higher administrative level.

Should the grievant fail to notify the administrator within seven days, the grievant is deemed to have accepted the administrator's action (if any) as a final resolution of the grievance. In such a case, the administrator will notify in writing each party and each previous administrative level. Should the matter remain unresolved at the Vice President's level, the Vice President will refer the grievance to the chairperson of the Personnel Committee, who shall convene a grievance hearing as indicated below. The Vice President will also send the grievance, with a summary of actions taken, to the President.

### 3. Grievance Hearing Committee

**a. Committee Selection**

Grievance Hearing Committees will be established to hear individual grievances. They will be selected by random draw from the tenured members of the General Faculty and librarians with more than six years service. The President, Vice Presidents and individuals reporting directly to a vice president shall not be eligible for selection. The members of the committee will be informed of the nature of the grievance and the parties named. Members may remove themselves from the committee for bias or conflict of interest.

Should any member remove him/herself, the Chair of the Personnel Committee shall draw additional name(s). Each party, beginning with the most senior in terms of administrative rank, shall exercise one challenge thereby reducing the committee to three members. Should any party not exercise its challenge within three days, the Chair of the Personnel Committee will exercise that challenge without further consultation.

In selecting committee members:

- i. No member will be from the same unit as any party and, in the event that a Dean is a party, no member will be from the Dean's School or College.
- ii. No member will be on a committee currently hearing another grievance.
- iii. No more than one member will be from a single unit.
- iv. The Chair of the Personnel Committee will randomly select three more names than the number of parties to the grievance.

**b. Committee Chair**

Each Grievance Hearing Committee will elect a chairperson from among its members.

**c. Committee Responsibilities**

The Grievance Hearing Committee has the following responsibilities:

- i. To attend all meetings called by the Chair of the Grievance Hearing Committee;
- ii. To ensure that fair and proper procedures are followed;
- iii. To consider all pertinent and relevant evidence in the case;
- iv. To determine matters of fact, to interpret policies and procedures, and to recommend actions to the President.

**4. Grievance Hearing**

Within fourteen (14) days of receipt of an unresolved grievance from the Provost & Vice President of Academic Affairs, the Personnel Committee will arrange for the Grievance Hearing. The purpose of the hearing shall be to receive evidence concerning the act complained of by the grievant and to recommend to the President a just resolution of the grievance.

The Grievance Hearing Committee shall not be found to follow the rules of evidence governing trials in the state and federal courts but shall take steps to ensure the hearing is conducted in an impartial and fair manner. The Committee Chairperson shall rule upon all procedural matters subject to the objection of a majority of the committee.

All parties to the grievance shall have the right to be represented by counsel and to present evidence and testimony of witnesses. Witnesses may be cross-examined by the parties and the Hearing Committee members. Upon completion of the testimony and submission of the evidence, both parties shall have the right to make a closing statement.

If a member of the Grievance Hearing Committee is unable to continue because of illness or for other good and sufficient reasons, a replacement will be randomly drawn from the tenured members of the general faculty by the Chair of the Personnel Committee, or the Grievance Hearing Committee may continue to operate with fewer than three members if agreeable to all parties. The Grievance Hearing Committee shall

deliberate in private in order to review the information presented and arrive at its recommendation.

Within 14 calendar days of the close of the hearing, the Grievance Hearing Committee shall formulate a recommendation based upon the evidence adduced at the hearing. The opinion of the Grievance Hearing Committee shall be reduced to writing and shall include, at a minimum:

- a. Findings of fact on the issues presented in the grievance;
- b. The University policies and procedures applicable to resolution of the grievance and including the committee's interpretation of the policies and procedures; and
- c. Its conclusions as to the allegations of the grievant.

Any member of the Grievance Hearing Committee may submit a minority opinion. The recommendation of the committee and all minority opinions will be forwarded to all parties, and to the President. The President will render the final decision within 14 calendar days. The decision from the President shall be in writing and shall state the reasons for the decision. The President's decision shall be sent to all parties and to all administrators who had previously received the grievance.

**G. Miscellaneous provisions**

Grievance hearings will not be started after the beginning of final exams of the Spring Semester in the College of Arts and Sciences until the date of registration of the College for the Fall Semester, unless all parties agree otherwise. Grievances filed during that period will be processed after the date of registration of the Fall Semester. Following grievance any party can appeal within 30 days to the President of the University and then within 30 days to the Board of Regents. The President and Board of Regents each will respond within 30 days. The appeal to the Board of Regents will constitute the final step in the internal remedies available to the faculty.