

Employee Complaint and Grievance Procedure for Faculty Personnel

Purpose:

It is the intent of the University of Mississippi to establish a procedure for the fair, orderly, and speedy resolution of disputes that sometimes arise when a faculty member perceives that an unfair act has occurred which leads to an injustice or harm. In order to provide fairness and equity in the work environment, the University has established an internal review procedure that is accessible to all faculty employees. This shall serve as the University procedure for the resolution of job-related complaints and grievances.

The grievance procedure does not take the place of appeal procedures for employees who believe they have been subject to discrimination in matters of employment. Neither does it address matters of sexual harassment. Matters involving discrimination or sexual harassment should be taken to the Office of Equal Opportunity and Regulatory Compliance.

Applies to:

All University of Mississippi employees, except student employees, shown in the official University budget as occupying one of the accepted faculty ranks including professor, associate professor, assistant professor, visiting professor (all ranks), adjunct professor (all ranks), research faculty (all ranks), instructor, or lecturer.

Definition:

For purposes of this policy, a grievance is defined as any difference arising between a faculty member and the University of Mississippi as to the interpretation or application of a rule, policy, or procedure in relation to personnel policies, including workings hours, working conditions, leaves, promotions, and other conditions of employment.

Nongrievable Issues:

Faculty do not have the right to appeal through the grievance process (a) issues related to salary, or (b) appointment or reappointment.¹ Where there is a question of application, the Department of Human Resources will determine whether or not an issue may be appealed through the grievance process. If a matter is found nongrievable, Human Resources will work with the appropriate office to try and resolve the issue.

¹A faculty grievance arising during the process of promotion or tenure will be handled by the Tenure and Promotion Appeals Committee.

Informal Resolution:

The mutual interest of both the university and the faculty is best served when there is regular, forthright communication. Faculty members should bring to the attention of their department chair any work-related problems as soon as possible after they arise. A faculty member who believes a justifiable job-related complaint exist shall take steps to resolve the problem in a discussion with the department chair. The employee and the department chair shall attempt to resolve the problem at this level.

Should informal attempts at resolution not be satisfactory, and with the mutual agreement of the employee and the department chair, the Mediation Procedure may be utilized. The employee or the department chair may seek the assistance of Human Resources in the use of mediation. Human Resources will also provide advice on matters of policy interpretation, rights of faculty members and use of the formal grievance procedure.

Records:

The official records of the progress of a grievance and the established time limits are kept by Human Resources. Therefore, a dated copy of the grievance form must be provided to Human Resources each time a section has been completed (faculty member, department chair, or Dean).

Time Limitations:

The grievance procedure sets forth time limits for initiation of action on each step of the procedure. If a grievance is not forwarded by the faculty member within the time allowed in any step, the grievance will be considered discontinued, and no further review will take place. A written grievance which is not answered within the time allowed may be sent on to the next step within the allotted time frame by the faculty member. Human Resources may extend any time limit in the grievance process with the mutual agreement of the parties.

STEP I Grievance Procedure

Dean:

If the problem is not resolved to the satisfaction of the faculty member in the informal resolution stage, the faculty member may then file a formal grievance. The grievance must be in writing, signed by the faculty member, and submitted to the appropriate Dean, with a copy to Human Resources and a copy to the department chair, within 5 working days² of the occurrence which gave rise to the grievance or when the facts pertaining thereto became known or should have been known to the faculty member.

²The term "working days" as it appears throughout this document is defined to include the period from Monday through Friday of each week, excluding those days which are designated as holidays

by the official University calendar or by action of the Chancellor.

Within 5 working days from receipt of the written grievance, the Dean or his or her designated representative will schedule a meeting with the faculty member, the department chair, and any other individuals the Dean determines will assist in the investigation and resolution of the problem. If possible, the Dean will resolve the problem at this meeting. The meeting shall be held within 15 working days from receipt of the written grievance.

The Dean will provide the employee with a written answer within 5 working days after the completion of this meeting and will forward a copy of the grievance and answer to Human Resources.

STEP II

Hearing:

If the issue is not resolved in Step I, the grievant may, within 5 working days from receipt of the Step I response, file a written appeal with the Provost/Academic Vice Chancellor.

The Provost/Academic Vice Chancellor or other official designated by the Provost will, within 5 working days from receipt of the written appeal, schedule a hearing with the Faculty Grievance Committee. Such hearing shall be held within 15 working days of receipt of the written appeal.

Review Committee:

The Faculty Grievance Committee shall be composed of the Provost/Academic Vice Chancellor, the Chair of the Faculty Senate's Committee on Academic Freedom and Faculty Responsibility, and one faculty member appointed by the Chancellor from the general faculty outside the school or college of the aggrieved faculty member. The Director of Human Resources will serve as secretary of the Review Committee in a nonvoting capacity.

Hearing Procedure:

The hearing will be conducted as an administrative hearing without restrictions as to the technical rules concerning evidence and burden of proof. It will, however, avail the faculty member the right to present witnesses and other evidence and the right to confront and cross-examine witnesses. The faculty member may be accompanied by an advisor or legal counsel of his or her own hiring. The advisor or legal counsel may not participate directly in the hearing. The hearing will be closed and confidential minutes of the proceedings will be made.

Upon completion of the hearing, the Committee will have (5) working days in which to make a final decision. The decision will be promptly communicated to the faculty member in writing (within 5 working days) by the Provost/Academic Vice Chancellor who will also notify the Chancellor and the appropriate Dean of the Committee's decision.

STEP III

Appeal to Chancellor:

The decision of the Committee is subject to review by the Chancellor. The faculty member may submit an appeal to the Chancellor, in writing, within 5 working days of receipt of the Committee's decision. The Chancellor's decision, together with reasons therefor, shall be confirmed to the faculty member and to the Committee within 15 working days of receipt of the appeal. Decisions of the Chancellor are final. There is no right of appeal to the Board of Trustees.

Effect of Grievance on Management Action and Employee Status:

Filing a grievance does not delay the effective date of any employment action by The University of Mississippi.

Filing a grievance in and of itself will not jeopardize the grievant's position, opportunities for advancement, or salary increases.

An Employee shall not be coerced by the department or by other employees in regard to proceeding with a grievance or appearing as a witness before the Personnel Action Review Board.

The grievance record will not become part of the employee's permanent personnel file.

The employee will be paid at his/her regular rate for reasonable time spent, with advance permission, in discussion with supervisory or administrative personnel, or the Personnel Action Review Board.

University of Mississippi policy forbids retaliation against any employee based solely upon the employee's participation in the grievance procedure.

THE UNIVERSITY OF MISSISSIPPI
Faculty Grievance Report

Name of Employee _____ Date of Grievance _____

STATEMENT OF REASON FOR GRIEVANCE

Employee's Signature
Signature

Department Chair's

REPORT OF DEAN

Date of Meeting _____

Dean's Decision _____

Dean's Signature

Date of Signature

Review Committee Request Yes _____ No _____

Director of Human Resources

FACULTY GRIEVANCE COMMITTEE

Date of Committee Review _____

Committee's Decision _____

Date Employee Notified
Signature

Academic Vice Chancellor's

CHANCELLOR'S REVIEW

Date of Appeal _____

Chancellor's Decision _____

Date Employee Notified

Chancellor's Signature