

Grievance Panel annual report, 2014-15

No new cases were brought up to the Grievance Panel for consideration in the past academic year.

Consultation between the Panel Chair Joel Rosenberg and Prof. Steven W. Hirsch, an experienced member of the Panel, turned up the following concerns: (1) the need for a training session with the staff of the campus's Office of Equal Opportunity (OEO) on how to handle grievance procedures; (2) the need to reflect among ourselves on other aspects of quality control affecting the performance of our Panel; and (3) the need to address the apparent paucity of cases filed with the Panel, especially to learn of conditions that might make a difference between a potential grievant filing or not filing. Prof. Hirsch suggested that in addition to OEO staff, it would be good to include Prof. Bruce Reitman, Dean of Student Life, who has had experience with grievance cases involving students.

On October 22, 2014, the Panel Chair met with Lili Palacios Baldwin, Associate General Counsel [for] Labor and Employment on behalf of the OEO, discussing the matters raised above, concerning which the Counsel indicated her willingness to meet with Panel members.

On December 9, 2014, a meeting was convened of Panel members with Counsel Palacios Baldwin, OEO Director Jill Zellmer, and Dean Reitman. An hour was devoted to instruction on types of cases brought before the Panel, and on the conditions that either do or do not require consultation with or intervention by the panel. The OEO staff reviewed for the Panel provisions of Federal and State legal guidelines known as Title 7 (regarding students) and Title 9 (regarding faculty and staff).

After departure of OEO staff, the Panel met for a second hour to discuss the implications of this instruction for our future activity. It was felt that further instruction was needed, devoted to specific steps in the grievance process itself; that the role of the Panel Ombudsperson, a key figure in the handling of cases, should be enhanced, possibly by attendance at training sessions either locally or in other cities; that a budget be established to permit such out-of-town attendance; and lastly, that certain changes in faculty bylaws governing the Panel be implemented, namely: (1) when needed, relaxing the requirement that an Ombudsperson be in his or her third year of service; (2) establishing a position of Vice-Ombudsperson; and (3) extending the term of the Ombudsperson's service from three years to five. How these goals were eventually refined will be detailed further on.

On January 30, 2015, the Panel Chair attended a luncheon meeting of committee chairs with the Executive Committee and, in the limited time afforded, aired most of the concerns discussed above. Executive Committee Chair Christiane Romero indicated that raising matters of a change in bylaws was an appropriate topic to bring up at a meeting of the general faculty; and that while no standing budget exists for faculty committees, appeals for funding attendance by an Ombudsperson at an out-of-town training session may be brought to the AS&E deans.

On April 24, 2015, the Panel members met and decided on proposing to the faculty certain changes in faculty bylaws governing the Grievance Panel, to insure maximum competence and quality control in the handling of grievance matters: (1) extending the term of members from three years to five years; (2) extending the term of the Panel's Ombudsperson from one year to three; (3) making clearer that the Ombudsperson be someone "entering at least his or her third year of service" (formerly: "in their third year"), meaning that a member concluding his or her second year of service will be eligible to begin serving as Ombudsperson in the following year.

Certain other needs were stated as important to proper functioning of the Panel: (1) a University budget commitment providing up to \$1,500, to be drawn upon approximately once every three years, to enable the Ombudsperson to attend a training session outside the Boston area; (2) clarification from the OEO on the legal implications of creating a position of Vice-Ombudsperson, especially with respect to issues of confidentiality; (3) the need to address the paucity of cases brought before the Panel: basically, are the measures of the grievance procedure user-friendly? That is, might they sometimes make the difference between a potential grievant filing or not filing?

It is assumed that any changes in faculty by-laws are subject to approval by the general AS&E faculty and in accordance with University procedures, and will be discussed more fully at a general AS&E faculty meeting in the early fall. Next fall's convener will be Steven Hirsch, who will also serve as Ombudsperson, once a new Chair is determined,

Respectfully submitted,
Joel Rosenberg / Grievance Panel Chair
April 27, 2015

From Bylaws of the Faculty of Arts, Sciences, and Engineering, Section 2:

A *Grievance Panel* ("the panel"), consisting of nine members of the faculty of professorial rank, elected for ~~five- three~~-year terms, including at least one member from ~~the~~ the School of Engineering. No more than one member of a single department may be a member of this panel at any one time and no member of the Committee on Tenure and Promotion may be a member of the Grievance Panel.

The officers of the panel shall be a chair, ~~a secretary~~, and an ombudsperson chosen ~~annually~~ by the panel from its own members for a three-year term. The chair and the ombudsperson must be designated by the end of each academic year for the following year, and their names should be sent at that time to the Secretary of the Faculty to avoid a hiatus in the panel's functioning. Members of the panel shall be assembled by the chair upon the request of a grievant, or upon the request of a majority of the members of the committee, or whenever, in the judgment of the chair, a meeting is desirable.

A faculty ombudsperson chosen ~~annually~~ ~~by the Grievance Panel~~ for a three-year term from among its members ~~in who are entering at least~~ their third year ~~of service~~ shall have the power to hear faculty grievances informally and confidentially. The ombudsperson may not serve as a member of any subsequent Formal Hearing Board constituted to hear the same grievance.

A faculty member (the grievant) who wishes to present a grievance should notify the ombudsperson requesting a meeting. After conferring with the grievant, the ombudsperson may advise the grievant, in confidence, of the merits of the case and of further action that might be taken. The ombudsperson shall not take action or report further on the case without the written consent of the grievant. With the written consent of the grievant, the ombudsperson may communicate with the interested parties in an attempt to resolve the grievance informally.

The entire procedure shall not exceed two months, at which time the grievance will either move to the formal grievance procedure or be withdrawn by the grievant. Under exceptional circumstances, this two-month period may be extended by the Grievance Panel for no longer than another two months, on request of the grievant or of the ombudsperson.

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The Grievance Panel shall have the power and responsibility to compose Formal Hearing Boards. The Formal Hearing Boards shall conduct formal hearings of the [faculty grievances and shall make findings based on such hearings. The composition](#)

and procedures of the Formal Hearing Boards shall be in accordance with Formal Hearing Procedures adopted by the faculty.

The panel shall also have power to consider such other matters related to faculty personnel as may be submitted to it by individual members of the faculty; and to make recommendations thereon to the president or, at the discretion of the committee, to the Board of Trustees.

For the complete text of the policy and procedure (informal and formal procedure) see the *A&S&E Faculty Handbook*.