Proposed Revisions to Grievance Panel Procedures and Vote

*Speaker:* George Norman, Chair, Grievance Panel

*Summary:* The AS&E Grievance Panel (GP) procedures were last substantially revised prior to 1994. They were last voted in 1977 and 1982. Much has changed in the university structure since then, so the proposed changes offer:

a) Clarification of the procedures
b) Revisions to be consistent with the current university structure
c) A more realistic description of the function of the GP
d) Acknowledgement of other paths within the university to resolve specific types of grievance
e) Further amendments to reflect the discussion when the proposed changes were submitted to the AS&E Faculty in March and April of 2011

*Key issues:* Substantive changes to the GP procedures include the following:

1) The Office of Equal Opportunity (OEO) is specifically equipped to handle discrimination grievances, as required by law. University Counsel has worked with the AS&E Executive Committee and the chair of the GP to formulate the revised procedures that are before you. This gives a grievant in a complaint of discrimination the right to have the Ombudsperson participate as an observer to the OEO process. We have also allowed a grievant in such cases to invoke the informal grievance process.

2) Faculty input into decisions regarding faculty appointments and promotions is already covered by the Tenure and Promotion Committee (T&P). The GP should not be placed in a position of possibly second guessing the deliberations of T&P. Removal of “impropriety” as a reason to refer a grievance involving an employment decision to the GP reinforces this distinction. The scope of the word “impropriety” is difficult if not impossible to define.

3) The Vice-Provost’s Office has procedures already in place to deal with grievances involving academic misconduct. These procedures have been designed to comply with federal and state guidelines. The current version of the GP procedures makes no mention of academic misconduct. The proposed addition regarding cases of academic misconduct makes the appropriate path clear to a potential grievant.

4) The current procedures are silent on what to do if the Ombudsperson has a conflict of interest in a potential grievance. The proposed revisions provide explicit guidance on this topic, i.e. in such cases the grievant may approach any member of the GP in their 3rd year to serve as ombudsperson for their case.

5) In current procedures the grievant has the option of beginning with the informal or formal process. This conflicts with the bylaws which state that a grievant should first contact the ombudsperson. It is also good practice, consistent with the aim of resolving disputes at the lowest possible level.

6) The placement of the role of the President into a separate section emphasizes that the role of the GP is to make recommendations to the President, who makes the final decision.

7) Currently the GP decides if a Formal Hearing should be open or closed. The proposed revision states that Formal Hearings should be closed by default, unless both sides agree to open them. This change is for the protection of the grievant.
8) Since the GP acts in an advisory capacity to the president, any language that specifies how the President should proceed is not appropriate. Excepting that the GP may expect a response from the President within a reasonable amount of time (30 days).

**Action required:** AS&E faculty members are meant to consider and vote on the proposed changes to the GP procedures.

**Further information:** Please see the accompanying attachment titled, “Proposed Revisions to AS&E Grievance Procedures 032812.” To review the current GP procedures, please visit Chapter 5 of the AS&E Faculty Handbook: [http://ase.tufts.edu/faculty-handbook/chapter5.htm](http://ase.tufts.edu/faculty-handbook/chapter5.htm). To review the discussion and attachments from the faculty meetings held in March and April 2011, please visit the following websites: