



BOISE STATE UNIVERSITY

University Policy 4480

Faculty Grievance Procedure

Effective Date

July 1987

Last Revision Date

March 2012

Responsible Party

Provost and Vice President for Academic Affairs, (208) 426-1202

Scope and Audience

This policy applies to all University faculty.

1. Policy Purpose

To resolve faculty grievances and to make recommendations to the university president efficiently, expeditiously, and informally as possible, consistent with due process of law.

2. Policy Statement

Any faculty member as defined in Article II of the Faculty Constitution shall have recourse to the Faculty Grievance Committee (henceforth “Committee”) for a recommended resolution. Faculty members who believe existing laws, policies, procedures, or practices have been violated, misapplied, or misinterpreted, and are perceived to have adversely affected an individual employee’s professional or academic capacity, may file a grievance on their own behalf.

3. Responsibilities and Procedures

3.1 Procedures

Before filing a grievance, the faculty member:

- Must demonstrate attempts to resolve issues through the normal channels of administration (department chair, college dean, and Provost),
- Should consider utilizing the services of the University Faculty Ombuds Office, and
- Should consider mediation options with the BSU Human Resources Alternative Dispute Resolution Program.

3.1.1 Discrimination and Harassment

The University's Non-discrimination and Anti-harassment policy (University Policy 1060) and Equal Opportunity Statement (University Policy 1070), provide the process for recourse for faculty who believe they may have been the victim of discrimination or harassment relating to legally protected classes or status. The University EEO/AA Office is responsible for facilitating the investigation and resolution of these complaints. Complaints for other types of harassment may be handled through the process described in this Faculty Grievance Procedure.

3.1.2 Deadlines for Hearings

Complaints received on or before November 1 for fall semester and April 1 for spring semester, will be considered by the Committee during the same semester. If the deadline falls on a weekend, the deadline will be the following Monday.

3.1.3 Initiation of Process

Individuals must submit a brief written, signed, and dated statement of the grievance. The statement should include:

- A description of the complaint or dispute resulting in the grievance and of the existing laws, policies, procedures or practices under which the grievance arises,
- The name of the person(s) against whom the grievance is initiated,
- A brief description of all attempts at resolution,
- A proposal for acceptable resolution, and

- Any other information that the individual believes to be relevant or helpful.

This statement should not exceed 1200 words.

3.1.4 Committee Called Together After Receipt of Brief Statement

Upon receipt of the brief statement, the Chair will call together the membership of the Committee for initial threshold deliberations about the grievance without unreasonable delay (usually 10 working days). If the Committee determines all proper channels have been pursued and that there is a grievable matter, then the processes described below begin to govern the matter. If the Committee determines proper channels have not been pursued or the complaint does not constitute a grievable matter the individual filing the grievance complaint will be notified immediately and an appeal may be filed with the President who shall decide the appeal within ten (10) working days of its receipt.

3.1.5 Steps After Committee Determines a Grievance Shall Go Forward

After the Committee determines that a grievance shall go forward, the following steps need to be followed:

- a. The Committee will first inform the individual that filed the grievance that the grievance will proceed. The Committee will next inform the person against whom the grievance was filed (henceforth “respondent”) of the grievance, and the Committee will provide the respondent with a copy of the original statement of grievance (as described in c below).
- b. Upon notification, the individual that filed the grievance will provide all supporting documentation on the grievance including the detailed description of:
 - The issue to be resolved,
 - A description of all efforts undertaken to resolve the issue,
 - A proposal for acceptable resolution, and
 - All other relevant documents including a list of witnesses and or written statements from witnesses whose testimony the individual believes is relevant.

Two (2) copies of the document must be provided to the Committee within 10 working days of notification that the grievance will proceed.

- c. Upon receipt of all grievance documents, the Committee will provide the respondent with a copy of all materials submitted, with appropriate redaction of materials deemed confidential

or sensitive by the Committee. The Committee will request that the respondent provide a written response (two copies), including a list of witnesses whose testimony the respondent wishes to have heard by the Committee, to the Committee within 10 working days after receiving the copy of all grievance documents.

- d. The Committee will provide a copy of the respondent's documents to the individual filing the grievance with appropriate redaction of materials deemed confidential or sensitive by the Committee. The individual will have five (5) working days to respond in writing to any new issues identified by the respondent.
- e. The Committee will review the information provided by the individual filing the grievance and the respondent, and may request additional documentation at its discretion.
- f. The Committee may schedule hearings to interview the individual filing the grievance, the respondent, and any witnesses.

3.1.6 Hearings

All hearings shall be confidential, and closed unless the Committee determines that the presence of specific individuals will be helpful. All witnesses will be heard without the presence of the individual filing the grievance or the respondent to ensure candid communication. Members of the Committee may ask questions and may ask for additional documentation if relevant to the Committee's decision. Parties may be accompanied by one third-party observer of their choice. The third-party observer may not participate actively in the hearing process.

3.1.7 Committee Decision and Recommendation to President

The Committee will render its decision in writing and make a recommendation to the President within 10 working days from the last day of hearing, a copy of which shall be simultaneously given to the individual filing the grievance and the respondent. The President shall submit to the Committee within 10 working days a written description of whatever actions he/she intends to take.

Revision History

July 1992; May 1993; July 1995; March 2012