



Policy 04:300 – Grievances

The University operates under a philosophy that emphasizes the importance of ensuring the rights and well-being of its faculty and staff. When a situation arises that results in a grievance by a faculty or staff member, efforts will be made to determine the facts surrounding that grievance and to respond appropriately and justly. Every attempt should be made to resolve problems and grievances informally at the level at which they arise. When this is not possible, each faculty or staff member has the right to a hearing and an appeal for redress of grievance through established procedures.

General Requirements for Grievance Proceedings

Access to Grievance Proceedings

Access to grievance proceedings is limited to faculty who are, or were, regular full-time University of Montevallo faculty members employed at least one-half time in teaching on-campus credit courses or to staff who are, or were, regular full-time University of Montevallo staff members employed at least one-half time when the action leading to the alleged grievance occurred. Faculty members concurrently holding an administrative position have access to faculty procedures only with regard to their faculty duties; they have access to staff procedures only with regard to their administrative duties.

Eligible Grievances

Eligible grievances are limited to allegations which specifically involve any of the following: 1) questions related to promotion, salary, assignment of duties, evaluation, or termination of employment; 2) deviations from official University policies and/or procedures; 3) infringements on academic freedom or freedoms of speech, assembly, and petition; 4) denials of due process; and 5) discrimination and/or harassment based on gender, race, color, religion, national origin, disability, veteran status, or age. Claims of sexual harassment are handled under the University's Sexual Harassment Policy.

Time Limits

Failure of the administration to comply with the specified time limits entitles the grievant to carry the grievance to the next step. Failure of the grievant to comply with the specified time limits results in forfeiture of the right to pursue the grievance.

Faculty Grievance Procedures

Informal Procedures

Faculty who have eligible grievances, as described above, must first consult informally with the appropriate department chair (or dean in the case of a college without department chairs or library director in the case of library faculty) within **21** calendar days after becoming aware of the alleged grievable action. The administrator must respond within **7** calendar days of the consultation. If not satisfied with the outcome of this consultation, the faculty member must within **7** calendar days consult with the appropriate dean who must similarly respond within **7** calendar days of the consultation. If not satisfied with the outcome of consultation with the dean (or library director on case of library faculty), the faculty member must within **7** calendar days then consult with the Provost/Vice President for Academic Affairs who must respond within **7** calendar days of the consultation. If not satisfied with the outcomes of informal consultations, the faculty member may seek formal resolution. No formal grievances may be filed until the informal procedures are fully concluded.

Formal Procedures

If not satisfied with the outcome of informal consultations, the grievant must, within **14** calendar days after receiving a response from the Provost/Vice President for Academic Affairs, present a written statement to **either** the President or the Chair of the Faculty Grievance Committee. (The Grievance Committee's composition is described in the *Faculty Handbook*.) The written statement must specify: the precise nature and grounds of the grievance; documentation of the grievance and identification of the charged parties; a summary of the results of informal consultations; and, the remedy being sought. If direct appeal to the President is elected, the grievant cannot subsequently appeal to the Faculty Grievance Committee.

Review by President

If a review by the President is elected, the grievant must provide the President with a written statement, as described above, within **14** calendar days after receiving a response from the Vice President for Academic Affairs. Within **21** calendar days of receiving the written statement, the President shall provide a written decision to the grievant and to all parties named or involved in the grievance. The President's decision is final.

Review by Faculty Grievance Committee

If a review by the Faculty Grievance Committee is elected, the grievant must provide the Committee with a written statement, as described above, within **14** calendar days after receiving a response from the Provost/Vice President for Academic Affairs. The Faculty Grievance Committee is not empowered to evaluate the academic qualifications or professional competencies of the grievant. Such judgments are the responsibilities of the appropriate peer group and administrators. The Committee only examines the fairness and propriety with which grievable decisions affecting the grievant were made. The Committee considers whether procedures, rules, regulations, and standards were applied properly and in a non-discriminatory manner. In performing this function, the Committee shall have access to all facts relevant to the process used. For the Committee to have access to any confidential information, the Committee Chair must make the case with the President that access to such materials is essential. The President must obtain permission from the affected faculty member(s) before releasing

confidential information to the Committee. The Committee represents neither grievant nor administration, but the faculty as a whole. The Committee makes recommendations to the President.

General Rules and Procedures for Faculty Grievance Committee Reviews

1. Within **21** calendar days after receiving a written grievance, the Chair shall convene the Committee to decide by majority vote whether the grievance qualifies to be heard by the Committee. If more than one faculty member has filed the same or similar grievances, the Committee shall decide whether they shall be heard separately or collectively. If the Committee is unable to meet because of unavailability of members during summers or holidays, the Chair shall notify the grievant that all subsequent deadlines will be determined from the date on which the Committee does first meet to consider the grievance.
2. Within **7** calendar days after the Committee is officially convened, the Committee Chair shall inform the grievant, the President, and all parties named in the grievance of the Committee's decision on whether to hear the grievance. Should the initial meeting of the Committee be delayed for reasons specified in paragraph 1 above, the Committee shall convene as soon as is practicable and shall inform interested parties of its decision on whether to hear the grievance no later than **7** calendar days from the date of its meeting.
3. Within **7** calendar days of receiving the Committee's decision to hear a grievance, the grievant must provide written notice to the Committee and the President as to which of the following s/he chooses to follow: a) withdraw the grievance, or b) proceed with a hearing before the Committee. If a hearing is denied, the grievant must, within **7** calendar days of receiving the Committee's decision, provide written notice to the Committee and the President as to which of the following s/he chooses to follow: a) withdraw the grievance, or b) refer it directly to the President.
4. If the grievance is to be heard by the Committee, the Committee Chair shall send copies of the grievant's statement to the President and to all parties named in the grievance prior to the hearing. The hearing shall be held within **21** calendar days following receipt of the grievant's decision to proceed with the hearing. The Committee shall provide at least **14** calendar days' notice to the grievant and charged parties.
5. If the Committee declines to hear the grievance and the grievant chooses to refer the grievance to the President, s/he must include the grievance statement with the written notice of referral (as described in #3 above.) Within 21 calendar days of receiving the written referral and grievance statement, the President shall provide a written decision to the grievant and to all parties named or involved in the grievance. The President's decision is final.

Specific Rules and Procedures for Faculty Grievance Committee Reviews

1. The Faculty Grievance Committee elects its chair annually and consists of five members and five alternates elected by the four colleges and the Faculty Senate, as described in

the *Faculty Handbook*. Members may be excused from service on the Committee for good cause and replaced by their alternates. If both the member and the alternate from a single college or from the Faculty Senate are excused, the Committee Chair shall appoint an alternate from another college or from the Faculty Senate. The grievant may request that Committee members deemed prejudiced be excused and replaced with alternates. The final decision on the need for replacements is vested in the Committee.

2. The Committee shall limit its investigation to the issues brought by the grievant and may request that the grievant resubmit the alleged grievance with more specificity.
3. The Committee may hold preliminary meetings (with or without the grievant and other parties) to schedule the hearing and appearance of witnesses, to provide for the exchange of documents, and to achieve other appropriate objectives to assure a fair, effective, and expeditious procedure.
4. The grievant and charged parties may each bring a UM faculty colleague to the hearing to act as advisors only and with no right to speak. No legal counsel shall be allowed at the hearing.
5. Legal rules of evidence and civil procedure do not apply. The Committee may admit any evidence which it deems to be of value.
6. The hearing and related proceedings shall be confidential. All parties shall treat all testimony and evidence as such, and the Committee's votes shall be kept confidential.
7. The Committee, the grievant, and the charged parties may call witnesses to the hearing. The Committee may question the grievant, witnesses, and charged parties. Cross-examination may be conducted only by the Committee.
8. The Committee may call other witnesses necessary to ascertain relevant facts and shall have access to, and may consider, any pertinent, legally permissible University records.
9. At the hearing, the Chair shall introduce the case by summarizing the grievance. The Chair will also review policies pertinent to the case and will explain procedural requirements. The Chair shall maintain order at the hearing and may eject or exclude anyone who engages in disorderly or disruptive behavior.
10. The grievant may call witnesses, submit evidence, and/or present arguments in regard to the case. Witnesses and the grievant may be questioned by any member of the Committee but not by the person(s) against whom the grievance is made.
11. The person(s) against whom the grievance is made may then present evidence, witnesses, and/or arguments. Witnesses and the person(s) against whom the grievance is made may be questioned by any member of the Committee but not the grievant.
12. The grievant and the person(s) against whom the grievance is made may present summary arguments.

13. The Committee shall, in executive session, discuss the evidence presented and the issues involved. The discussion and vote of the Committee shall be confidential to the extent permitted by law and there shall be no record made of the discussions. An effort shall be made to reach consensus among all Committee members. If consensus cannot be reached, an effort should be made to limit the recommendations to only two—a majority and a minority. If this is not possible, each individual or group may submit its recommendation.
14. The Chair shall summarize the evidence and present the Committee’s conclusions and recommendation(s), based solely on the evidence presented at the hearing. The Chair will send the confidential report to the President, with copies to the grievant, the Provost/Vice President for Academic Affairs, members of the Committee, and all parties named in the formal grievance.
15. Within **21** calendar days of receiving the Committee’s recommendations(s), the President shall provide a written decision to the grievant, the Provost/Vice President for Academic Affairs, the Chair of the Faculty Grievance Committee, and all parties named or involved in the grievance. The President’s decision is final.
16. At the end of each academic year, the Committee shall make a report of its activities during the course of the previous year. Copies of this report shall be sent to the President, the Provost/Vice President for Academic Affairs, and the Chair of the Faculty Senate.

Staff Grievance Procedures

Informal Procedures

Staff who have eligible grievances, as described above, must first consult informally with the appropriate department head or supervisor within **21** calendar days after the staff member becomes aware of the alleged grievable action. The department head or supervisor must respond within **7** calendar days of the consultation. If not satisfied with the outcome of this consultation, the grievant staff member must within 7 calendar days then consult with the appropriate vice president or division head who must similarly respond within **7** calendar days of the consultation. If not satisfied with the outcome of informal consultations, the employee may seek formal resolution. No formal grievance may be filed until the informal procedures are fully concluded.

Formal Procedures

If not satisfied with the outcome of informal consultations, the grievant must, within **14** calendar days after receiving a response from the appropriate vice president or division head, present a written statement to **either** the President or the Chair of the Staff Grievance Committee, the name of whom will be available through the Office of Human Resources. The written statement must specify: the precise nature and grounds of the grievance; documentation of the grievance and identification of the charged parties; a summary of the results of informal consultations; and, the remedy being sought. If direct appeal to the President is elected, the grievant cannot subsequently appeal to the Staff Grievance Committee.

Review by President

If a review by the President is elected, the grievant must provide the President with a written statement, as described above, within **14** calendar days after receiving a response from the appropriate vice president or division head. Within **21** calendar days of receiving the written statement, the President shall provide a written decision to the grievant and to all parties named or involved in the grievance. The President's decision is final.

Review by Staff Grievance Committee

If a review by the Staff Grievance Committee is elected, the grievant must provide the Committee with a written statement, as described above, within **14** calendar days after receiving a response from the appropriate vice president or division head. The Staff Grievance Committee is not empowered to evaluate the qualifications or professional competencies of the grievant. Such judgments are the responsibilities of the appropriate administrators. The Committee only examines the fairness and propriety with which grievable decisions affecting the grievant were made. The Committee considers whether procedures, rules, regulations, and standards were applied properly and in a non-discriminatory manner. In performing this function, the Committee shall have access to all facts relevant to the process used. For the Committee to have access to any confidential information, the Committee Chair must make the case with the President that access to such materials is essential. The President must obtain permission from the affected staff member(s) before releasing confidential information to the Committee. The Committee represents neither grievant nor administration, but the staff as a whole. The Committee makes recommendations to the President.

General Rules and Procedures for Staff Grievance Committee Reviews

1. Within **21** calendar days after receiving a written grievance, the Chair shall convene the Committee and decide by majority vote whether the grievance qualifies to be heard by the Committee. If more than one staff member has filed the same or similar grievances, the Committee shall decide whether they shall be heard separately or collectively.
2. Within **7** calendar days after the Committee is officially convened, the Committee Chair shall inform the grievant, the President, and all parties named in the grievance of the Committee's decision on whether to hear the grievance.
3. Within **7** calendar days of receiving the Committee's decision to hear a grievance, the grievant must provide written notice to the Committee and the President as to which of the following s/he chooses to follow: a) withdraw the grievance, or b) proceed with a hearing before the Committee. If a hearing is denied, the grievant must, within **7** calendar days of receiving the Committee's decision, provide written notice to the Committee and the President as to which of the following s/he chooses of follows: a) withdraw the grievance, or b) refer it directly to the President.
4. If the grievance is to be heard by the Committee, the Committee Chair shall send copies of the grievant's statement to the President and to all parties named in the grievance prior to the hearing. The hearing shall be held within **21** calendar days following receipt of the

grievant's decision to proceed with the hearing. The Committee shall provide at least **14** calendar days' notice to grievant and charged parties.

5. If the Committee declines to hear the grievance and the grievant chooses to refer the grievance to the President, s/he must include the grievance statement with the written notice of referral (described in #3 above.) Within 21 calendar days of receiving the written statement, the President shall provide a written decision to the grievant and to all parties named or involved in the grievance. The President's decision is final.

Specific Rules and Procedures for Staff Grievance Committee Reviews

1. The Staff Grievance Committee elects its chair annually and consists of five members and three alternates appointed by the President from staff members below the vice presidential level. Members may be excused from service on the Committee for good cause and replaced by their alternates. If both the member and alternate(s) from a single constituency are unable to serve, the Committee Chair shall appoint the alternate from another staff constituency. The grievant may request that Committee members deemed prejudiced be excused and replaced with alternates. The final decision on the need for replacements is vested in the Committee. The Committee members and alternates serve staggered, two-year terms and are selected by their respective constituencies in accord with the following guidelines:
 1. Two members and one alternate from among Office Support Personnel;
 2. One member and one alternate from the Physical Plant; and
 3. Two members and one alternate from among professional staff not holding faculty rank.
2. The Committee shall limit its investigation to the issues brought by the grievant and may request that the grievant resubmit the alleged grievance with more specificity.
3. The Committee may hold preliminary meetings (with or without the grievant and other parties) to schedule the hearing and appearance of witnesses, to provide for the exchange of documents, and to achieve other appropriate objectives to assure a fair, effective, and expeditious procedure.
4. The grievant and charged parties may each bring a UM staff colleague to the hearing to act as advisors only and with no right to speak. No legal counsel shall be allowed at the hearing.
5. Legal rules of evidence and civil procedure do not apply. The Committee may admit any evidence which it deems to be of value.
6. The hearing and related proceedings shall be confidential. All parties shall treat all testimony and evidence as such, and the Committee's votes shall be kept confidential.

7. The Committee, the grievant, and the charged parties may call witnesses to the hearing. The Committee may question the grievant, witnesses, and charged parties. Cross-examination may be conducted only by the Committee.
8. The Committee may call other witnesses necessary to ascertain relevant facts and shall have access to, and may consider, any pertinent, legally permissible University records.
9. At the hearing, the Chair shall introduce the case by summarizing the grievance. The Chair will also review policies pertinent to the case and will explain procedural requirements. The Chair shall maintain order at the hearing and may eject or exclude anyone who engages in disorderly or disruptive behavior.
10. The grievant may call witnesses, submit evidence, and/or present arguments in regard to the case. Witnesses and the grievant may be questioned by any member of the Committee but not by the person(s) against whom the grievance is made.
11. The person(s) against whom the grievance is made may then present evidence, witnesses, and/or arguments. Witnesses and the person(s) against whom the grievance is made may be questioned by any member of the Committee but not the grievant.
12. The grievant and the person(s) against whom the grievance is made may present summary arguments.
13. The Committee shall, in executive session, discuss the evidence presented and the issues involved. The discussion and vote of the Committee shall be confidential to the extent permitted by law and there shall be no record made of the discussions. An effort shall be made to reach consensus among all Committee members. If consensus cannot be reached, an effort should be made to limit the recommendations to only two—a majority and a minority. If this is not possible, each individual or group may submit its recommendation.
14. The Chair shall summarize the evidence and present the Committee's conclusions and recommendation(s), based solely on the evidence presented at the hearing. The Chair will send the confidential report to the President, with copies to the grievant, the vice president or head of the division of which the grievant is a member, members of the Committee, and all parties named in the formal grievance.
15. Within **21** calendar days of receiving the Committee's recommendations(s), the President shall provide a written decision to the grievant, the vice president or head of the division of which the grievant is a member, the Chair of the Staff Grievance Committee, and all parties named or involved in the grievance. The President's decision is final.
16. At the end of each academic year, the Committee shall make a report of its activities during the course of the previous year. Copies of this report shall be sent to the President.

Equal Opportunity Grievances

In cases of specified grievances based on race, color, religion, national origin, gender, age, disability, or veteran status, the University's Equal Opportunity Officer will serve as a non-

voting member of the Grievance Committee. In addition, another UM faculty or staff member may be selected by the grievant to supplement the Committee as a non-voting member.

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