

## **Committee A and IUB Grievance Procedures-2008**

One of the key roles of the AAUP is to assist faculty (whether members of AAUP or not) in the protection of the rights to due process and academic freedom. This work on behalf of individual faculty members is handled by the Chapter's Committee A on Academic Freedom and Tenure. This year's members of Committee A are: Ann Gellis, David Daleke and Kevin Hunt.

The Bloomington grievance procedures can be found at <http://www.edu/~bfcpolicies.shtml> (click on Grievance, Mediation and Review Procedures). The formal processes consist of two levels: The Faculty Mediation Committee and the Faculty Board of Review. Below are short descriptions of the role of each in the grievance process.

### **Faculty Mediation Committee Bonnie J. Brownlee (School of Journalism)**

**The Bloomington Faculty Mediation Committee** is an outgrowth of the Faculty Board of Review. Together the two committees serve the faculty and administration of the campus by considering “complaints of faculty members concerning academic freedom, reappointment, tenure, promotion, salary adjustment, and the nature or conditions of work” (Faculty Handbook). Both committees are managed by faculty elected by the Bloomington Faculty Council. The Mediation Committee includes seven members, who serve on staggered two-year terms.

The Mediation Committee generally serves as the first step for faculty grievances. Faculty who feel they have a case that fits any of the above issues may contact the Mediation Committee to ask for guidance. Typically, the grievant — the committee was long called the Grievance Committee — first calls the chair of the committee. The chair tries to get a sense of the complaint, reminds the grievant that he or she needs to prepare a written statement that includes the nature of the complaint and a requested remedy. The chair then calls the committee together to meet with the grievant. Meetings are informal. At times, the grievant comes with an advocate — a friend, perhaps from the same academic unit, perhaps not.

The committee listens to the grievant, asks questions then evaluates the merits of the case and discusses an appropriate way to respond. Members of the committee review relevant documents and talk with parties in the complaint (the department chair, for example, perhaps the dean or the provost). As mediators, they attempt to propose a resolution that will be acceptable to both sides. They attempt to set timetables and establish some teeth to make certain the proposed changes are enacted.

Once the committee has completed its work, the chair writes a letter to the grievant outlining material gathered and steps taken. In cases when the committee cannot resolve the complaint, the committee may offer advice regarding other avenues of appeal,

including the Faculty Board of Review. Indeed, at the grievant's request, the committee may help draft a statement for the Board.

Because timing may be an issue, the BFC guidelines say that that a grievant should file his or her complaint within 30 days of "the event being grieved or after notification" of the specific issues (such as a vote for nonreappointment or a salary letter). The committee then has 45 business days in which to complete its work.

In short, then, the Mediation Committee's role is to serve IU Bloomington's faculty and administration as a first (and ideally only) step in resolving issues of work. Its aim is to do this in a consultative way that avoids a formal hearing that inevitably includes all the trappings associated with a hearing. The committee reports to the BFC annually, noting the number of cases it has handled during the year and the nature and outcome of those cases. (Grievants' names are not a part of the record.)

Current members of the committee:

Jack Bielasiak	(Political Science)
Frank Di Silvestrio	(Adult Education)
Joseph Farley	(Psychology)
Elizabeth Johnson	(Lilly Library)
Brian O'Donnell	(Psychology)
Sonya Stephens	(French & Italian)
Kurt Zorn	(SPEA)

The Bloomington Faculty Board of Review

Moira Smith (Library)

The Faculty Board of Review was established by the Bloomington Faculty Council in 1975 as the final step in the faculty grievance process on the Bloomington campus. The first step is the province of the Bloomington Faculty Mediation Committee. Most issues can be satisfactorily resolved with the help of the Committee, but when they cannot, the next option is to take a formal grievance to the Board of Review.

The Board consists of five tenured faculty or librarians, elected by the faculty for staggered two-year terms. All faculty and librarians, both tenured, tenure track, and non-tenure track, have the right to ask for a hearing from the Board of any administrative action or sanction taken against them, including dismissal, non-reappointment, and complaints concerning academic freedom, tenure, promotion, salary adjustment, or the nature and conditions of work. The Board's role is to hear these grievances fairly and openly, and to report decisions and recommended redress to the next administrative level (usually, the Provost).

Bloomington's grievance process is much more formal than the mediation process. If you are considering lodging a formal grievance, the chair of the Board can inform you about procedures and offer advice on how to frame the grievance itself. However, it is also very advisable to seek advice and help from the Dean of Faculties Office, Committee A of the AAUP, or other colleagues.

### The Grievance Process

Faculty should notify the chair of the Board in writing if they wish to bring a grievance to the Board. The written grievance should specify the nature of the grievance, name the administrator(s) whose actions are being grieved against, and also specify what redress is desired. The chair distributes copies to the rest of the Board and to the persons named in the grievance; they then have 30 days to send a written response. Prior to the hearing, all communications about the case must be in writing and must be shared with all parties as well as the full Board. All such communications must go through the chair. The Board may ask for further information from any of the parties; these requests and the answers are also made in writing to the chair and shared with both the grievant and the administrators grieved against.

The Board may decide to convene a hearing within 30 days of receiving the administrator's response. Both grievant and the relevant administrators may bring counsel or representatives of their choice, and may present witnesses. Hearings are open to the public unless any party objects. Tape recordings of the hearings are made and filed in the BFC office.

Within 10 days of the hearing, the Board must render a decision and report it, along with supporting reasons, to the grievant, the administrator grieved against, the President of the BFC, and the administrator immediately superior to the person whose action was under review. The report includes the reasons for the decision, and, if the grievance is upheld, it also includes recommendations for redress.

The Board of Review receives four to five grievances each year, the majority of them arise when faculty are denied reappointment, including denial of tenure. Normally, the Board may review both the procedures used by administrators and the specific actions grieved against, but in non-reappointment cases, the BFC policy specifies that the Board may only review the procedures employed in the decision not to reappoint and not the decision itself. If it is a tenure case, the Board will consider whether the tenure process was fairly and whether the relevant department, school and campus policies and procedures were followed. If the process is shown to have been unfair or incorrect, the Board may recommend that the process be repeated, beginning wherever in the process the error occurred. The Board has no authority to overturn the tenure decision itself.

Due process is the chief principle that is the foundation of the Bloomington mediation and grievance procedures. That is, faculty may not be dismissed, sanctioned, or denied reappointment without the opportunity to defend themselves, including the right to counsel, the opportunity to present witnesses or other evidence, and the ability to

confront the evidence against them. Time limits are set on every stage of the grievance process to ensure that concerns are addressed promptly and to assure adequate opportunity to be heard and for deliberation.

In addition to the Grievance Procedures, faculty should also see the BFC “Principles to Guide the Development for Handling Complaints of Misconduct Against Faculty Members.

The current chair of the Faculty Board of Review is John Carney (Physics). The other members are: Paul Eisenberg (Philosophy), Alan Ewert (HPER), Murray McGibbon (Theater & Drama), and Elizabeth Raff (Biology).