

2.15 Grievance Procedure

2.15.1 Intent

The college [university] recognizes the importance of a process for attending to grievances properly, without fear of prejudice or reprisal on the part of anyone bringing a grievance or anyone being grieved against. Accordingly, the college [university] encourages the informal and prompt settlement of grievances and, if necessary, the use of the orderly processes set forth in this grievance procedure, designed to protect due process and academic freedom and to respect professional conduct. With the exception of the appendices to Part II, comprising the "Joint Human Rights Policy" and the "Joint Sexual Assault Policy" (for which Section 3.3, the "Joint Complaint Procedure for Human Rights Violations," applies), the college [university] intends that these procedures be the sole method for the resolution of all grievances. If a faculty member simultaneously alleges both a grievable violation and a violation that falls under the "Joint Complaint Procedure for Human Rights Violations," a single inquiry will occur in accord with this grievance procedure, as described in Section 4.1, "Grievance Procedure."

When a grievance substantially similar to a grievance initiated under these procedures has been filed with an outside agency, the grievant shall agree not to pursue it until the college [university] grievance procedure has run its course. An exception may be made to this policy when a delay, caused by the time needed to complete the college [university] grievance procedure, interferes with the grievant's opportunity to pursue the outside claim. This exception applies only to claims with an outside agency, not to bringing suit in a court of law. In addition, any grievance which has been filed and resolved by an outside agency cannot then be presented as a grievance under these procedures.

2.15.2 Scope of the Grievance Procedure

The scope of this grievance procedure is limited.

- a. The grounds for any grievance are limited to those identified in Section 2.15.3.
- b. The objectionable action(s) being grieved must fall under policy, procedures, rights, and/or standards of conduct identified in Part II (including its appendices), Part III, or Part IV.

- c. Allegations related to the “Joint Human Rights Policy” (appendix of Part II) are to be investigated employing the “Joint Complaint Procedure for Human Rights Violations” (Section 3.3) and not by this grievance procedure. Procedural violations within the “Joint Complaint Procedure for Human Rights Violations” can be subsequently grieved but the original complaint of a human rights violation cannot (see 2.15.3.1.d).
- d. If a faculty member simultaneously alleges a grievable violation and a human rights violation, both types of allegations are investigated through this grievance procedure, as described in Section 4.1.
- e. In particular, Parts I and V do not come under this grievance procedure.

2.15.3 Grounds for Initiating a Grievance

A grievance procedure may be initiated when a faculty member or a group of faculty members makes either or both of two types of claims: an allegation of a violation of rights, policies, procedures, or standards; or an allegation of inadequate consideration of the evidence. Although both types of allegations would be investigated by a single *ad hoc* grievance committee (in accord with Section 4.1 below), these two are distinguished because of the somewhat different procedures entailed in the latter case.

2.15.3.1 Violation of Rights, Policies, Procedures, or Standards

A grievance may be initiated when a faculty member or group of faculty members claims that there has been:

- a. a violation of policy or procedure of these institutions as set forth in the *Faculty Handbook*; or
- b. an infringement of the rights of an employee or employees of these institutions as set forth in the *Faculty Handbook* which relates to compensation, appointment or reappointment, tenure, promotion, dismissal, suspension, reassignment, or layoff; or
- c. unprofessional conduct or a violation of the academic freedom and integrity standards applicable to faculty (Section 2.10); or
- d. a violation of the procedures of the “Joint Human Rights Policy,” the “Joint Sexual Assault Policy,” or the “Joint Complaint Procedure for Human Rights Violations.”

2.15.3.2 Inadequate Consideration

If a faculty member alleges that a decision by the college [university] concerning contract status, tenure, or promotion was based on inadequate consideration of the evidence, a grievance may be initiated. An allegation of inadequate consideration refers to a procedural rather than a substantive issue. The substance of a decision, i.e., the judgment as to what outcome is warranted by the evidence, is not grievable. Rather, the standard of adequate consideration suggests questions such as whether those named in a grievance sought out and conscientiously considered all relevant evidence and standards, whether they excluded irrelevant and improper evidence and standards, and whether they made a good faith exercise of professional academic judgment.

2.15.4 Grievance Procedures

The precise mechanism(s) for filing and dealing with a grievance are found in Section 4.1.