

## Policy X.X

### Grievance Procedure for Academic and Administrative Faculty

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## COLLEGE GRIEVANCE COMMITTEE & GRIEVANCE PROCESS

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<b>COLLEGE GRIEVANCE COMMITTEE PROCESS</b>	<ol style="list-style-type: none"><li>1. Grievances could include, but are not limited to: alleged incident(s) directly relevant to teaching workload (as related to types, level, and creative content of classes), salary increases, equity, evaluation, merit, or promotion. If a resolution between a potential grievant and his or her Department Chair, Assistant or Associate Dean, Dean, and/or administrative supervisor cannot be satisfactorily reached, then a grievant has the option to elevate the grievance to the College-wide level. In order to do this, a grievant must complete a written Notice of Grievance form and submit it to the Faculty Senate Chair with the corroborating evidence within fifteen (15) working days of the last date of discussion with the Department Chair, Dean, Assistant or Associate Dean, or supervisor. This date will be validated with both the grievant(s) and the respondent(s). If a grievant does not file a Notice of Grievance form within fifteen (15) working days, then the matter will be considered closed.</li><li>2. Within five (5) working days from the receipt of a completed Notice of Grievance by the Faculty Senate Chair, the Faculty Senate Executive Committee shall meet to select the College Grievance Committee by lot from all eligible faculty and administration members as well as contact the President for his or her appointee. The selected Committee must be constituted as stated in the "College Grievance Committee" definition above. The Chair of the Grievance Committee will be appointed by the Faculty Senate Chair from the selected members of the committee and approved by the Provost within three (3) working after the Executive Committee selection meeting.</li><li>3. Within five (5) working days from receipt of the preliminary list of committee members, the grievant(s) and the respondent(s) may each exercise one preemptory challenge of one member of the selected committee, including the Chair and presidential appointee. In the case of a preemptory challenge by either party, the Faculty Senate Chair and Executive Committee will reconvene within five (5) working days to redraw from the remaining pool of all eligible faculty and administration members (as determined by the requirements in the "College Grievance Committee" definition) and consult with the President for an alternate appointment to the committee if needed. If the Chair of the College Grievance Committee is the only member contested, then the Faculty Senate Chair can choose to keep the former Chair as a member of the committee and appoint a new Chair from the existing members. The Provost must approve the new Chair.</li><li>4. Once the final grievance committee is constituted, the Chair of the College Grievance Committee shall call a meeting of the committee within five (5) working days of their appointment, and at that time, the Confidentiality Form will be signed by each participant. Subsequently, the Committee Chair will determine the meeting schedule for this grievance process. All written materials to be considered from grievant(s) and respondent(s) shall be submitted to the College Grievance Committee Chair at least ten (10) working days before the first formal committee meeting. At the first meeting of the finalized committee, the College Grievance Committee shall determine by majority vote whether there is sufficient cause for a</li></ol>
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grievance and/or hearing. In order to do so, the Committee may request additional information to render its decision. If the College Grievance Committee determines that the grievance does not warrant a hearing, then the matter will be considered closed.

If a majority cannot be reached due to lack of a quorum or abstention, then no action may be taken and the College Grievance Committee Chair must schedule another meeting at which a quorum is present.

5. If the situation advances to a hearing, any grievant(s) bringing an advocate and/or legal counsel must so advise the College Grievance Committee Chair in writing at least five (5) working days prior to the hearing, and the College Grievance Committee Chair will in turn inform the respondent(s), who may then request representation by NSC General Counsel. The grievant(s) or the respondent(s) is allowed one advocate and/or legal counsel, who will serve only in an advisory capacity. If either party does not provide notification of counsel to the College Grievance Committee Chair within five (5) working days prior to the hearing, then he or she will not be permitted to have said advocate and/or legal counsel present at the hearing.

6. The College Grievance Committee shall reach its decision based solely on the evidence presented by the grievant(s) and the respondent(s). The recommendation(s) of the College Grievance Committee shall be forwarded in writing to the Provost (for academic faculty) or appropriate Vice-President (for administrative faculty), the grievant(s), and the respondent(s) within five (5) working days for a decision. Upon receipt, the Provost or the Vice-President shall provide written notification of a decision regarding the grievance within no more than fifteen (15) working days to the grievant(s), the respondent(s), and the College Grievance Committee Chair. The College Grievance Committee Chair will inform the composite committee members of the Provost's or Vice-President's decision.

7. Should either the grievant(s) or respondent(s) dispute this decision, he or she can petition the Provost or Vice-President for reconsideration. The grievant(s) or respondent(s) have no more than fifteen (15) working days from receipt of the Provost's or Vice-President's decision to petition for reconsideration. Upon receiving such a petition, the Provost or Vice-President shall have no more than fifteen (15) working days to reconsider his or her decision. Once the grievant(s) and respondent(s) have been notified in writing, whether by letter or email, by the Provost or Vice-President of the conclusion of the reconsideration process, either the grievant(s) or respondent(s) can appeal the decision with the President. Unless the Provost, appropriate Vice-President, or President grants special permission in the allowed timeframes, requests for reconsideration or appeal filed less than fifteen (15) working days before the end of the academic year may be postponed for resolution until then next semester, in case of the fall semester, or the next academic year in the case of the spring semester.

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**FILING THE GRIEVANCE**

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<p><b>Filing the Grievance</b></p>	<p>When filing a grievance you will be asked to:</p> <ol style="list-style-type: none"><li>1. State the decision being grieved;</li><li>2. Indicate the respondent(s);</li><li>3. Identify last date of communication with respondent(s);</li><li>4. Provide a written narrative of the issue(s)/event(s) and effort already made to resolve the dispute.</li><li>5. State the relief requested;</li><li>6. (If desired) Identify the individual who may serve as the advocate for the grievant(s), hereafter called "advocate"; and</li><li>7. Provide any supporting documentation relevant to the grievance (e.g. written and/or email communications with respondent, documentation of special instructions, assignments, Curriculum Vitae, performance evaluations, Standards of Academe from grievant(s)'s School, department codes or guidelines, School/department policies, and so forth).</li></ol>
<p><b>Respondent(s) response procedure to filed grievance</b></p>	<p>After the grievant(s) has properly filed their petition, the Faculty Senate Executive Committee shall notify the respondent(s) of the grievance. The respondent(s) shall have ten (10) working days to respond to the Notice of Grievance and compile documentation. If respondent fails to provide a timely formal response, the matter may proceed for determination by the Grievance Committee without consideration of any documentation, evidence, or response from respondent unless the Provost permits the respondent to provide later documentation due to compelling circumstances demonstrated by the respondent.</p> <p>Once the Faculty Senate Chair has received the appropriate documents from the grievant(s) as well as the respondent(s) response, if provided, he or she shall then begin the process of forming the College Grievance Committee and to appoint its Chair. When the final College Grievance Committee has been formed, the Faculty Senate Chair shall forward all documentation related to the grievance to the College Grievance Committee Chair. The</p>

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<p><b>Confidentiality</b></p>	<p>College Grievance Committee shall review the filing information as well as all supporting documentation from both the grievant(s) and respondent(s) and will determine whether there is sufficient cause to move forward with a grievance hearing. The Committee will notify both parties in writing of their decision within ten (10) working days using the Determination of Advancement form. If it is determined that the matter does not warrant a hearing, then it will be considered settled at that time. However, in the event of a hearing recommendation by the committee, a hearing notification will be sent to both parties. Both the grievant(s) and respondent(s) will be given the opportunity to present testimony on a designated date scheduled within fifteen (15) working days of the Committee's initial Determination of Advancement.</p> <p>The College Grievance Committee may also request additional statements from other parties (as appropriate) and shall have the authority to obtain relevant testimony from persons whom it deems may provide useful information. All documents and relevant information shall remain the property of the Office of Human Resources. In addition to the material in the grievance file, when applicable, the College Grievance Committee will have access to the grievant(s) application for third-year review as well as promotion and tenure.</p>
<p><b>The Grievance Hearing</b></p>	<p>As grievances are personnel matters, confidentiality of the grievance files shall be maintained, excepting instances of court order or valid requests for reproduction. The files shall be secured in the Office of Human Resources and may be released only with the written consent of the grievant(s). No copies of file contents shall be provided to any party. Access to the files shall be limited to the College Grievance Committee, the grievant(s), and/or respondent(s). Each person authorized to view the file will sign a document agreeing to preserve the confidentiality of its contents at the beginning of the grievance process, and a log will be kept on file at the Office of Human Resources detailing who has requested access to the files as well as his or her reason for reviewing them.</p> <p>The hearing shall be conducted at a time and place with at least ten (10) working days notice to all parties involved in the hearing. All persons who participate shall be relieved from their assignments during the time their presence is required.</p> <p>At the conclusion of the grievance hearing, the College Grievance Committee shall delineate their recommendations in writing to the Provost or appropriate Vice-President. All serving on a College Grievance Committee will sign the Final Recommendation Form. The recommendations and</p>

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<p><b>Petitioning for Reconsideration</b></p>	<p>subsequent rationale must be based upon consideration of the evidence, all of which must be clearly documented on the Final Recommendations Form. The Provost or appropriate Vice-President will render a decision within fifteen (15) working days of receiving the Committee's recommendation(s).</p> <p>The original written grievance, the Provost's or Vice-President's decision, and all support documents (along with the minutes of College Grievance Committee hearing) shall be filed in the Office of Human Resources in a confidential files separate from the College personnel files of the participant(s).</p>
<p><b>Request for Appeal</b></p>	<p>Upon receipt of the Provost's or appropriate Vice-President's decision, a grievant(s) or a respondent(s), should he or she wish to contest the decision, has no more than fifteen (15) working days to petition for reconsideration. Either the grievant(s) or the respondent(s) must make this request in writing, whether by letter or email, to the Provost or Vice-President within the required fifteen (15) working days or the grievance process will be deemed closed with the Provost's or appropriate Vice-President's original decision.</p> <p>Should the Provost or Vice-President receive a request for reconsideration in the appropriate time frame, he or she will have no more than fifteen (15) working days to reconsider the decision. The Provost or Vice-President will then notify the grievant(s) and respondent(s) in writing, whether by letter or email, of the conclusion of the reconsideration process. The Provost or Vice-President will then notify the President of all decisions and forward the grievance file to the Office of the President in case of appeal.</p> <p>Once the grievant(s) and respondent(s) have been notified in writing by the Provost or Vice-President of the conclusion of the reconsideration process, either the grievant(s) or respondent(s) can appeal the decision with the President. The grievant(s) or respondent(s) shall have no more than fifteen (15) working days from notification of reconsideration to file an appeal in writing, whether by letter or email, with the President's Office. When a request for appeal has been received, the President will have a reasonable time frame to make a final determination. Upon notification of the President's decision, the grievant(s) or respondent(s) must consider the grievance process complete and abide by the President's decision.</p> <p>The reconsideration and appeal documents shall be filed with all of the other materials pertaining to the grievance in the Office of Human Resources in a confidential file separate from the College personnel files of the participant(s).</p>