

Proposal to Amend WKU Faculty Handbook

Section(s) to be amended: VIII.B-D

Corresponding page number(s): pp. 52-53

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1. Type of Change

Editorial (non-substantive)

X Substantive

Editorial revisions include updates to the organizational structure, web addresses and names/titles, as well as other similar non-substantive changes.

Addition

Deletion

X Revision

2. Proposals should be made in the form of text intended as an addition to or a replacement of, in whole or in part, some current section of the Faculty Handbook.

Rationale for amendment:

In May 2020, the Faculty Senate overwhelmingly approved revisions to VIII.B-D, but they were not implemented in the 26th edition of the handbook. The following proposal incorporates language Academic Affairs prefers and language to clarify issues raised by SEC.

Original rationale:

Based on multiple confidential reports to the Faculty Welfare committee, faculty members fail to file grievances because of the 'informal resolution' stipulation in VIII.B.1 because they are then forced formally to go through every person in their chain of command in VIII.B.2. and when the grievance is with someone in their chain of command, there can be fear of reprisal. In

effect, the current provision of VIII.B undermines the express purpose stated in VIII.A.1 that grievances be filed “without fear of reprisal.”

The revisions to VIII.C streamline WKU’s grievance policy and bring it more in line with our counterparts at other public universities in Kentucky. In particular, the overall time-frame (from the initial grievance to its final resolution) is shortened while centralizing the process within the Senate. Since the grievance committee’s procedures already run parallel to complaints regarding continuance, promotion, and tenure, the revisions to VIII.D align the respective policies via oversight from the Board of Regents.

Current Wording:

VIII.B. Appeal through Administrative Channels:

VIII.B.1. Informal Review: Every effort should first be made to resolve the matter informally by conversation with the department head, college dean, or Provost.

VIII.B.2. Formal Grievance: If the matter cannot be resolved informally, the faculty member may file a formal grievance in writing with the department head within ninety (90) days of the most recent alleged violation. If the department head cannot resolve the grievance within fourteen (14) days of receipt of the grievance, a faculty member may request review by the college dean. If the college dean cannot resolve the grievance within fourteen (14) days of receipt of the grievance, a faculty member may request further review by the Provost. The Provost shall have fourteen (14) days from receipt of the grievance to issue a recommendation to the President as to whether the matter should be referred to the Advisory Committee on Faculty Grievance. At any time during the grievance process, the faculty member may seek the counsel and advice of the University Ombuds Officer. The Ombuds Officer is available to offer an objective perspective on the issue of concern, to assist the faculty member with interpretation of University policies and procedures, and to refer the faculty member to the appropriate person or office to best address the concern.

VIII.C. Appeal through Advisory Committee on Faculty Grievance:

VIII.C.1. Establishment of Committee: The committee shall be drawn from the same pool chosen for the Advisory Committee on Faculty Continuance, Promotion and Tenure. The Committee shall consist of five (5) tenured faculty members selected by the University Senate by lot annually by the University Senate Chair during a meeting of the Senate Executive Committee from a list of elected faculty members. A faculty member shall not participate in a case involving a faculty member from the same department. Faculty members chosen to serve on the Committee shall remove themselves, either at the request of one of the parties, or on their own initiative, if they deem themselves disqualified because of bias or interest. Each party shall have a maximum of two (2) challenges with or without stated cause. The Committee shall select its own chair.

VIII.C.2. Procedures: Faculty members who have been unable to achieve satisfactory resolution of a formal grievance through administrative channels may request a review by the Advisory Committee on Faculty Grievance through the President.

The request for a review must be submitted in writing, together with a statement of the grievance. Upon receipt of the grievance, the President shall have the committee convene through the procedures described above. The committee will not review in this way matters for which other formal procedures have been specifically outlined in this Handbook. The committee after a preliminary investigation, and upon a vote of a majority of its members, may rule that a particular grievance does not merit review by the committee. If it determines that the grievance lies within the scope of the committee, the chair shall initiate a committee review by notifying all appropriate parties of the review procedure to be followed. The committee shall be empowered to request any and all parties to submit evidence related to the grievance. This review shall be completed within 45 days, excluding official holidays and vacations. At the conclusion of the review, the committee will forward a written report of its findings to the President and to the faculty member. The written decision of the President shall be forwarded to the chair of the committee and to the faculty member. If the President does not accept all or part of the findings and recommendations of the committee, the President will include in the decision the reasons for not doing so. The decision of the President is final.

VIII.D. Annual Report: At the end of each academic year, the President shall provide a written report to the Board of Regents regarding the number and type of cases presented in the preceding year. The report shall include the committee's recommendations for each case and its final disposition.

Revision to current wording including all additions, deletions or replacements:

VIII.B. ~~Appeal~~ **Informal Review** through Administrative Channels:

~~VIII.B.1. Informal Review: Every effort should first be made~~ Faculty members must first attempt to resolve the matter informally by conversation with the ~~department head, college dean, or Provost~~ colleague or administrator of concern. If a faculty member is not comfortable addressing the matter with the colleague or administrator of concern, the faculty member must bring the concern to the next person in their chain of command if the faculty member wishes to pursue the matter. Faculty should document that the informal review took place, including any resolution that came from the informal review. Such documentation could include notes from the meeting, emails, etc.

~~VIII.B.2. Formal Grievance: If the matter cannot be resolved informally, the faculty member may file a formal grievance in writing with the department head within ninety (90) days of the most recent alleged violation. If the department head cannot resolve the grievance within fourteen (14) days of receipt of the grievance, a faculty member may request review by the college dean. If the college dean cannot resolve the grievance within fourteen (14) days of receipt of the grievance, a faculty member may request further review by the Provost. The Provost shall have~~

~~fourteen (14) days from receipt of the grievance to issue a recommendation to the President as to whether the matter should be referred to the Advisory Committee on Faculty Grievance. At any time during the grievance process, the faculty member may~~ It is in the faculty member's best interest to seek the counsel and advice of the University Ombuds Officer ~~early in this process~~. The Ombuds Officer is available to offer an objective perspective on the issue of concern, to assist the faculty member with interpretation of University policies and procedures, and to refer the faculty member to the appropriate person or office to best address the concern.

VIII.C. ~~Appeal~~ Formal Grievance through Advisory Committee on Faculty Grievance:

VIII.C.1. Establishment of Committee: The committee shall be drawn from the same pool chosen for the Advisory Committee on Faculty Continuance, Promotion and Tenure. The Committee shall consist of five (5) tenured faculty members selected by the University Senate by lot annually by the University Senate Chair during a meeting of the Senate Executive Committee from a list of elected faculty members. A faculty member shall not participate in a case involving a faculty member from the same department. Faculty members chosen to serve on the Committee shall remove themselves, either at the request of one of the parties, or on their own initiative, if they deem themselves disqualified because of bias or interest. Each party shall have a maximum of two (2) challenges with or without stated cause. The Committee shall select its own chair.

VIII.C.2. Procedures: Faculty members ~~are entitled to submit a formal grievance to the Advisory Committee on Faculty Grievances via the Faculty Senate Chair who have been unable to achieve satisfactory resolution of a formal grievance through administrative channels may request a review by the Advisory Committee on Faculty Grievance through the President.~~

The request for a review must be submitted in writing, together with a statement of the grievance(s) ~~within 120 days of the most recent alleged violation. Faculty must show that they have attempted to speak to at least one person in their chain of command (department head, Dean, or Provost) about the issue prior to filing a formal grievance with the Advisory Committee. It is also strongly recommended that the faculty show that they have consulted the University Ombudsperson. Upon receipt of the grievance, the President shall have the committee convene through the procedures described above.~~

The committee will not review in this way matters for which other formal procedures have been specifically outlined in this Handbook. The committee, after a preliminary investigation, and upon a vote of a majority of its members, may rule that a particular grievance does not merit review by the committee. If it determines that the grievance lies within the scope of the committee, the chair shall initiate a committee review by notifying all appropriate parties of the review procedure to be followed. The committee shall be empowered to request any and all parties to submit evidence related to the grievance. This review shall be completed within ~~40~~ 45 days, excluding official holidays and vacations. At the conclusion of the review, the committee will forward a written report of its findings to the President and to the faculty

member. The written decision of the President shall be forwarded to the chair of the committee and to the faculty member. If the President does not accept all or part of the findings and recommendations of the committee, the President will include in the decision the reasons for not doing so. ~~The decision of the President is final.~~

VIII.D. ~~Annual~~ Report: ~~At the end of each academic year,~~ The President shall provide a written report to the Board of Regents regarding the number and type of cases presented in the preceding year quarter. The report shall include the committee's recommendations for each case and its final disposition. ~~The Board of Regents is charged with accepting or rejecting each of the President's recommendations. The Board of Regent's decision is final.~~