Grievance Procedure for Academic Faculty

The Faculty Senate Grievance Committee (FSGC) consists of nine faculty members, the majority of whom are current members of the Faculty Senate. Members serve for three years. The chair of the FSGC is appointed by the Executive Council of the Faculty Senate. The chair may seek advice on legal and procedural matters from the Office of General Counsel of the University.

The FSGC shall make itself known and available to members of the University faculty. The committee shall review, accept or reject, investigate, examine, decide, and in all related ways manage the grievances brought before it in a fair, timely, and professional manner.

The FSGC serves at the pleasure of the Faculty Senate. The FSGC is authorized to receive and deal with grievances from members of the academic faculty, defined as tenured, tenure-track, and non-tenure-track teaching and research faculty. Its charter excludes members of the administrative and professional faculties, the professional research staff, university staff, and classified staff. Grievance procedures for those groups are listed, respectively, at the following locations:

[Links to various policies and procedures]

The FSGC hears matters including but not exclusive to the following:

1. Irregularities in procedure regarding suspension or termination of any academic faculty member for any reason.


   [Link to AAUP statement]

3. Disputes involving contracts of faculty employment.

4. Disciplinary action taken by the administration against a faculty member concerning matters other than an administrative appointment.
5. Irregularities in procedure regarding a faculty member’s award of tenure or promotion to a higher academic rank. In such cases FSGC confines its deliberations to matters of procedure. Where matters of academic content and substance are at issue, grievances should be addressed to the Provost's Office:

  http://www.virginia.edu/provost/docs_policies/tenure.html

6. Retaliation by a colleague, supervisor, or administrator against a faculty member who filed a grievance in good faith (regardless of its result) or who assisted in the grievance process. Retaliation can take many forms, including forms that would not be sufficient grounds for a grievance on their own terms. In an investigation of an allegation of retaliation, grievance committee members will consult documentation from the original grievance.

7. Disputes between faculty members and colleagues or administrators -- concerning, for example, substantial matters of salary, allocation of space or academic duties -- that arise from causes apparently arbitrary or discriminatory.

8. Any dispute determined by University Counsel to be appropriate for the committee.

The FSGC does not consider the following:

1. Disputes concerning administrative appointments, which shall be forwarded to the Provost for review for compliance with policies and procedures applicable to the administrative appointment.

2. Disputes under active consideration by a Provost’s peer-review panel. When such a dispute is afterwards brought to the FSGC, in accordance with the University’s Policy on Disciplinary Suspension or Termination of Academic Faculty, the committee shall request access to the Provost’s peer-review report:

  http://www.virginia.edu/provost/docs_policies/disciplinary.html

3. Disputes in which the relief requested is beyond the University's power to grant.

The FSGC's authority is limited to making recommendations to the President of the University and the Chair of the Faculty Senate.

**Procedures**

The FSGC shall develop appropriate procedures for discharging its responsibilities. The committee shall give an annual report to the Faculty Senate on its activities. In general, and as detailed below, the FSGC shall consult with the complainant, decide to accept or reject a written grievance, investigate grievances, mediate when called upon, form hearing
panels as appropriate, and make recommendations to the Chair of the Faculty Senate and the President of the University. Parties in a dispute may consult legal counsel as they wish. The degree of active participation by legal counsel in the course of any given proceeding remains subject to the discretion of the chair of the FSGC.

Consult

Members of the FSGC or the committee as a whole may consult with a faculty member who is seeking to decide whether or not to submit a formal grievance to the committee. This consultation is confidential; its purpose is to explore the facts of the situation, including any related policies and procedures, in a spirit of receptive openness to the concerns of the individual.

Accept or Reject

FSGC shall vote whether or not to accept a formal grievance submitted in writing to the committee. The written grievance should include a clear description of the behavior the complainant finds objectionable and of the requested relief. The committee may vote to reject -- that is, decline to receive or investigate -- any grievance it deems upon initial reading to be frivolous, unsubstantiated or inappropriate. A majority vote of a quorum shall be binding. The committee shall report its decision to the complainant only.

Investigate

The FSGC shall investigate the details of grievances it accepts to establish the facts involved. At this point a copy of the grievance will be shared with the individuals named therein as principals and a written response from them requested. The FSGC investigation may include but will not be limited to the following:

1) Appointing an investigating sub-committee to interview people involved and summarize their findings, or

2) Other professional mechanisms deemed necessary to understand the situation outlined in the grievance, including the creation of an ad-hoc Hearing Panel. Any reports from investigating teams constitute information and recommendations to the FSGC only and are not to be taken as findings of the FSGC.

Mediate

The FSGC may mediate disputes when invited to do so jointly by the disputants. These mediations may take the form of holding and facilitating meetings between the disputants for the purpose of resolving disputes. Both parties, should they seek mediation, must agree in writing in advance to accept the resulting recommendation that the FSGC then forwards to the President.
Refer to Hearing Panel

Under unusual circumstances, the FSGC may refer a grievance to an ad-hoc Hearing Panel. These referrals are exceptional rather than usual practice. Hearing Panels are appointed when FSGC investigation determines that the grievance warrants a more formal, evidentiary procedure and live testimony, or when a complainant whose grievance the Committee has agreed to pursue requests in writing the formation of a panel.

When the FSGC refers a grievance to a Hearing Panel, it then informs both parties and forms the Hearing Panel within 30 days. The Hearing Panel shall consist of three members of the academic faculty. Every effort shall be made to avoid appointing any individual known to be directly involved in the underlying dispute. The chair of the FSGC shall appoint one of the Panel members as chair.

Hearing Panel Procedures

The Hearing Panel reviews the documentation already received by the FSGC. If it deems that clarification is necessary, the Panel may request further documentation in writing from either party or both, sharing copies of such documentation with both parties.

The Panel then schedules a date within 30 days for a private evidentiary hearing in which both parties shall have the opportunity to bring witnesses and additional evidence. Legal counsel may be present at the hearing, but may not participate except to advise clients. Proceedings of the hearing are recorded, transcribed, and archived in the office of the Faculty Senate. Except in disputes between faculty members that do not involve departmental, college or school, or University governance, the cost of preparing the record and transcript is paid by the University. All parties have the right to read the transcript.

Once the hearing has been held and both parties have had opportunity to bring all relevant evidence, the Panel reviews the evidence including the transcript of the hearing and, within 30 days from the date of the hearing, renders a recommendation to the chair of the FSGC.

The FSGC then meets to review the recommendation of the Hearing Panel and exercises one of three options: (i) to return the report to the Panel for clarification; (ii) to revise the report itself; (iii) to accept the report as submitted.

Committee Report and Decision of the President

Once the FSGC has completed its review, it writes a consensus report. The Committee chair sends this report to all parties involved in the dispute, to the Chair of the Faculty Senate, to the Provost and President of the University, and, when appropriate, to the chair of the Hearing Panel. Where controversy persists within the FSGC, a minority report may accompany the consensus report.
Within 30 days after receipt of the report, the President (or designee) shall, in writing, affirm
the report, modify it, or refer it back to the Committee with objections or suggestions. The
President's response shall be delivered to the Provost, the Chair of the Faculty Senate, the
FSGC chair, the parties in the dispute, and, when appropriate, the chair of the Hearing
Panel. Failure to act within 30 days shall constitute an affirmation by the President of the
Committee's consensus report.

If the report is referred back, the Committee reviews the President’s response, taking into
account any objections or suggestions therein. Responses from the parties and, when
appropriate, the Hearing Panel, shall also be taken into account. The Committee submits a
revised report to the President, who may affirm, modify, or reject it within 30 days as before.
The President's decision shall be final and conclusive, and the matter in question shall be
deemed closed, unless either party requests an appeal to the Board of Visitors within 30 days
after receipt of a written copy of the President's decision.

The President (or designee) may request an extension of the 30 day period mentioned above.
To do so, the President will submit a written request to the Chair of the Faculty Senate
Grievance Committee, stating the reasons justifying such an extension and the amount of
further time requested, but not to exceed fifteen days. The Chair of the Committee will then
hold a vote among the whole Committee. If the Grievance Committee approves the
requested extension, then the Chair of the Grievance Committee shall notify the President
(or designee), and the faculty member who submitted the grievance, in writing immediately,
making clear the new deadline by which the President’s response must be submitted.

Appeal to the Board of Visitors

The Board of Visitors may, at its discretion, hear appeals from the President's decision as
provided for under Section 5.1 of the Manual of the Board of Visitors (2004), and such
appeals shall constitute part of this procedure.

Changes to Procedure

All changes to the FSGC procedure described above must be adopted by vote in a session of
the Faculty Senate and reported promptly to the Provost and the President.

Approved by the Faculty Senate on March 4, 2014.