

## **For the 2009-2010 University Senate Report**

### **Elizabeth R. Horan, Chair, Governance Grievance Committee and Member, Grievance Clearinghouse Committee**

Six grievances were submitted to the Grievance Clearinghouse Committee (GCC). The two Chairs of the committees impacted, Governance Grievance Committee (GGC) and of the Chair of the Committee on Academic Freedom and Tenure (CAFT) worked together to examine the materials. The Chair of the GGC was recused from one case, and worked with the Chair of CAFT to examine the materials for the other five cases to determine jurisdiction for each case based on the materials submitted.

This was the first year that only the Chairs of the GCC and CAFT were part of the Grievance Clearinghouse Committee. The Chair of CAFT has recommended that either the Senate President (or the BEO Chair of Equal Opportunity, or a similar elected position) be added to the committee as a third member so that should there be a tie in determining the status of a grievance, a third person can assist in the decision-making process.

The use of a Grievance Request Form, implemented this year at the initiative of the Chair of CAFT, greatly assisted in the focus of the grievance. Asking the grievant to list clearly the respondents and to provide clearly the policies or regulations not being followed has streamlined the grievance process. The use of the Grievance Request Form should continue.

### **Governance Grievance Committee (GGC)**

This year all members of the Governance Grievance Committee (GGC) together with all members of the Committee on Academic Freedom and Tenure (CAFT) were asked to attend a morning orientation/seminar given by Cynthia Jewett (ASU Legal Counsel Office). This training at the beginning of the year was extremely useful for understanding the context in which the committees operate. It is recommended that this session be mandatory for members who will be hearing grievance cases for the GGC.

In the Fall of 2009 GGC Chair held a prehearing for one individual case, a claim of unfair evaluation and treatment by colleagues, involving underrating of the grievant's performance in the Faculty Activity Report. This Chair of the GGC met with the Grievant and the Respondent in a pre-hearing after the relevant materials had been submitted. This case was resolved at this point, as the Grievant withdrew the grievance. The practice of holding a prehearing at which the Grievant and Respondent bring their respective cases after having submitted relevant materials and at which Legal Counsel is available should be continued.

The Chair of GGC, who is, this year, also an elected Senator, has also served as a member of the University Senate Executive Committee, advisory to the President of the University Senate, and has answered questions about the grievance process from faculty members.

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### **Grievance Clearinghouse Committee and Committee on Academic Freedom and Tenure**

**Robert C. Kleinsasser, Chair**  
**Grievance Clearinghouse Committee**  
**Committee on Academic Freedom and Tenure**

#### **Grievance Clearinghouse Committee (GCC)**

A total of six grievances were submitted during the 2009-2010 academic year. One was assigned to the Governance Grievance Committee, four were assigned to the Committee on Academic Freedom and Tenure, and one did not receive an assignment because additional information and clarifications requested by the Grievance Clearinghouse Committee were not received.

This year the Grievance Clearinghouse Committee members included the Chair of the Governance Grievance Committee and the Chair of the Committee on Academic Freedom and Tenure. This was the first year that only these two members were part of the committee. It is recommended that the Senate President be added to the committee as a third member so that should there be a tie in determining the status of a grievance, a third person can assist in the decision-making process.

The use of a Grievance Request Form was also implemented this year and this assisted in the focus of the grievance, in the listing of the respondents, and in the grievant providing the policies or regulations that were not being followed. The use of Grievance Request Form should continue.

There remains difficulty in grievants providing clear and focused narrative in their grievance requests. Additionally, when the GCC receives a grievance request, there is only information from the grievant's point of view and not from the respondents, so it is not always clear whether the dates provided for when the grievance occurred are agreed upon by the grievant and the respondents. Therefore, the committee tries to move forward with the information that is first presented by the grievant and assigns the case to either the Governance Grievance Committee or the Committee on Academic Freedom and Tenure.

#### **Committee on Academic Freedom and Tenure (CAFT)**

This year all members of CAFT, along with members of the Governance Grievance Committee (GGC) were asked to attend a morning orientation/seminar given by Cynthia Jewett (ASU Legal Counsel Office). It is recommended that this be completed at the beginning of every year for both new and returning members. It is further recommended that committee members need to attend this session in order to sit on panels hearing grievance cases for both CAFT and GGC.

This year panels of four members of the CAFT committee and the CAFT chair (N=5) heard individual cases. This practice was effective and should be continued. Again, it should be noted that those serving on the panel should attend the orientation/seminar given at the beginning of the year in order to understand the roles and responsibilities of grievance committee members and the grievance hearing process.

The CAFT chair combined a previous BEO case from last year with a grievance sent to CAFT. This was agreed upon by all parties. This case eventually was withdrawn.

One case was forwarded by the Grievance Clearinghouse Committee (GCC) and the chair of the Committee on Academic Freedom (CAFT) dismissed the matter because information received from both grievant and respondents demonstrated that the 30 day requirement to file a grievance had not been met.