Policy *353* Version *1* *05/08/2014*

**Policy Change Cover Sheet**

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| **This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.** |
|  | *I****f the changes you are requesting include housekeeping, please submit those changes to*** ***ndsu.policy.manual@ndsu.edu*** ***first so that a clean policy can be presented to the committees.*** |
| **SECTION**:  | Policy 353: GRIEVANCES – FACULTY |
| 1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**

X |
| * Is this a federal or state mandate? [ ]  Yes [ ]  No
* This revision expands the options in initiating the grievance process, clarifies and streamlines the procedures in the process, and specifies the time duration in which each step in the process needs to be completed.
 |
| 1. **This policy change was originated by (individual, office or committee/organization):**
 |
| * Faculty Affairs Committee
* Charnchai.Tangpong@ndsu.edu
 |
| ***This portion will be completed by Kelly Hoyt.***Note: Items routed as information by SCC will have date that policy was routed listed below. |
| 1. **This policy has been reviewed/passed by the following (include dates of official action):**
 |
| **Senate Coordinating Committee:** |  |
| **Faculty Senate:** |  |
| **Staff Senate:** |  |
| **Student Government:** |  |
| **President’s Council:** |  |

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

**North Dakota State University
Policy Manual
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**SECTION 353
GRIEVANCES – FACULTY**

SOURCE: SBHE Policy Manual, Section 612
NDSU President

1. Each institution shall establish procedures to attempt mediation or resolution of faculty grievances.
2. "Grievance" means an allegation of a violation of a specific Board or institutional policy, procedure or practice pertaining to the employment relationship. This includes the terms of the grievant's employment contract and this policy.
	1. Discretionary actions, such as salary adjustments and performance evaluations, may not be grieved, except to determine: (a) whether the discretionary action was made in accordance with relevant Board or institutional policies, practices, procedures or criteria; and (b) whether the action constitutes a clear abuse of discretion.
	2. Complaints involving any matters covered under SBHE Policy, Section [605.3](http://www.ndus.edu/makers/procedures/sbhe/default.asp?PID=55&SID=7) or [605.4](http://www.ndus.edu/makers/procedures/sbhe/default.asp?PID=56&SID=7) are not grievances under this policy. Grievances cannot be filed against written Board and institutional policies, per se. Decisions on matters related to tenure and promotion may be appealed under NDSU policy [350.1-350.5 and 352](http://www.ndsu.edu/policy/). Equal opportunity grievances are governed by [NDSU Policy 156](http://www.ndsu.edu/fileadmin/policy/156.pdf).

1. This policy applies only to faculty as defined in SBHE Policy, [Section 605.1](http://www.ndus.edu/makers/procedures/sbhe/default.asp?PID=53&SID=7) of these policies. It does not apply to classified staff or to administrators or coaches.
2. The faculty governance structure at each institution shall by policy define the procedures for filing a grievance in accordance with SBHE Policy, [Section 305.1](http://www.ndus.edu/makers/procedures/sbhe/default.asp?PID=114&SID=4) of these policies.

4.1 Actions or conditions subject to grievances are those which apply personally to the grievant and are administrative decisions affecting terms and conditions of employment, such as salary adjustments, development leave, assignments/duties, periodic reviews and working environment. Grievance does not include matters related to tenure or promotion.

* 1. A grievant may initiate the grievance process by (1) communicating with the person whose decision is the subject of the grievance, (2) discussing the grievance with that person's immediate supervisor, and/or (3) initiating the process through the ombudsperson’s office. The grievant shall put the basis for the grievance in writing to their supervisor. The parties must participate in mediation. See [Policy 350.5 (2)](http://www.ndsu.edu/fileadmin/policy/350_5.pdf). The mediation process will be handled (1) by the ombudsperson if the grievance process is not initiated through the ombudsperson’s office or (2) by another trained mediator if the grievance process is initiated through the ombudsperson’s office.
	2. If the outcome of these steps is unsatisfactory to the grievant, a grievant may then appeal to a Special Review Committee by filing a written grievance with the presiding officer of the Faculty Senate no later than 60 calendar days from the date when the grievant is officially notified of the action or when the grievant becomes aware of a grievable condition that she/he was not made aware of by written means. The grievant may need to file an appeal to the Special Review Committee prior to the outcome of the previous steps in order to retain the right of appeal.
1. The Special Review Committee (SRC) shall attempt to resolve the grievance on an informal basis. SRC shall engage in fact-finding efforts that can consist of (a) interviews with both parties and (b) reviews of the evidences submitted with the grievance.
	1. SRC shall complete the process within 30 calendar days
	2. At this stage, if the grievance is resolved, first the decision will be reflected in the SRC minutes and second both parties will provide written confirmation of the decision.
	3. Should the grievance remain unresolved, the SRC shall make recommendation to the President. Then, the President shall, within thirty days of receipt of the recommendation, provide written notice to the grievant of his/her decision concerning the grievance after consideration of the SRC's recommendation. The President's decision shall be final.

6. SRC shall consist of the following members:

6.1 Three members, none of whom can be from the same Department as the grievant, shall be chosen from a standing pool selected by the Faculty Senate Executive Committee on an annual basis. This pool shall be comprised of tenured faculty members (two from each of the colleges in the University – excluding University Studies), for one-year terms coinciding with the term of the President of the Faculty Senate. Any faculty member may serve up to four successive terms in such a position.

6.2 The SRC Chair and Members shall be selected by the President of the Faculty Senate who has previously vetted conflicts of interest. The Committee shall judge any allegation of bias or conflict of interest. In the event that an individual member is judged by the Committee to be biased or to have a conflict of interest in a specific case, the Committee shall request the President of the Faculty Senate to replace the member with a substitute member for that case.

6.3 Emeritus professors are eligible for memberships on the SRC.

6.4 Faculty holding administrative appointments are not eligible for membership on the SRC. The definition of "Administrative appointment" here is based on the Faculty Senate Constitution, Article III: Membership, Section II (i.e., “The following, whether full or part time or interim, are considered administrative positions: Chair/Head/or equivalent, Assistant/Associate Dean, Dean, Vice President, Assistant/Associate Vice President, Provost, and President.)

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HISTORY:
Amended June 26, 1986

Amended November 18, 1990

Amended June 1995

Amended June 1998

Amended November 2000

Amended March 2002

Amended August 2003

Amended March 2005

Housekeeping June 2009

Housekeeping February 14, 2011

Amended June 1, 2011