



## WSU POLICY APPROVAL COVER PAGE

<b>DATE POLICY REQUEST TO PET:</b>	[INSERT DATE]		
<b>IS THIS A NEW POLICY OR CHANGE TO AN EXISTING POLICY?</b>	<b>NEW</b>	<input type="checkbox"/>	<b>EXISTING</b> <input checked="" type="checkbox"/>
<b>CURRENT POLICY TITLE:</b>	4.04 / Resolution of Internal Disputes for Faculty		
<b>REVISED POLICY TITLE:</b>	N/A		
<b>LAST REVISED DATE OF POLICY:</b>	October 3, 2023 (maintenance only)		
<b>INITIATING AUTHORITY:</b>	Faculty Senate		
<b>SUMMARY OF POLICY OR POLICY CHANGE:</b>			
<p>This policy is being revised to update the requirements for appointment of ombudspersons, including increasing the number of appointments to four, removing the requirement that ombudspersons must be former presidents, increasing the term of appointment from three to four years, and requiring training for those appointed. In addition, minor changes were made to formatting to reflect the University's standard policy format.</p>			
<b>REASON OR NEED FOR POLICY / SUMMARY OF CHANGES MADE TO EXISTING POLICY:</b>			
[ENTER REASON]			
<b>APPLICABLE LAWS OR REGULATORY OR POLICY AUTHORITY:</b>			
<b>OTHER RELEVANT WSU POLICIES:</b>			
<b>THE FOLLOWING UNIVERSITY STAKEHOLDERS WERE INCLUDED IN THE REVIEW AND APPROVAL OF THIS POLICY DRAFT / REVISION:</b>			
	Office of the General Counsel – Stacia Boden		
	Faculty Senate – Jolynn Dowling		
	Staff Senate – Jason Bosch [PENDING]		
<b>OTHER NOTES FOR CONSIDERATION:</b>			
<b>OWNER OF POLICY REQUEST FOR QUESTIONS:</b>	Faculty Senate – Jolynn Dowling		

## 4.04 / RESOLUTION OF INTERNAL DISPUTES FOR FACULTY

### I. INITIATING AUTHORITY

- A. The Faculty Senate serves as the initiating authority for this policy.

### II. PURPOSE

- A. The collegial atmosphere of the University community is best served through informal resolution of disputes. To resolve internal disputes, to assure careful consideration of personnel actions and complaints, and to safeguard academic freedom, Wichita State University provides for the review of grievances filed by faculty members of the University. Faculty members should turn to the grievance process only after informal means of resolution have been utilized. The term "faculty member" refers to all employees who, at the time the grievance is filed, have teaching/research/library responsibilities of 50% or more and .5 FTE or greater including: temporary faculty, probationary faculty, tenured faculty, contingent unclassified professionals, provisional unclassified professionals, and regular unclassified professionals (who have the e-class designation of FA or F2).

### III. POLICY

- A. **Informal Means of Resolution.** Any faculty member who has a grievance must first make a bona fide effort to resolve the matter through University established lines of authority. In most instances this should involve the chair, and if appropriate, the dean. If discrimination is alleged, the faculty member shall seek resolution by contacting the Associate Vice President and University Title IX Coordinator. In the event that the complaint is directed against the Provost, the faculty member is encouraged to seek resolution of the dispute with the President of the University. If a faculty member appeals to agencies outside the University before the internal grievance procedure has been completed, the President of the University may tell the Faculty Senate Rules Committee to stop the review.
- B. **Right of Consultation**
  - 1. A faculty member may invite a faculty colleague to attend a discussion or meeting with his or her chair, dean, or other supervisory administrator at which the faculty member's professional activity or performance will be discussed, and should notify the administrator accordingly. The invited colleague may act as an advisor or witness, and may participate in the discussion if invited.

2. The invited colleague is not a representative of the faculty member and shall not be nor serve as legal counsel. His or her limited role is that of colleague and advisor, assisting in the consultations to produce a satisfactory resolution of the dispute. Responsibility for any decisions reached or actions taken remains with the parties to the dispute. Any other administrative officer invited to such a meeting or discussion has the same limited role as an invited colleague, unless he/she has regular, pre-existing administrative responsibilities for the issues being discussed.
3. When a faculty member invites a colleague to attend such a meeting or discussion, the faculty member assumes responsibility for any loss of confidentiality that results from that colleague's actions. The presence of an invited colleague does not imply that a written record of the meeting must be kept; it does not preclude any participant from submitting a summary memorandum to others who were present for their authentication.

**C. Faculty Senate Ombudsperson**

1. Faculty Senate Ombudspersons are available to provide assistance to faculty members in the identification or articulation of internal disputes that arise within the University. The Ombudsperson's role is to listen to concerns arising from disputes within the University, provide resources and clarify procedural options and, as such, may facilitate a satisfactory settlement of the dispute without necessitating the filing of a grievance. The decision whether to file a grievance is, however, the prerogative of the faculty member with the concern. A list of the current Ombudspersons shall be posted on the Faculty Senate's website. Faculty members are encouraged to contact an Ombudsperson before filing a grievance. The president-elect of the Faculty Senate shall assist the faculty member in connecting with an Ombudsperson if necessary.
2. The Faculty Senate Executive Committee shall appoint four faculty members who represent a diverse range of faculty to serve as Ombudspersons for four-year staggered terms. The appointments will be confirmed by a vote of the Faculty Senate. By virtue of their prior service, those chosen to serve as Ombudspersons will possess significant knowledge of University structure and operations. Ombudspersons are expected to complete training as required by the Faculty Senate Executive Committee.
3. A person may not be in the grievance pool during the time of service as Ombudsperson. Administrators, as defined in the Faculty Senate Constitution, shall not be eligible for appointment. Administrators include, but are not limited to, those persons holding the title of President, Provost, Senior Vice President, Vice President, Associate Vice President, Assistant Vice President, Dean, Associate Dean, Assistant Dean, and Directors of all

non-academic programs including, but not limited to, Director of the Office of Institutional Research, Director of Physical Plant, Registrar, and Director of Cooperative Education.

#### IV. ADMINISTRATIVE PROCEDURES FOR PROCESSING GRIEVANCES FOR FACULTY

##### A. Grievance General Information

1. **Filing the Complaint.** If the dispute is not settled through the required informal means, the faculty member may invoke the University's grievance policy by contacting the Chair of the Faculty Senate Rules Committee and submitting a formal complaint. In matters alleging discrimination, if contacted first, the Faculty Senate Rules Committee Chairperson will direct the faculty member to the Associate Vice President and University Title IX Coordinator.
2. **Complaints Excluded from the Grievance Procedure.** Complaints based on the following are excluded from this grievance procedure:
  - a) Tenure and Promotion
  - b) Retrenchment
  - c) Hiring Decisions
  - d) Traffic Fines
  - e) Library Fines
  - f) Dismissal for Cause
  - g) Sexual Harassment
  - h) Complaints of Unlawful Discrimination
3. **Time Limits.** The complaint form should be filed within three months from the date on which the act/s or omission/s which are the basis of the grievance occurred or the date on which the act/s or omission/s reasonably would have become known. All grievance procedures, including but not limited to grievance hearings, are suspended from May 18 to August 18. Grievances filed during that period will be processed as if filed on August 18. The time requirements in this grievance policy shall be followed to the extent reasonably possible. When used, the term "class days" refers to weekdays, when classes are in session.

4. **Administrative Leave for Faculty During the Proceedings.** A faculty member may be placed on administrative leave during a grievance if the Chief Human Resources Officer, in consultation with the appropriate Dean, deem there is an immediate danger to the faculty member or to others. The administrative leave may be with or without compensation as determined on a case by case basis.
5. **Complaint Form.** The complaint form requires the faculty member to describe the nature of the complaint, the date on which the act/s or omission/s which is/are the basis of the grievance occurred, and shall state the alleged improper action and explain the desired remedy. This statement will serve as a petition submitted to the Faculty Senate Rules Committee requesting it to call together a Review Committee to review the matter. Submission of a petition does not guarantee a Review Committee will be called, that an investigation will occur or a detailed review of the problem will be undertaken.
6. **Review by the Faculty Senate Rules Committee.** The Committee must decide whether the faculty member has made a good faith effort to resolve the problem through informal means. The Committee will decide within ten class days whether the grievance should be processed and a Review Committee formed. A decision not to process the grievance may be appealed to the Faculty Senate President who will decide within five class days of receiving the appeal whether to overrule the decision. If the petition is accepted, the Rules Committee Chair shall appoint a Convener from the Panel of Conveners and a Review Committee from the faculty members who are on the Grievance Board (See Section III.G. below). It is the responsibility of the Chair of the Faculty Senate Rules Committee to ensure that the review complies with all established timelines.
7. **Convener.** The Panel of Conveners will consist of ten individuals, selected from faculty members who are eligible for Faculty Senate membership by the Rules Committee of the Senate in consultation with the Chair of the Faculty Senate Rules Committee. The Convener is not a voting member of the Grievance Review Committee. The Convener's role is that of an administrator and executive secretary. The Convener shall have the following responsibilities:
  - a) Send a copy of the complaint form and supporting documents to all parties to the action, to the dean, and to the Provost.
  - b) Schedule all meetings of the Review Committee. The first hearing meeting is to be scheduled no later than 15 class days after the appointment of the Review Committee.

- c) Chair all meetings of the Review Committee.
- d) Keep all parties informed.
- e) Ensure that fair and proper procedures are followed.
- f) File the final report with the office of the Provost and with the Chair of the Faculty Senate Rules Committee.
- g) Act as secretary for all appeals of the grievance.

8. **The Review Committee.** A Review Committee of five will be chosen from the Grievance Board by the Chair of the Faculty Senate Rules Committee. Faculty may remove themselves from the case for bias or conflict of interest. In addition, each party to the grievance will have a total of two challenges. If any member of the Review Committee is unable to continue because of illness or for other good and sufficient reasons, the hearing shall proceed with fewer members unless one or more of the parties has a compelling reason for requesting that another person from the Grievance Board be selected to replace the Review Committee member who is unable to continue, in which case the Convener shall request the Chair of the Faculty Senate Rules Committee to select a replacement. The Review Committee has the following responsibilities:

- a) To attend all meetings called by the Convener.
- b) To ensure that fair, proper, and confidential procedures are followed.
- c) To consider all pertinent and relevant evidence in the case.
- d) To decide whether the allegations have been sustained by the evidence, determine whether a wrong has occurred, and to make recommendations concerning possible redress.

## B. Pre-Hearing Procedures

- 1. **Meeting of the Convener and the Parties.** The parties to the dispute will submit written summaries of the major issues to be decided to the Convener, and the Convener will then schedule a meeting with the parties to:
  - a) Clarify and, where possible, simplify the issues.
  - b) Stipulate to the facts, if possible.

- c) Arrange for the exchange by the parties of all documents which each party intends to present to the Review Committee, and establish a deadline for that exchange which shall be no later than five class days before the formal hearing. A party to the grievance may not present any documents to the Review Committee at the grievance hearing unless they have been provided to the other parties to the grievance by the foregoing deadline.
- d) Identify the witnesses whom each party intends to call at the grievance hearing.
- e) Discuss the participation of advisors to the parties who are not and shall not act nor serve as legal counsel.
- f) To notify either or both parties of specific material/information requested by the Review Committee.

2. **Meeting of the Convener and the Review Committee.** The Convener will call the Review Committee to its first meeting to review the procedures and responsibilities of the Review Committee.

3. **Cooperation of the Parties.** All parties should make every effort to cooperate with the Convener and each other during these preliminary activities. If there are unjustifiable delays in the proceedings, the Convener may so advise the Review Committee. At its discretion the Review Committee may determine that one or more of the parties are not cooperating, report this fact to the Faculty Senate Rules Committee, and adjourn. If the adjournment is accepted by the Rules Committee, the Convener will declare the proceedings closed and the grievance process shall be terminated.

C. **Hearing Procedures.** The faculty member may elect to submit the grievance to a hearing before the Review Committee or to waive a hearing. If a hearing is waived, the Review Committee will evaluate the evidence and base its findings and recommendations on the documents and materials provided by the parties to the grievance. If the faculty member elects a hearing before the Review Committee, the following procedures for the hearing shall be followed:

- 1. The Convener shall establish a time for the hearing, taking into account the needs of the parties. However, unless there are extenuating circumstances, the hearing shall be held no later than forty-five calendar days after the Faculty Senate Rules Committee determines that the grievance should be processed.

2. The Review Committee will determine what information it needs to decide the case and may request that either or both parties provide such additional information as it deems appropriate. The Review Committee has no power of subpoena and participation in the hearing is voluntary on the part of the parties. Unless good cause is shown, the hearing shall be closed. Upon request from either party, witnesses may be excluded from the hearing room while not testifying.
3. The hearing is not a court of law and should not be expected to follow the rules and procedures of a court. However, the hearing should ensure a thorough, fair, open, and impartial review.
4. At the Review Committee's discretion, during the course of the hearing the faculty member may be invited to amplify the statement of complaint; the other party may be asked to speak in defense; both parties may call witnesses; the Review Committee and the Convener may question both parties and all witnesses.
5. The parties to the grievance may invite an advisor from the Wichita State University community to be present and give advice, but such advisor, including those with legal training, shall not be nor serve as legal counsel.
6. No recording or transcript of the hearing will be made, but the Convener and each Review Committee member may keep notes to assist in preparing a report describing the proceedings, conclusions, and recommendations of the Review Committee. A committee member's notes will be confidential and the work product of the committee member.
7. When the Review Committee is satisfied that all reasonably available pertinent information has been presented, the Convener shall declare the hearing closed.

**D. Decision of the Review Committee.** The Review Committee shall deliberate in private in order to review the information presented and arrive at its recommendations. The Review Committee must submit a final written report of proceedings, conclusions, and recommendations no later than ten class days after the close of the hearing. The Convener shall send the report to the parties of the dispute, the dean, the Provost, and to the Chair of the Faculty Senate Rules Committee, who shall file the report in the Faculty Senate office. The report should (1) restate the charges, (2) present the finding of facts, (3) indicate whether a wrong occurred, and (4) recommend what should be done. The Review Committee will make its recommendations to the Provost who will decide to accept, reject, or modify those recommendations. In the event that the Provost is the subject of the grievance, the recommendation will be sent to the President of the University. The existence of the grievance procedure assumes that the Review Committee's



recommendations will generally be accepted or will be rejected or modified only for compelling reasons.

E. **Appeal to the Provost.** Either party has the right to make a final statement in writing to be sent to the Provost. The statement must be submitted no later than five class days after receipt of the Review Committee's recommendations. The Provost will act on the matter within ten class days after the deadline of receipt of final statements. Notice of acceptance, rejection or modification of the Review Committee's shall be sent to the Convener, the parties, the dean, the Review Committee, and the Chair of the Faculty Senate Rules Committee who shall file the notice, with identifying information deleted, in the Faculty Senate office. The written material presented by both parties to the Review Committee and the Review Committee's final report will be kept on file by the Provost for three years from the date of the final report. This material will be held in confidence as personnel related material.

F. **Appeal to the President**

1. Either party to the grievance may appeal the decision of the Provost by submitting a letter to the President of the University within ten class days from the date of the receipt of the Provost's decision, requesting an appeal of that decision. A copy of the appeal letter shall be submitted to the Review Committee Convener, who will assure that the dean, the Provost, Review Committee members, and the other parties to the grievance receive copies.
2. The letter requesting the appeal must state the basis for seeking the appeal. An appeal must be based on one or more of the following reasons:
  - a) The decision was not substantiated by the evidence;
  - b) The decision was erroneous in light of applicable University standards, policies, and/or procedures;
  - c) The procedures as outlined in this policy and/or as modified by the Review Committee (as allowed by the policy) were not followed; or
  - d) Actual bias on the part of the Review Committee and/or Provost.
3. The other parties to the dispute and the Review Committee may submit written comments to the President regarding the appeal no later than five class days after receipt of the notice of the appeal. The President shall review the original materials, any statements sent by the parties to the Provost or the President regarding the grievance, and the Provost's final action. The President shall notify the Provost, both parties to the dispute, the Convener of the Review Committee, and the Chair of the Faculty Senate

Rules Committee of his or her final action within ten class days of receipt of material. A copy of this notification, with identifying information deleted, shall be filed in the Faculty Senate office.

- G. **Grievance Board.** Each year a Grievance Board consisting of a representative panel of members who are eligible for faculty senate membership will be selected to serve in the grievance pool. Temporary, probationary, contingent unclassified professionals will be given the opportunity to opt out with no questions asked within a month of receiving notification regarding their membership in the grievance pool. Those identified to act as potential Review Committee members will be selected at random from the grievance board in proportion to the numbers in each rank, race/ethnicity, and sex. None of the Grievance Board members may be members of the Faculty Senate Rules Committee. Persons who serve on a grievance Review Committee are exempt from serving on another grievance committee for a three year period. Persons selected for serving on the grievance board must petition the Provost to be excused.

V. **REVISION DATES**

- A. March 15, 2014
- B. April 9, 2018
- C. October 3, 2023 (maintenance updates only)
- D. [INSERT PET APPROVED DATE]

## 4.04 / RESOLUTION OF INTERNAL DISPUTES FOR FACULTY

### ~~I. INTRODUCTION~~

### I. INITIATING AUTHORITY

A. The Faculty Senate serves as the initiating authority for this policy.

### II. PURPOSE

A. The collegial atmosphere of the University community is best served through informal resolution of disputes. To resolve internal disputes, to assure careful consideration of personnel actions and complaints, and to safeguard academic freedom, Wichita State University provides for the review of grievances filed by faculty members of the University. Faculty members should turn to the grievance process only after informal means of resolution have been utilized. The term "faculty member" refers to all employees who, at the time the grievance is filed, have teaching/research/library responsibilities of 50% or more and .5 FTE or greater including: temporary faculty, probationary faculty, tenured faculty, contingent unclassified professionals, provisional unclassified professionals, and regular unclassified professionals (who have the e-class designation of FA or F2).

### III. POLICY

#### ~~A. Informal Means of Resolution~~

A. Any faculty member who has a grievance must first make a bona fide effort to resolve the matter through University established lines of authority. In most instances this should involve the chair, and if appropriate, the dean. If discrimination is alleged, the faculty member shall seek resolution by contacting the Associate Vice President and University Title IX Coordinator. In the event that the complaint is directed against the Provost, the faculty member is encouraged to seek resolution of the dispute with the President of the University. If a faculty member appeals to agencies outside the University before the internal grievance procedure has been completed, the President of the University may tell the Faculty Senate Rules Committee to stop the review.

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colleague may act as an advisor or witness, and may participate in the discussion if invited.

2. The invited colleague is not a representative of the faculty member and shall not be nor serve as legal counsel. His or her limited role is that of colleague and advisor, assisting in the consultations to produce a satisfactory resolution of the dispute. Responsibility for any decisions reached or actions taken remains with the parties to the dispute. Any other administrative officer invited to such a meeting or discussion has the same limited role as an invited colleague, unless he/she has regular, pre-existing administrative responsibilities for the issues being discussed.
3. When a faculty member invites a colleague to attend such a meeting or discussion, the faculty member assumes responsibility for any loss of confidentiality that results from that colleague's actions. The presence of an invited colleague does not imply that a written record of the meeting must be kept; it does not preclude any participant from submitting a summary memorandum to others who were present for their authentication.

#### C. Faculty Senate Ombudsperson

1. Faculty Senate Ombudspersons are available to provide assistance to faculty members in the identification or articulation of internal disputes that arise within the University. The Ombudsperson's role is to listen to concerns arising from disputes within the University, provide resources and clarify procedural options and, as such, may facilitate a satisfactory settlement of the dispute without necessitating the filing of a grievance. The decision whether to file a grievance is, however, the prerogative of the faculty member with the concern. A list of the current Ombudspersons shall be posted on the Faculty Senate's website. Faculty members are encouraged to contact an Ombudsperson before filing a grievance. The president-elect of the Faculty Senate shall assist the faculty member in connecting with an Ombudsperson if necessary.
2. The Faculty Senate Executive Committee shall ~~nominate three tenured~~ appoint four faculty members, ~~from who represent a pool diverse range of previous~~ faculty senate presidents, to serve as Ombudspersons for ~~three~~ four-year staggered terms. The appointments will be confirmed by a vote of the Faculty Senate. By virtue of their prior service, those chosen to serve as Ombudspersons will possess significant knowledge of University structure and operations. Ombudspersons are expected to complete training as required by the Faculty Senate Executive Committee.

3. A person may not be in the grievance pool during the time of service as Ombudsperson. Administrators, as defined in the Faculty Senate Constitution, shall not be eligible for appointment. Administrators include, but are not limited to, those persons holding the title of President, Provost, Senior Vice President, Vice President, Associate Vice President, Assistant Vice President, Dean, Associate Dean, Assistant Dean, and Directors of all non-academic programs including, but not limited to, Director of the Office of Institutional Research, Director of Physical Plant, Registrar, and Director of Cooperative Education.

#### **III.IV. POLICIES AND ADMINISTRATIVE PROCEDURES FOR PROCESSING GRIEVANCES FOR FACULTY**

##### **A. Grievance General Information**

##### **1. Filing the Complaint**

1. If the dispute is not settled through the required informal means, the faculty member may invoke the University's grievance policy by contacting the Chair of the Faculty Senate Rules Committee and submitting a formal complaint. In matters alleging discrimination, if contacted first, the Faculty Senate Rules Committee Chairperson will direct the faculty member to the Associate Vice President and University Title IX Coordinator.

##### **2. Complaints Excluded from the Grievance Procedure**

2. Complaints based on the following are excluded from this grievance procedure:

- a) Tenure and Promotion
- b) Retrenchment
- c) Hiring Decisions
- d) Traffic Fines
- e) Library Fines
- f) Dismissal for Cause
- g) Sexual Harassment
- h) Complaints of Unlawful Discrimination

### **3. ~~Time Limits~~**

3. . The complaint form should be filed within three months from the date on which the act/s or omission/s which are the basis of the grievance occurred or the date on which the act/s or omission/s reasonably would have become known. All grievance procedures, including but not limited to grievance hearings, are suspended from May 18 to August 18. Grievances filed during that period will be processed as if filed on August 18. The time requirements in this grievance policy shall be followed to the extent reasonably possible. When used, the term "class days" refers to weekdays, when classes are in session.

### **4. ~~Administrative Leave for Faculty During the Proceedings~~**

4. . A faculty member may be placed on administrative leave during a grievance if the Chief Human Resources Officer, in consultation with the appropriate Dean, deem there is an immediate danger to the faculty member or to others. The administrative leave may be with or without compensation as determined on a case by case basis.

### **5. ~~Complaint Form~~**

5. . The complaint form requires the faculty member to describe the nature of the complaint, the date on which the act/s or omission/s which is/are the basis of the grievance occurred, and shall state the alleged improper action and explain the desired remedy. This statement will serve as a petition submitted to the Faculty Senate Rules Committee requesting it to call together a Review Committee to review the matter. Submission of a petition does not guarantee a Review Committee will be called, that an investigation will occur or a detailed review of the problem will be undertaken.

### **6. ~~Review by the Faculty Senate Rules Committee~~**

6. . The Committee must decide whether the faculty member has made a good faith effort to resolve the problem through informal means. The Committee will decide within ten class days whether the grievance should be processed and a Review Committee formed. A decision not to process the grievance may be appealed to the Faculty Senate President who will decide within five class days of receiving the appeal whether to overrule the decision. If the petition is accepted, the Rules Committee Chair shall appoint a Convener from the Panel of Conveners and a Review Committee from the faculty members who are on the Grievance Board (See Section III.G. below). It is the responsibility of the Chair of the Faculty Senate Rules Committee to ensure that the review complies with all established timelines.

~~7.~~ **Convener**

~~7.~~ . The Panel of Conveners will consist of ten individuals, selected from faculty members who are eligible for Faculty Senate membership by the Rules Committee of the Senate in consultation with the Chair of the Faculty Senate Rules Committee. The Convener is not a voting member of the Grievance Review Committee. The Convener's role is that of an administrator and executive secretary. The Convener shall have the following responsibilities:

~~a.a)~~ Send a copy of the complaint form and supporting documents to all parties to the action, to the dean, and to the Provost.

~~b.b)~~ Schedule all meetings of the Review Committee. The first hearing meeting is to be scheduled no later than 15 class days after the appointment of the Review Committee.

~~e.c)~~ Chair all meetings of the Review Committee.

~~d.d)~~ Keep all parties informed.

~~e.e)~~ Ensure that fair and proper procedures are followed.

~~f.f)~~ File the final report with the office of the Provost and with the Chair of the Faculty Senate Rules Committee.

~~g.g)~~ Act as secretary for all appeals of the grievance.

~~8.~~ **The Review Committee**

~~8.~~ . A Review Committee of five will be chosen from the Grievance Board by the Chair of the Faculty Senate Rules Committee. Faculty may remove themselves from the case for bias or conflict of interest. In addition, each party to the grievance will have a total of two challenges. If any member of the Review Committee is unable to continue because of illness or for other good and sufficient reasons, the hearing shall proceed with fewer members unless one or more of the parties has a compelling reason for requesting that another person from the Grievance Board be selected to replace the Review Committee member who is unable to continue, in which case the Convener shall request the Chair of the Faculty Senate Rules Committee to select a replacement. The Review Committee has the following responsibilities:

~~a.a)~~ To attend all meetings called by the Convener.

~~b.b)~~ To ensure that fair, proper, and confidential procedures are followed.

~~e.c)~~ To consider all pertinent and relevant evidence in the case.

~~d.d)~~ To decide whether the allegations have been sustained by the evidence, determine whether a wrong has occurred, and to make recommendations concerning possible redress.

## B. Pre-Hearing Procedures

### ~~1.~~ Meeting of the Convener and the Parties

~~1.~~ The parties to the dispute will submit written summaries of the major issues to be decided to the Convener, and the Convener will then schedule a meeting with the parties to:

~~a.a)~~ Clarify and, where possible, simplify the issues.

~~b.b)~~ Stipulate to the facts, if possible.

~~e.c)~~ Arrange for the exchange by the parties of all documents which each party intends to present to the Review Committee, and establish a deadline for that exchange which shall be no later than five class days before the formal hearing. A party to the grievance may not present any documents to the Review Committee at the grievance hearing unless they have been provided to the other parties to the grievance by the foregoing deadline.

~~d.d)~~ Identify the witnesses whom each party intends to call at the grievance hearing.

~~e.e)~~ Discuss the participation of advisors to the parties who are not and shall not act nor serve as legal counsel.

~~f.f)~~ To notify either or both parties of specific material/information requested by the Review Committee.

### ~~2.~~ Meeting of the Convener and the Review Committee

~~2.~~ The Convener will call the Review Committee to its first meeting to review the procedures and responsibilities of the Review Committee.



### ~~3.~~ **Cooperation of the Parties**

3. . All parties should make every effort to cooperate with the Convener and each other during these preliminary activities. If there are unjustifiable delays in the proceedings, the Convener may so advise the Review Committee. At its discretion the Review Committee may determine that one or more of the parties are not cooperating, report this fact to the Faculty Senate Rules Committee, and adjourn. If the adjournment is accepted by the Rules Committee, the Convener will declare the proceedings closed and the grievance process shall be terminated.

### ~~C.~~ **Hearing Procedures**

C. . The faculty member may elect to submit the grievance to a hearing before the Review Committee or to waive a hearing. If a hearing is waived, the Review Committee will evaluate the evidence and base its findings and recommendations on the documents and materials provided by the parties to the grievance. If the faculty member elects a hearing before the Review Committee, the following procedures for the hearing shall be followed:

1. The Convener shall establish a time for the hearing, taking into account the needs of the parties. However, unless there are extenuating circumstances, the hearing shall be held no later than forty-five calendar days after the Faculty Senate Rules Committee determines that the grievance should be processed.
2. The Review Committee will determine what information it needs to decide the case and may request that either or both parties provide such additional information as it deems appropriate. The Review Committee has no power of subpoena and participation in the hearing is voluntary on the part of the parties. Unless good cause is shown, the hearing shall be closed. Upon request from either party, witnesses may be excluded from the hearing room while not testifying.
3. The hearing is not a court of law and should not be expected to follow the rules and procedures of a court. However, the hearing should ensure a thorough, fair, open, and impartial review.
4. At the Review Committee's discretion, during the course of the hearing the faculty member may be invited to amplify the statement of complaint; the other party may be asked to speak in defense; both parties may call witnesses; the Review Committee and the Convener may question both parties and all witnesses.

5. The parties to the grievance may invite an advisor from the Wichita State University community to be present and give advice, but such advisor, including those with legal training, shall not be nor serve as legal counsel.
6. No recording or transcript of the hearing will be made, but the Convener and each Review Committee member may keep notes to assist in preparing a report describing the proceedings, conclusions, and recommendations of the Review Committee. A committee member's notes will be confidential and the work product of the committee member.
7. When the Review Committee is satisfied that all reasonably available pertinent information has been presented, the Convener shall declare the hearing closed.

**~~D.~~ Decision of the Review Committee**

D. . The Review Committee shall deliberate in private in order to review the information presented and arrive at its recommendations. The Review Committee must submit a final written report of proceedings, conclusions, and recommendations no later than ten class days after the close of the hearing. The Convener shall send the report to the parties of the dispute, the dean, the Provost, and to the Chair of the Faculty Senate Rules Committee, who shall file the report in the Faculty Senate office. The report should (1) restate the charges, (2) present the finding of facts, (3) indicate whether a wrong occurred, and (4) recommend what should be done. The Review Committee will make its recommendations to the Provost who will decide to accept, reject, or modify those recommendations. In the event that the Provost is the subject of the grievance, the recommendation will be sent to the President of the University. The existence of the grievance procedure assumes that the Review Committee's recommendations will generally be accepted or will be rejected or modified only for compelling reasons.

**~~E.~~ Appeal to the Provost**

E. . Either party has the right to make a final statement in writing to be sent to the Provost. The statement must be submitted no later than five class days after receipt of the Review Committee's recommendations. The Provost will act on the matter within ten class days after the deadline of receipt of final statements. Notice of acceptance, rejection or modification of the Review Committee's shall be sent to the Convener, the parties, the dean, the Review Committee, and the Chair of the Faculty Senate Rules Committee who shall file the notice, with identifying information deleted, in the Faculty Senate office. The written material presented by both parties to the Review Committee and the Review Committee's final report will be kept on file by the Provost for three years from the date of the final report. This material will be held in confidence as personnel related material.

## F. **Appeal to the President**

1. Either party to the grievance may appeal the decision of the Provost by submitting a letter to the President of the University within ten class days from the date of the receipt of the Provost's decision, requesting an appeal of that decision. A copy of the appeal letter shall be submitted to the Review Committee Convener, who will assure that the dean, the Provost, Review Committee members, and the other parties to the grievance receive copies.
2. The letter requesting the appeal must state the basis for seeking the appeal. An appeal must be based on one or more of the following reasons:
  - 1-a) The decision was not substantiated by the evidence;
  - 2-b) The decision was erroneous in light of applicable University standards, policies, and/or procedures;
  - 3-c) The procedures as outlined in this policy and/or as modified by the Review Committee (as allowed by the policy) were not followed; or
  - 4-d) Actual bias on the part of the Review Committee and/or Provost.
3. The other parties to the dispute and the Review Committee may submit written comments to the President regarding the appeal no later than five class days after receipt of the notice of the appeal. The President shall review the original materials, any statements sent by the parties to the Provost or the President regarding the grievance, and the Provost's final action. The President shall notify the Provost, both parties to the dispute, the Convener of the Review Committee, and the Chair of the Faculty Senate Rules Committee of his or her final action within ten class days of receipt of material. A copy of this notification, with identifying information deleted, shall be filed in the Faculty Senate office.

## ~~G.~~ **Grievance Board**

- H.G. . Each year a Grievance Board consisting of a representative panel of members who are eligible for faculty senate membership will be selected to serve in the grievance pool. Temporary, probationary, contingent unclassified professionals will be given the opportunity to opt out with no questions asked within a month of receiving notification regarding their membership in the grievance pool. Those identified to act as potential Review Committee members will be selected at random from the grievance board in proportion to the numbers in each rank, race/ethnicity, and sex. None of the Grievance Board members may be members of the Faculty Senate Rules Committee. Persons who serve on a grievance Review

Committee are exempt from serving on another grievance committee for a three year period. Persons selected for serving on the grievance board must petition the Provost to be excused.

**IV.V. REVISION DATES**

- A. March 15, 2014
- B. April 9, 2018
- C. October 3, 2023 (maintenance updates only)

**D. [INSERT PET APPROVED DATE]**