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# Academic Affairs Manual (ACD)

Effective: 4/21/1958

Revised: 7/1/2011



## ACD 509-02: Grievance Policy for Faculty

### Purpose

To provide for hearing procedures for faculty

### Sources

- Arizona Revised Statutes* § 41-1062
- Arizona Board of Regents Policy Manual* - 6-201
- Personnel Policies and Procedures for Faculty*

### Applicability

Faculty (except in cases of faculty dismissal or suspension without pay [see [ACD 501](#)])

### Policies

The Board of Regents, the university president, the faculty, and the administrators of ASU recognize the importance of providing a prompt and efficient procedure for fair and equitable resolution of grievances with no fear of prejudice or retaliation for initiating a grievance or participating in its settlement. Each individual's attempt to rectify a perceived wrong is consistent with ASU's role as an upholder of individual rights. The existence of a grievance process in no way diminishes the responsibility of faculty and administrators to exercise sound academic judgment. Grievants shall have clearly defined avenues of appeal and redress, including mediation and/or a hearing before a faculty committee that reports to the president. The president's decision is final.

"Grievant" is the individual with a complaint. "Respondent" is the academic unit or official alleged to have caused or been responsible for the action leading to the complaint. Grievant or respondent may refer to one or more individuals. Each grievant has the right to a fair, full, and reasonably speedy hearing by members of the appropriate board or committee, and all actions in the grievance process shall be fair, frank, courteous, and respectful of the dignity of each individual.

All grievances must be submitted to either the ombudsperson or the Clearinghouse Committee within 30 days of the occurrence of the action that forms the basis of the complaint. Grievants have 30 days after the receipt of the ombudsperson's report to submit the grievance to the Clearinghouse Committee.

The recommended starting point for resolving grievances is at the level of academic unit chair/director or dean. If the grievant does not wish to follow this route, or it has not provided acceptable resolution, the grievant may use the university's formal procedures for resolving grievances. The normal starting point for accessing the university's grievance system is the ombudsperson, who can respond in various ways:

1. provide mediation, as described in the "Ombudsperson Mediation Procedures," [P19](#).
2. refer grievants with potential cases of discrimination to the Office of Equity and Inclusion (see [ACD 401](#)).
3. provide materials and clarify the process of filing a formal grievance as explained in the Faculty Grievance Procedures. Faculty may opt to skip mediation and move directly to file a grievance. In addition, ombudspersons are not eligible to mediate tenure and promotion cases; only the Committee on Academic Freedom and Tenure may hear such cases.

Grievances are filed by a written request to the Clearinghouse Committee. This committee determines whether the grievance should be heard by the Committee on Academic Freedom and Tenure or the Governance Grievance Committee, or whether it should be referred to the Office of Equity and Inclusion for investigation if allegations of discrimination are made. The focus of the assigned committee's hearing is to determine if substantive violations of procedure may have resulted in unfair, erroneous, or improper decisions; their task is not to evaluate the substance of the original case.

Two or more faculty members with the same grievance have the right to seek redress jointly or individually, but if the grievance involves release solely for reorganization (see [ABOR 6-201K](#), release of faculty for reorganization caused by budgetary reasons or programmatic changes), all grievants shall seek redress jointly. The grievance process is intended as a structured but largely informal process; it does not operate as a court of law. A grievant may choose to have legal counsel at his or her expense, or some other adviser. Should the grievant decide to be represented or advised by legal counsel, the respondent shall have the same option. Timelines and notification of responsibilities are described in [P17](#), "Faculty Grievance Procedures."

Grievants, respondents and witnesses must be assured freedom from restraint, coercion, discrimination, or retaliation for requesting or participating in mediation or a hearing. Participants alleging a violation of this policy may file a grievance.

If a person is transferred from faculty status to another employment status or vice versa while a grievance is pending, and wishes to present a grievance, the grievance shall proceed under the policy applicable to the employee's status at the time the alleged violation occurred.

The University Senate shall review university grievance policies and shall send recommendations for revisions to the President. Consideration of release time shall be given at the academic unit level for faculty who chair grievance committees or boards or serve as a faculty ombudsperson.

Ombudspersons and hearing bodies shall keep written records of any mediation and/or hearings. The University Ombudsperson and the Clearinghouse Committee shall maintain databases of mediations, hearings, and disposition of cases which shall

include information such as the numbers of cases handled, number resolved, number pending, and number referred to an outside agency. The University Ombudsperson shall provide an annual report to the university president. The Clearinghouse Committee shall provide an annual report, including any recommendations for policy changes, to the University Academic Council, which shall submit the report to the university president.

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## Bases for Filing a Grievance

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1. A violation, a misinterpretation, an arbitrary, or differential application of university policy, regulation, or procedure which, applied personally to that faculty member, infringes upon his or her privileges, responsibilities, or terms and conditions of employment
2. Discrimination based on sex, gender identity, sexual orientation, race, religion, national origin, age, disability, other protected veteran status, recently separated veteran status, special disabled veteran status, and/or Vietnam-era veteran status.
3. An infringement of academic freedom.

See [P19](#), "Ombudsperson Mediation Procedures," or [P17](#), "Faculty Grievance Procedures" for process/procedure information. A faculty member alleging discrimination, except related to a decision on nonretention or denial of tenure and/or promotion, may file a complaint with the Office of Equity and Inclusion in accord with [ACD 401](#), "Nondiscrimination, Anti-Harassment and Nonretaliation." A grievant may not simultaneously file a discrimination complaint on the same issue under ACD 401 and this policy.

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## Exceptions

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Dismissal for cause may not be grieved under this policy. [ACD 501](#), "Conditions of Faculty Service" dismissal procedures apply in all of the following situations, except the first one below. Also, see [ACD 508-03](#), "Dismissal for Cause" for more information about dismissal.

1. Whenever questions arise regarding the fitness of a faculty member with tenure or whose term of appointment has not expired, the appropriate administrative officers, as designated by the president on a case-by-case basis, should ordinarily meet to discuss the matter with the faculty member.
2. If no adjustment is reached, and the faculty member is recommended for suspension without pay or dismissal, ACD 501, "Conditions of Faculty Service," applies.
3. Individuals who have been on disability status up to 18 months, have no assurance of re-employment with the university.
4. Suspending the faculty member during the hearing proceedings is justified if the president judges that continuance would threaten immediate harm to the faculty member or to others, or if continued performance of duties would substantially interfere with the academic program. Unless prohibited by law, any suspension shall be with pay.

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## Cross-References

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See also:

1. [ACD 112-01](#), "Academic Constitution and Bylaws."
2. [ACD 401](#), "Nondiscrimination, Anti-Harassment, and Nonretaliation"
3. [ACD 501](#), "Conditions of Faculty Service."
4. [ACD 509-01](#), "University Ombudsperson Program"
5. [ACD 508-03](#), "Dismissal for Cause."

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