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# Academic Affairs Manual (ACD)

Effective: 11/16/1987

Revised: 11/1/2015



## ACD 509-03: Grievance Policy for Academic Professionals

### Purpose

To describe the grievance policy for academic professionals

### Sources

- Arizona Revised Statutes § 41-1062*
- Arizona Board of Regents Policy Manual - 6-301*

### Applicability

Academic professionals (except in cases of dismissal or suspension without pay [see [ACD 503](#)])

### Policy

The Board of Regents, the university president, the [academic professionals](#), and the administrators of ASU recognize the importance of providing a prompt and efficient procedure for fair and equitable resolution of grievances without 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 academic professionals and administrators to exercise of sound professional judgment.

"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. Grievants shall have a clearly defined avenue of redress and appeal, which may include a hearing before a the Academic Professional Grievance Committee (APGC). Each grievant has the right to a fair, full, and reasonably speedy hearing by members of the appropriate board or committee. Two or more academic professionals experiencing the same grievance have the right to seek redress jointly or individually.

All grievances must be submitted to either the ombudsperson or APGC 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 APGC.

The recommended option is to resolve grievances internally and at the level closest to the grievant. If, however, the grievant does not wish to follow this route, or this route has not provided acceptable resolution, he or she may use the Ombudsperson Mediation Procedures and/or the Academic Professional Grievance Procedures. A grievant may choose either a mediation route that may then be followed by a grievance route or may choose a grievance route alone. If a grievant chooses not to follow the mediation route, the grievant may choose to have counsel at his or her expense. By using the internal mediation and grievance procedures first, a grievant may be able to obtain acceptable results without escalation to a formal charge with an outside agency where applicable. At each level of decision making, the grievant shall be informed of the informal and formal options available for redress and appeal if the grievance is unresolved.

Grievants, respondents and witnesses must be assured freedom from restraint, coercion, discrimination or retaliation for requesting or participating in mediation or a hearing. If a person is transferred from academic professional 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.

### Academic Professional Grievance Committee

The APGC shall elect its own chair at the end of the academic year to serve during the following year. Committee vacancies will normally be filled by returning to the ballot and certifying as elected the individual with the next largest number of votes. In the event there are no names available from the ballot pool of the previous election, the Committee on Academic Professional Status (CAPS) shall appoint an eligible academic professional to fill the vacancy.

Members of the APGC shall recuse themselves if they have a conflict of interest. Any party may challenge a hearing committee member for a bias or prejudice. The chair of the APGC shall make the final decision on continued participation of the member who was challenged.

The APGC shall identify a hearing committee and a chair in the event the APGC chair cannot serve in this role for the grievance hearing. All actions at any stage of the grievance process shall be characterized by fairness, frankness, courtesy, and respect for the dignity of each individual. The hearing committee shall submit its recommendation to the provost of the university following a hearing. The provost of the university shall decide the matter. The decision shall be final, except decisions to terminate academic professionals on continuing appointment or dismiss academic professionals holding probationary or year-to-year appointments during the contract term, in which case the president will decide the matter, in keeping with ABOR 6-301(K).

### Bases for Filing a Grievance

1. There has been a violation, a misinterpretation, an arbitrary or discriminatory application of university policy, regulation or procedure relating to the privileges, responsibilities, or terms and conditions of employment of the academic professional.
2. The academic professional has been discriminated against on the basis of race, color, religion, national origin, citizenship, sex, gender identity, sexual orientation, age, disability, other protected veteran status, newly recently separated veteran status, Vietnam-era veteran status, and/or special disabled veteran status.
3. There has been an infringement on the academic or professional freedom of the academic professional.

See [P19](#), "Ombudsperson Mediation Procedures," or [P18](#), "Academic Professional Grievance Procedures" for process/procedure information. An academic professional alleging discrimination, except related to denial of continuing appointment 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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## Cross-References

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1. [ACD 401](#), "Nondiscrimination, Anti-Harassment, and Nonretaliation"
2. [ACD 508-03](#), "Dismissal for Cause"
3. [ACD 509-01](#), "University Ombudsperson Program."

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