

Faculty Policy – Faculty Grievances

SBHE Policy Manual, Section 612:

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 contract and this policy. 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. Complaints involving many matters covered under SBHE Policy, Sections 605.3 or 605.4 are not grievances. Grievances cannot be filed against written Board and institutional policies, per se.
3. This policy applies only to faculty as defined in SBHE Policy, Section 605. It does not apply to classified staff or administrators or coaches.
4. 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.

Implementation at Bismarck State College:

1. A faculty member who believes he or she has been harmed should first attempt to resolve the matter by speaking with the person who is believed to have caused the problem at issue. If the problem is not resolved at this level, then the grievant should utilize established departmental, college, or professional school procedures, if any. A faculty member who wants to file a grievance has 30 days from the date of the incident to file the grievance with the Chair of the Faculty Rights Committee (see below).
2. If the matter is not resolved to the faculty member’s satisfaction informally or at the local level, the faculty member may file a grievance by providing a written statement detailing the facts and circumstances constituting the grievance to the Chair of the Faculty Rights Committee. Grievances must fully identify the grievant and all other persons involved in the matter or action, and describe the matter or

action grieved. A copy of the written request must be provided to each person identified in the request.

3. When the Chair of the Faculty Rights Committee has a conflict of interest, another member of the Faculty Rights Committee shall serve as the Chair for the purpose of the grievance.

Operational rules for filing and reviewing a faculty grievance:

For purposes of these operational rules faculty shall mean full-time, special, non-tenured, and tenure faculty.

Procedures for Filing:

1. Within 30 calendar days after the grievous incident, the faculty member shall present a written grievance to the Chairperson of the Faculty Rights Committee. The faculty member shall also present a copy of the grievance and grievance policies, to the party (ies) against whom the grievance has been filed. This grievance shall be kept in strict confidence until the Faculty Rights Committee has determined its validity.
2. The written grievance shall be presented in the following format:
 - a. The alleged grievance is interpreted by the faculty member as it pertains to the North Dakota Higher Education policy manual by stating the section and paragraph that the grievant feels was violated.
 - b. The date and circumstances under which the violation occurred.
 - c. The parties directly involved in the grievous incident.
 - d. A suggested remedy or solution of the situation by the faculty member.
3. Upon receipt of a grievance, the Chairperson of the Faculty Rights Committee shall invite a written interpretation and response within 5 working days from all parties named in the alleged grievance.

Procedures for Reviewing:

Upon receipt of a properly filed grievance, the Faculty Rights Committee shall:

1. Review the grievance in relationship to the policy manual to determine interpretation and validity of the claim.
2. Determine if further action is necessary or if the grievance procedure should be terminated.

3. If further action is deemed necessary, the Chairperson shall appoint a working committee as outlined in the Bismarck State College Faculty Senate Bylaws to gather necessary information and statements from the parties involved.
 - a. The information shall be in the form of oral and/or written statements to determine if the parties involved agree on the problem as stated in the filed grievance.
 - b. Information shall be gathered from the parties separately and/or jointly to insure clear interpretation by the parties involved as well as members of the Faculty Rights Committee.
 - c. Following the review of all available information, the working committee shall determine the validity of the grievance. If not valid, the procedure stops, and the working committee shall report to the Chairperson of the Faculty Rights Committee.
4. If grievance is valid, the Committee shall solicit additional suggestions in written form for solution to the problem from the parties involved; and after review, shall make recommendations to the parties to resolve the grievance.
5. If the suggested solutions(s) presented by the Faculty Rights Committee are not acceptable or cannot be agreed upon by the parties involved, the grievance will be forwarded to the President of the college.
6. The President shall within 30 days of receipt of the recommendation, provide written notice to the grievant of his/her decision concerning the grievance after consideration of the Committee's recommendation. The President's decision shall be final.
7. The Committee shall attempt to complete the procedures within 30 calendar days after initial receipt of the grievance by the Faculty Rights Committee.

Reference:

State Board of Higher Education Policy Manual, Section 612-Faculty Grievances - <http://www.ndus.edu/makers/procedures/sbhe/default.asp?PID=68&SID=7>

History:

Approved by the Faculty Senate on April 7, 2011. Reviewed by the Operations Council on May 2, 2011 and approved by the Executive Council on May 12, 2011.