

## Motion for Consideration

To: Faculty Senate

From: The Committee on Faculty Rights and Responsibilities

Date: 30<sup>th</sup> of March, 2023

The Committee on Faculty Rights and Responsibilities requests that the Faculty Senate adopt the following motion at its meeting on April 3, 2023.

### **MOTION:**

The Faculty Rights and Responsibilities Committee moves that the Revised Faculty Grievance Policy (and any 4.7.4 policy modifications) be amended to allow the Faculty Rights and Responsibilities Committee full access to the information requested of the administration to monitor the application of the faculty grievance policy.

### **JUSTIFICATION OF THE MOTION:**

The R&R committee proposed the need to review the [4.7.4 faculty grievance policy](#) and offered a policy revision that was overwhelmingly supported by the Senate on May 3, 2021 ([minutes](#)).

[R&R Motion on Proposed Revision to Policy 4.7.4 - Faculty Grievances](#). The motion was submitted by the Faculty Rights & Responsibilities Committee for review and action. Since it comes from a standing committee, a second is not required. (See also: [proposed policy revision](#) and [current policy](#)) Motion carried. (YES = 44 votes |NO = 0 votes |ABSTAIN = 2 votes) (See also: [Individual Votes](#))

- The approved recommendation will go back to a drafting team for consideration and will move through the vetting process again upon completion.

The R&R committee wants to reiterate the need for administrative transparency based on [the original R&R motion](#) by asking the Senate to approve an amendment to the Revised Faculty Grievance Policy (and any 4.7.4 policy modifications). The Faculty Rights and Responsibilities Committee requests full access to the information requested of the administration to monitor the application of the faculty grievance policy.

As per the 4.7.4. faculty grievance policy, the Faculty Grievance Officer (FGO) maintains records of all grievances. This includes

Candidate's grievance and supporting documents  
FGO's jurisdictional decision  
Candidate's appeal of jurisdictional decision and reason(s) for appeal  
FGO's response to the appeal of jurisdictional decision  
Candidate's amended grievance with new documents  
FGO's response to the proposed amendment  
Names of the members of the Hearing Panel  
Hearing date  
Names of advisors, witnesses, and copies of any documents submitted  
Hearing panel's findings and recommendations

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Provost's decision and, if applicable, reason(s) for the differing judgment  
Candidate's request for appeal and evidence in support of such grounds to the President  
FGO and three-person appeal panel's response to the President  
President's appeal decision

More specifically, the R&R committee requests information about the application of the faculty grievance policy 4.7.4 (and previous iterations as available) for each academic year. There are two formats requested. The first format is summative, which includes the total number of

Faculty grievances filed  
Grievance hearings approved  
Hearing denials appealed  
Grievances amended  
Amended grievances approved  
Grievances supported  
    By Hearing Panel  
    By Provost  
Decisions appealed  
Appeals supported

The second format is categorical, which includes case-by-case documentation of

Grievance file date (date)  
Type of grievance (descriptive)  
Informal resolution attempt (descriptive)  
Grievance hearing approved (yes/no/na)  
Grievance hearing denial appealed (yes/no/na)  
Grievance amended (yes/no/na)  
Grievance amendment approved (yes/no/na)  
Grievance hearing date (date)  
Grievance supported  
    By hearing panel (yes/no/na)  
    By Provost (yes/no/na)  
Hearing Panel recommendations (descriptive)  
Appeal supported (yes/no/na)  
President recommendations (descriptive)

This information will enable the R&R committee to be a resource for faculty with a grievance, which is particularly important during the period before a grievance is filed. It will strengthen the capacity of the R&R committee to advise the Faculty Senate on how to respond to faculty grievances. Finally, this information will help the R&R committee and the Senate at large provide informed assistance to the administration in applying the faculty grievance policy and procedures.

As found on page 7 in policy 4.7.4., "while much or all of the documentation generated in a Faculty Grievance process may be subject to disclosure by law," the data being requested to

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monitor the performance of the faculty grievance policy can be in aggregate form and, as needed, the redaction of identifying information is accepted. The members of the R&R committee “shall respect the confidentiality of information and records and the privacy of all parties whose interests are affected by a grievance.” The R&R committee members will be the only faculty with direct access to the data provided by the FGO.

If these data fail to provide adequate detail, the R&R committee will recommend additional revisions to the grievance policy that supports essential data collection and sharing.

Therefore, with AAUP principles in mind and with concern about deficiencies of the current ECU Faculty Grievance Policy, the Faculty Rights and Responsibilities Committee proposes the R&R committee be granted full access to the information requested of the administration to monitor the application of the faculty grievance policy.

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