

FACULTY SENATE

SOUTHEAST MISSOURI STATE UNIVERSITY

FACULTY SENATE BILL 25-A-XX

Approved by the Faculty Senate
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BRIEF SUMMARY: This bill revises the procedure for the Grievance section of Chapter 2 of the *Faculty Handbook*.

RESTORING STEP III.G. TO THE FORMAL GRIEVANCE PROCESS

WHEREAS: The previous revision of the Grievance procedures suggested by Husch Blackwell eliminated the role of the Faculty Senate Executive Committee in the grievance process;

WHEREAS: the Faculty Senate Executive Committee previously provided additional faculty perspective in the grievance process;

WHEREAS: the Faculty Senate Executive is charged with bringing forward matters of broader relevance to the faculty that arise during the grievance process;

THEREFORE, BE IT RESOLVED: The existing Steps III and IV of the Formal Grievance Procedures be revised to reflect these changes.

1 **STEP III: Request for a Hearing with the Faculty Senate Grievance Committee**

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- 3 a. If the decision at Step II of the grievance procedure is not satisfactory to the Grievant, the
- 4 Grievant may request a review and a hearing before the Faculty Senate Grievance
- 5 Committee. Any such request for review shall be filed with the Faculty Senate Grievance
- 6 Committee within ten (10) business days after the Grievant has received the Step II
- 7 response. If the response is sent by email, it is deemed received twenty-four (24) hours
- 8 after the time it was properly sent.
- 9 b. The request for review shall include (a) a copy of the original Faculty Grievance Form
- 10 (b) copies of the written response to the grievance provided at Step I and Step II; (c)
- 11 copies of the appeal filed at Step II; (d) an explanation of why the Grievant believes the
- 12 Step II decision is unsatisfactory or unacceptable; and (e) a proposed resolution. The
- 13 Grievant shall simultaneously provide copies of these materials to the Step I and II
- 14 responders and to the Respondent(s).
- 15 c. Within five (5) business days of the request for review, the Faculty Senate Grievance
- 16 Committee shall notify the Respondent(s) in writing that the request has been filed by the
- 17 faculty member.
- 18 d. Within twenty (20) business days of the request for review, the Faculty Senate Grievance
- 19 Committee chair shall notify the Grievant and the Respondent(s) in writing whether the

- 20 committee believes a hearing is warranted and if so, the notice should include the date,
21 time, and location of the hearing. The parties must be given at least twenty (20) business
22 days written notice of the hearing date. The hearing date may be rescheduled by the
23 parties only upon a showing of good cause as determined by the Faculty Senate
24 Grievance Committee. If the Faculty Senate Grievance Committee decides that a hearing
25 is not warranted, the matter is closed.
- 26 e. The Faculty Senate Grievance Committee chair shall also instruct the parties to identify
27 the witness, if any, that they may wish to present and the general subject matter of each
28 witness's anticipated testimony. This information should be provided to the Faculty
29 Senate Grievance Committee chair and to the other party or parties no later than ten (10)
30 business days before the hearing date. The Faculty Senate Grievance Committee chair
31 has the authority to limit the number of witnesses if it is determined that the proposed
32 witnesses will present repetitive, unnecessarily cumulative, or irrelevant evidence. The
33 parties shall be responsible for ensuring that their witnesses are present for the hearing.
- 34 f. The hearing is not a formal legal proceeding, and formal rules of evidence shall not
35 apply. The Faculty Senate Grievance Committee shall, however, have the authority to
36 reject or curtail evidence that is repetitive, that unnecessarily protracts the proceedings,
37 and/or has no relevance to the grievance. The proceedings will be recorded by a
38 professional transcriptionist and transcribed.
39 The hearing will be a closed proceeding, with only the committee members, the parties,
40 and the witnesses (who will be present only during their testimony) present. The Grievant
41 and the Respondent(s) may, however, each be accompanied by an observer. The observer
42 may consult with and assist the Grievant but may not conduct any portion of the hearing.
43 The observer may not be acting in the capacity of an attorney; no party may be
44 represented by an attorney at the hearing.
- 45 g. The Faculty Senate Grievance Committee shall make a written recommendation within
46 ten (10) business days of the conclusion of the hearing and receipt of the transcribed
47 proceedings. The Faculty Senate Grievance Committee's recommendation will be
48 forwarded by the Committee simultaneously to the Grievant, the Respondent, and the
49 Faculty Senate Executive Committee. The Faculty Senate Executive Committee shall
50 within ten (10) business days review the recommendations of the Faculty Senate
51 Grievance Committee and provide a statement of support or nonsupport of those
52 recommendations. The Faculty Senate Grievance Committee's recommendation and the
53 Faculty Senate Executive Committee's response will be forwarded by the Faculty Senate
54 Executive Committee simultaneously to the provost, the Grievant, and the Respondent.
55 The provost will be provided with the materials regarding the grievance.

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57 **STEP IV: Review of the Faculty Senate Grievance Committee Recommendation by the Provost**
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59 The provost will conduct whatever review they deem necessary and will provide a
60 written response within ten (10) business days of receiving the recommendation from the
61 Faculty Senate Executive Committee. This written response will be sent simultaneously
62 to the Grievant, Respondent(s), the appropriate department chair and dean, the Faculty

63 Senate Grievance Committee, the Faculty Senate Executive Committee, and the
64 president. The provost’s decision is final. If the grievance is against the provost, then the
65 process is conducted by the president or the president’s designee. Documentation
66 materials will also be sent to the Office of Human Resources.
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<u>Action</u>	<u>Date</u>
Introduced to Senate	
Second Senate Meeting	
Faculty Senate Vote	
President's Review	
15 Day Review	
Posted to Faculty Handbook	

