

FACULTY SENATE

SOUTHEAST MISSOURI STATE UNIVERSITY

FACULTY SENATE BILL 24-A-28

Approved by the Faculty Senate
March 20, 2024

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

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5 **REVISING “GRIEVANCE” PROCEDURE SECTION**

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7 **WHEREAS:** Per the advice from the legal team at Husch Blackwell, and subject to the passage
8 and approval of both this bill and its companion bill, 24-A-27 “Revising Grievance Policy,” the
9 Grievance Policy in Chapter 2 of the *Faculty Handbook* will be revised.

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11 **THEREFORE, BE IT RESOLVED:** Existing sections of Chapter 2 be revised to reflect these
12 changes.

13
14 *Informal Grievance Process*

15 The Informal Grievance Process (or “Informal Process”) is initiated by the Grievant
16 without the submission of a Faculty Grievance Form, which formalizes the grievance
17 process. Individuals are strongly encouraged to follow the Informal Grievance Process,
18 although doing so is not required. The Informal Process is designed to facilitate a timely
19 resolution quickly and efficiently with minimal administrative burden. The first meeting is
20 initiated in writing to inform those who will participate in the Informal Process and to
21 document the beginning date of the process but is not to be part of any personnel file.

- 22 1. Faculty members, or “Grievants,” who believe they have a grievance concerning the
23 application by an administrator/administrative body of a specific policy or procedure
24 should first discuss the matter informally with their department chair, who will serve
25 as a facilitator in order to attempt to develop a satisfactory resolution. (Exceptions to
26 this practice are set forth in item 8, below.) The faculty member should initiate this
27 informal discussion by making a written, dated request for a meeting with the chair.
28 The request should also identify the specific policies and procedures in question, and
29 briefly describe the nature of the action(s) being grieved. Email is an appropriate
30 method for initiating the informal discussion and for any other notification that must
31 be in writing.
- 32 2. During the meeting with the chair, the faculty member should: (1) state that the
33 grievance is at the informal discussion stage, (2) explain the action(s) giving rise to
34 the grievance; (3) explain how the faculty member believes the specific policies and
35 procedures in question have been violated; and (4) describe how the faculty member
36 believes the issue(s) should be resolved.

- 37 3. The informal meeting(s) may also include the party against whom the grievance is
38 directed, which may be an individual, multiple individuals, or an administrative body
39 (“Respondent”). The department chair may meet with the Grievant and Respondent
40 separately if doing so would be helpful in facilitating resolution of the issue(s). The
41 objective of the informal discussion process is to see if the issues can be resolved at
42 the informal meeting stage without the faculty member having to initiate the Formal
43 Grievance Resolution Process.
- 44 4. Any resolution(s) arrived at during the informal discussion stage should be
45 communicated orally by the department chair to each participant within ten (10)
46 business day from the date of the last informal discussion meeting. If the chair’s
47 statement of resolution(s) are deemed acceptable by all parties, the matter will be
48 considered closed. If a resolution is reached, any submitted documentation will be
49 returned to the originating party.
- 50 5. If no satisfactory resolution is reached through the informal discussion process, the
51 chair should so indicate to each participant, within ten (10) business days of the last
52 informal discussion meeting. The chair should also record the date and that the
53 grievance was not resolved but should not include details of the informal grievance in
54 any official file.
- 55 6. If the resolution has been made clear to all parties, but the Grievant is not satisfied, or
56 if no resolution was reached, the Grievant may initiate the Formal Grievance
57 Resolution Process as outlined below.
- 58 7. Department chairs may not propose or approve any resolution that is inconsistent with
59 University policies, procedures, or practices.
- 60 8. The informal discussion should be facilitated by the next level of supervision above
61 the Grievant or Respondent. For example, if the grievance is initiated by or against a
62 department chair, the informal discussion should be held with the Grievant’s college
63 dean, following the same process outlined above.

64

65 *Formal Grievance Process*

66 The Formal Grievance Process includes the submission of a Faculty Grievance Form and
67 interviews with administrative personnel at successive levels to resolve the grievance. It may
68 also include a review and hearing by the Faculty Senate Grievance Committee, a letter to the
69 provost from the Faculty Senate Grievance Committee including the Grievance Committee’s
70 recommendation, and a review and response by the provost. The Faculty Grievance Form is
71 located on the mySEMO portal under Faculty Resources ([my.semo.edu/pages/faculty-
72 resources](http://my.semo.edu/pages/faculty-resources)).

73 *STEP I: Formal Written Grievance*

- 74 a. If an acceptable resolution is not reached informally, or if a Grievant chooses not to
75 use the Informal Grievance Process, faculty members may pursue their grievance by
76 submitting a formal written grievance to their department chair or other administrator,
77 as appropriate. If the Informal Grievance Process has been used, the Faculty
78 Grievance Form must be submitted within ten (10) business days of the conclusion of
79 the Informal Process. If the Informal Grievance Process has not been used, the

- 80 Faculty Grievance Form must be submitted within twenty (20) business days of the
81 alleged misapplication of the policy or procedure. The formal grievance form should
82 (a) include the name and contact information for the Grievant; (b) the name of the
83 Respondent; (c) the date of the alleged violation; (d) the name of the policy or
84 operating procedure at issue; (e) a description of what occurred; (f) how the Grievant
85 was adversely affected; (g) how the Grievant thinks the problem should be resolved;
86 (h) whether the Informal Resolution Process was attempted and, if so, why it was
87 unsuccessful. Copies of the form should also be provided to the Respondent(s) by the
88 appropriate administrator.
- 89 b. The department chair (or other administrator, as appropriate) will investigate/review
90 the matter, which may include meeting with the parties involved, and will provide a
91 written response to the faculty member and the Respondent(s) within ten (10)
92 business days of receiving the formal written grievance. The chair's response will be
93 deemed acceptable by the Grievant and the matter will be considered closed unless
94 the Grievant initiates a Step II grievance with the dean of the college within ten (10)
95 business days of receiving the chair's response.
- 96 c. The department chair (or other administrator, as appropriate) may not propose or
97 approve any resolution that is inconsistent with University policies, procedures, or
98 practices.
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100 *STEP II: Review of Step I Grievance Response*

- 101 a. If the Grievant is not satisfied with the response provided at Step I of the formal
102 grievance process, the Grievant may appeal the decision by submitting a written
103 appeal to the appropriate college dean (Grievant or other administrator designated by
104 the provost, if appropriate) within ten (10) business days of receiving the Step I
105 response. This appeal must include a copy of the original Faculty Grievance Form,
106 the administrator's response at Step I, a statement by the Grievant specifying why
107 they believe the Step I decision is incorrect or unacceptable, and a proposed
108 resolution. Copies of these materials should also be provided to the Step I responder
109 and all the parties involved in the grievance.
- 110 d. The appropriate dean or other administrator will meet with the Grievant and conduct
111 an investigation/review of the grievance appeal. Within ten (10) business days of
112 receipt of the appeal, the appropriate college dean or other administrator will provide
113 a written response to the Grievant, with a copy to the Step I responder and the
114 Respondent(s). The dean or other administrator's response will be deemed acceptable
115 by the Grievant and the matter will be considered closed unless the Grievant requests
116 a hearing with the Faculty Senate Grievance Committee within ten (10) business days
117 of receiving the dean or other administrator's response.
118

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

- 120 a. If the decision at Step II of the grievance procedure is not satisfactory to the Grievant,
121 the Grievant may request a review and a hearing before the Faculty Senate Grievance
122 Committee. Any such request for review shall be filed with the Faculty Senate

- 123 Grievance Committee within ten (10) business days after the Grievant has received
124 the Step II response. If the response is sent by email, it is deemed received twenty-
125 four (24) hours after the time it was properly sent.
- 126 b. The request for review shall include (a) a copy of the original Faculty Grievance
127 Form (b) copies of the written response to the grievance provided at Step I and Step
128 II; (c) copies of the appeal filed at Step II; (d) an explanation of why the Grievant
129 believes the Step II decision is unsatisfactory or unacceptable; and (e) a proposed
130 resolution. The Grievant shall simultaneously provide copies of these materials to the
131 Step I and II responders and to the Respondent(s).
- 132 c. Within five (5) business days of the request for review, the Faculty Senate Grievance
133 Committee shall notify the Respondent(s) in writing that the request has been filed by
134 the faculty member.
- 135 d. Within twenty (20) business days of the request for review, the Faculty Senate
136 Grievance Committee chair shall notify the Grievant and the Respondent(s) in writing
137 whether the committee believes a hearing is warranted and if so, the notice should
138 include the date, time, and location of the hearing. The parties must be given at least
139 twenty (20) business days written notice of the hearing date. The hearing date may be
140 rescheduled by the parties only upon a showing of good cause as determined by the
141 Faculty Senate Grievance Committee. If the Faculty Senate Grievance Committee
142 decides that a hearing is not warranted, the matter is closed.
- 143 e. The Faculty Senate Grievance Committee chair shall also instruct the parties to
144 identify the witness, if any, that they may wish to present and the general subject
145 matter of each witness's anticipated testimony. This information should be provided
146 to the Faculty Senate Grievance Committee chair and to the other party or parties no
147 later than ten (10) business days before the hearing date. The Faculty Senate
148 Grievance Committee chair has the authority to limit the number of witnesses if it is
149 determined that the proposed witnesses will present repetitive, unnecessarily
150 cumulative, or irrelevant evidence. The parties shall be responsible for ensuring that
151 their witnesses are present for the hearing.
- 152 f. The hearing is not a formal legal proceeding and formal rules of evidence shall not
153 apply. The Faculty Senate Grievance Committee shall, however, have the authority to
154 reject or curtail evidence that is repetitive, that unnecessarily protracts the
155 proceedings, and/or has no relevance to the grievance. The proceedings will be
156 recorded by a professional transcriptionist and transcribed.
- 157 g. The hearing will be a closed proceeding, with only the committee members, the
158 parties, and the witnesses (who will be present only during their testimony) present.
159 The Grievant and the Respondent(s) may, however, each be accompanied by an
160 observer. The observer may consult with and assist the Grievant but may not conduct
161 any portion of the hearing. The observer may not be acting in the capacity of an
162 attorney; no party may be represented by an attorney at the hearing.
163 The Faculty Senate Grievance Committee shall make a written recommendation to
164 the provost for review within ten (10) business days of the conclusion of the hearing
165 and receipt of the transcribed proceedings. The Faculty Senate Grievance

166 Committee's recommendation will be forwarded by the Committee simultaneously to
167 the provost, the Grievant, and the Respondent. The provost will be provided with the
168 materials regarding the grievance.

169 *STEP IV: Review of the Faculty Senate Grievance Committee Recommendation by the Provost*

170 The provost will conduct whatever review they deem necessary and will provide a written
171 response within ten (10) business days of receiving the recommendation from the Faculty
172 Senate Grievance Committee. This written response will be sent simultaneously to the
173 Grievant, Respondent(s), the appropriate department chair and dean, the Faculty Senate
174 Grievance Committee, and the president. The provost's decision is final. If the grievance is
175 against the provost, then the process is conducted by the president or the president's
176 designee. Documentation materials will also be sent to the Faculty Senate Chair.
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178 *Report to the Faculty Senate*

179 Following resolution of the grievance, the Faculty Senate Executive Committee may
180 report issues to the Faculty Senate when it believes a grievance has raised an issue of broader
181 relevance to the faculty. The report shall not include names or identifying information and
182 may be reserved for a semester-end or year-end summary of the state of all grievances
183 brought against the University in the previous semester or year.
184

185 *General Provisions*

- 186 1. The Grievance Process is not intended to replace or diminish the role of department
187 chairs, deans, and other academic administrators to supervise faculty activities, make
188 personnel decisions, or evaluate faculty performance. The administrative decision in
189 dispute shall be upheld unless a preponderance of the evidence gathered during the
190 grievance process supports a finding that there has been a violation of policy,
191 procedure, or established practice. The decisionmaker must decide whether, in a
192 given instance, the University's policies and procedures (1) were followed in reaching
193 the challenged decision; (2) were applied uniformly and consistently; and (3) that in
194 applying them, adequate consideration was given to all available and relevant
195 information.
- 196 2. In any situation where a Respondent would normally be involved in the resolution
197 process, the Respondent will not play a role in the process other than that of
198 respondent, and the administrator's supervisor, or another administrator as
199 determined appropriate, will play the appropriate role in the resolution process.
200 Faculty members in Kent Library will file grievances with their dean. If a grievance
201 is filed against the dean, the provost will determine an appropriate administrator to
202 facilitate the grievance process.
- 203 3. Failure to Meet Timelines
 - 204 1. A faculty member's failure to submit a grievance or appeal within the time frames
205 set forth in the grievance procedure will end the faculty member's ability to
206 pursue the matter and the grievance shall be deemed resolved based on the
207 University's last action report.

- 208 2. For purposes of the time frames set forth herein, “business day” will be defined
209 for timeliness purposes as any weekday, Monday through Friday, when regular
210 Fall, Spring, or Summer semester classes are in session and campus offices are
211 open. University break times will not be counted.
- 212 3. In the event the appropriate administrator or committee fails to make a timely
213 response as herein stipulated, the faculty member may proceed to the next step in
214 the grievance process.
- 215
- 216 4. Extensions of Timelines
- 217 1. For good cause shown, including, but not limited to, sick leaves, funeral leaves,
218 University-related business travel, unavoidable absences from campus or other
219 unavailability of participants, the appropriate administrator or committee chair
220 may grant a request for extension by any party. Any extensions granted should be
221 as brief as possible and practicable under the circumstances.
- 222 2. At any level, if the appropriate administrator or committee chair deems the
223 complexity of the grievance such that the response deadline is unrealistic, up to an
224 additional ten (10) calendar days may be added to the response deadline by the
225 administrator or committee chair, who shall be responsible for providing notice
226 and justification of the extension to the parties within the originally designated
227 time frame.
- 228 3. Notice of any change in timelines or scheduling must be provided in writing to all
229 participants by the appropriate administrator or committee chair. For purposes of
230 the Step III hearing, the respective parties are responsible for notifying their
231 proposed witnesses.
- 232 5. Joint Proceedings
- 233 If more than one faculty member grieves the same action, the faculty members
234 may, by mutual agreement between themselves and the provost, pursue their
235 grievances jointly under these procedures. The group may, by mutual agreement,
236 elect one or more of their number to act on behalf of the group throughout the
237 grievance procedure. In such circumstances, the Faculty Senate Grievance Committee
238 reviewing the grievance will conduct a joint hearing, which all members of the group
239 may attend.
- 240 6. Confidentiality
- 241 The grievance procedures shall be conducted with the highest level of sensitivity
242 to the privacy of all concerned. Members of the Faculty Senate Grievance Committee,
243 the Faculty Senate Chair, the provost, the Grievant(s), respondents, colleagues,
244 witnesses, and all other concerned are expected to treat as highly confidential the oral
245 and documentary evidence presented and the deliberations occurring at all stages of
246 the processing of the grievance, except as necessary for the preparation of a grievance
247 or grievance response, or consistent with the notice requirements set forth herein,
248 and/or as otherwise may be required by law. Similarly, except as otherwise provided
249 herein or as authorized by the provost or the chair of the Faculty Senate, or as may be

250 required by law, the decisions and responses at each level shall be treated as
251 confidential by all participants and by all members of the University community.

252 7. Reprisal or Retaliation

253 No faculty members shall be subjected to disciplinary action or retaliation because
254 they have initiated or participated in good faith in the processing of a grievance.

255 8. Storage of Materials Related to the Grievance

256 Supporting documents, files, transcription, or any other media shall be stored in a
257 locked electronic or paper file cabinet in the Office of Human Resources for a period
258 of seven (7) years, after which time they will be destroyed.

259 *Faculty Senate bill 07-A-04, Approved by the Board of Regents 12/14/07*

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Action	Date
Introduced to Senate	2/28/2024
Second Senate Meeting	3/20/2024
Faculty Senate Vote	3/20/2024
President's Review	4/9/2024
Posted to Faculty Handbook	