

COLLEGE OF EDUCATION AND HUMAN DEVELOPMENT

FACULTY GRIEVANCE PROCEDURES

ADOPTED FACULTY AFFAIRS COMMITTEE MARCH 6, 1996

AMENDED FEBRUARY 9, 1998

AMENDED DECEMBER 10, 2010

AMENDED January 16, 2014

AMENDED May 7, 2015

1 A. Applicability.

2 This procedure shall apply to complaints relating to, allegations of arbitrary or capricious
3 decisions affecting the faculty member's employment or professional reputation; and
4 allegations by a faculty member or group of faculty members that the faculty member's
5 contract has been violated, EXCEPT that this procedure shall NOT apply to matters
6 covering under Article XI, Section 24, "Institutional Regulations for Removal of Faculty
7 Members" or to matters related to administrative appointments or responsibilities.
8 Allegations of discrimination including those on the basis of race, creed, color, national or
9 ethnic origin, religion, age, sex, sexual orientation, or handicap in any educational or
10 employment program, policy, procedure, or practice of Georgia State University should be
11 directed to Opportunity Development and Diversity Education Planning Office (ODEP).
12

13 B. Definitions.

- 14 1. A complaint is an allegation of a misinterpretation, incorrect application, or
15 violation of a policy, practice, or procedure not pursued by the faculty member in a
16 forum outside the University. The use of this grievance procedure is not available if
17 a formal complaint is filed with a governmental agency or a court action has been
18 initiated based upon substantially similar facts, in which case any investigation
19 then in progress by the University will be terminated relative to the grievance
20 process.
- 21 2. A complainant is a faculty member who seeks resolution of a complaint through the
22 informal or formal procedures as outlined herein.
- 23 3. A respondent is a person against whom a complaint is filed.
- 24 4. The Hearing Panel is formed according to the procedures described in this policy. It
25 is charged with hearing complaints, and making recommendations regarding the
26 complaints.
- 27 5. For purposes of counting, a day is any business day except in cases where the
28 policy explicitly states calendar days. If a deadline falls on a weekend or scheduled
29 University holiday, then deadline will be the next scheduled workday of the
30 University.
- 31 6. A formal hearing as outlined in section 'E' only occurs during the academic year
32 (Fall and Spring terms). If a complaint is initiated during the summer term, or
33 during the spring term with insufficient time for the formal hearing to occur, the
34 hearing procedure will be followed during the fall.

35
36 C. Informal Procedures.

- 37 1. Before a faculty member brings a formal complaint, the faculty member must first
38 attempt to resolve the matter informally by discussion with the respondent or
39 inform the respondent with an informal written complaint. This informal
40 discussion shall be initiated by the complainant within ninety (90) calendar days of
41 the knowledge of the consequence of event(s) upon which the complaint is based.
- 42 2. If the matter is unresolved by informal discussions, and the complainant wishes to
43 pursue the matter, the complainant must, within one hundred ten (110) calendar
44 days of knowledge of the consequence of event(s), either to request mediation or
45 submit a formal complaint by notifying the dean's office.

- 46 3. During the mediation process, the time within which to present a written complaint
47 is suspended (see 'D').
48

49 D. Optional Mediation Procedures

- 50 1. Mediation is an option within the grievance procedure of the College of Education
51 and Human Development. If the complaint is not resolved by informal procedures,
52 then the parties in the complaint may agree to mediation following the informal
53 procedures and preceding the complainant's request for a hearing.
54 2. The Provost and Vice President for Academic Affairs (with the approval of the
55 chair of the College of Education and Human Development Faculty Affairs
56 Committee) shall provide a list of mediators.
57 3. The information listed below shall pertain to the College of Education and Human
58 Development mediation procedure:
59 a. The mediation procedure is a part of the college's grievance procedure.
60 b. The mediation procedure shall be used only upon mutual agreement of the
61 complainant and respondent
62 c. Complainant and respondent must select and agree upon a mediator or
63 mediators from the list of mediators as described above ('D.2').
64 d. The mediation procedure may be terminated by the complainant, respondent, or
65 mediator at any time.
66 e. Each participant in the mediation procedure shall be encouraged to participate
67 in good faith in an effort to resolve the dispute.
68 f. It is expected that this process shall proceed in a timely fashion. Time limits are
69 established by the mediator. These limits shall be observed by the complainant
70 and respondent. Immediately upon conclusion of mediation, the mediator shall
71 notify in writing the respondent and complainant that mediation has been
72 concluded and explain the terms of the mediation agreement. While the results
73 of the mediation shall be recorded, no other University records shall be created
74 or maintained of the mediation process.
75 g. Concessions and offers made during mediation shall not later be used by either
76 the complainant or respondent if the dispute continues beyond mediation. A
77 complaint based on failure to comply with an agreement reached in mediation
78 may be the basis of a subsequent complaint.
79

80 E. Formal Procedures

81 1. Initiating a Hearing.

- 82 a. Any request for a formal hearing must be filed within one hundred ten (110)
83 calendar days of knowledge of the consequence of event(s) except when mediation
84 was pursued (see item 'D' above). If the complainant and respondent have
85 participated in mediation, the request for a formal hearing shall be made by the end
86 of the tenth (10th) calendar day following the date of notification to the respondent
87 and complainant by the mediator that mediation has concluded. The request for a
88 hearing shall be written and shall be addressed to the dean or designee and to the
89 respondent. The complainant must initiate this formal hearing regardless of the term
90 (summer, fall or spring). The dean shall acknowledge in writing receipt of the
91 complaint.

- 92 b. Initiating a formal hearing can only occur during the academic year. If the deadline
93 for initiating the hearing falls during the summer term, then the deadline will be the
94 first day of fall term.
- 95 c. The dean or designee shall notify the chair of the College Faculty Affairs Committee
96 of the Request within five (5) business days of the receipt of the complaint. The
97 notification should include only names of complainant and respondent. The Chair
98 of the Faculty Affairs Committee will initiate the procedures for forming a Hearing
99 Panel outlined in 'E.2'.
- 100 d. Within 10 business days of the receipt of the complaint, the complainant shall set
101 forth in detail the nature of the complaint and the redress sought along with any
102 supporting documents. These materials shall be sent to the dean or designee and a
103 copy shall be sent to the respondent.
- 104 e. The respondent shall submit a written response to the complaint, along with any
105 supporting documents, to the dean or designee, and the complainant within ten (10)
106 business days of receipt of the complainant's materials. The dean shall immediately
107 notify the chair of the College Faculty Affairs Committee of the receipt of these
108 documents.
- 109 f. The chair of the Faculty Affairs Committee will convene the first meeting of the
110 Hearing panel so that the panel members can elect a chair and begin the grievance
111 process within 10 days of the receipt of the written response to the complaint.
- 112 2. Formation of Hearing Panel.
- 113 a. Panel membership. Each Hearing Panel for faculty grievances will consist of five (5)
114 full-time tenured faculty members except in the case of a grievance by a clinical faculty
115 member, in which case the five-member panel will include three full-time clinical
116 faculty members who have held their appointments for at least three years. A total of
117 eight (5 primary and 3 alternate) faculty members will be selected randomly by the use
118 of a computer program under the direction of the College of Education and Human
119 Development director of human resources. The selection process will exclude the
120 department or departments of the faculty members who are the complainant and
121 respondents in the grievance process, as well as administrators (e.g., chairs, associate
122 deans, dean).
- 123 b. Those faculty members selected will be notified by e-mail.
- 124 c. A selected faculty member can ask to be excused because of a scheduling conflict or a
125 conflict of interest within five days of notification of selection. Such request must be
126 approved by the chair of the Faculty Affairs Committee. Replacements for these
127 faculty members will be made by the CEHD director of human resources through the
128 same process described above.
- 129 d. The complainant and respondent shall each be allowed to disqualify without cause one
130 of the primary members of the Hearing Panel.
- 131 e. In the event a primary member cannot serve on the panel, an alternate will serve.
- 132 f. The complainant and respondent shall be allowed to request the disqualification, for
133 cause, of any member of the Hearing Panel. The chair of the College Faculty Affairs
134 Committee shall determine whether a statement of cause is valid grounds for removal
135 of a member from serving on the Hearing Panel.
- 136 g. If the complainant or respondent request the removal of the College Faculty Affairs
137 Committee chair for cause, a designated member of the Faculty Affairs Committee

138 shall determine whether the statement of cause is valid grounds for removal. If the chair
139 is removed for cause, the designated FAC member shall serve the role of chair of FAC
140 for the purposes of the grievance process.

- 141 h. In the event of disqualification of Hearing Panel members such that fewer than five (5)
142 members remain for hearing a complaint, substitute members will be selected
143 according to the guidelines in If a hearing committee cannot be constituted according to
144 these guidelines, the matter is referred to the University Hearing Committee.
145 i. The Hearing Panel chair will be elected by the Hearing Panel.
146 j. Until the hearing procedure in the college is complete, the group responsible for
147 considering all matters related to the complaint shall be the Hearing Panel as
148 constituted by these procedures.

149 3. Hearing procedures shall be conducted according to the following:

- 150 a. At the initial meeting:
151 i. FAC Chair will review the grievance procedures outlined in this document with
152 the Hearing Panel.
153 ii. A hearing panel chair will be elected.
154 b. Because each appeal is unique, the conditions under which a given hearing will be
155 conducted (rules, order, agenda, etc.) will be determined by the Hearing Panel after
156 consultation with the complainant and respondent and with University Counsel.
157 c. The hearing shall be considered closed unless all participants agree to the contrary.
158 d. The Hearing Panel will notify the complainant and respondent in writing of the rules
159 under which the hearing will be conducted at least ten (10) business days in advance of
160 the hearing.
161 e. A hearing will be scheduled to begin within fifteen (15) business days of the
162 notification of the rules of the hearing.
163 f. The complainant has the right to be in attendance throughout the presentation by the
164 respondent, and the respondent has the right to be in attendance through the
165 presentation by the complainant; the complainant and respondent have the right to be
166 accompanied by counsel, have the right to call witnesses, and to question witnesses.
167 Witnesses have the right to be accompanied by counsel. Counsels for the complainant
168 and respondent and counsel for witnesses shall not have the right to address the
169 Hearing Panel nor the witnesses unless requested to do so by the Hearing Panel. The
170 Hearing Panel may have counsel throughout the proceedings.
171 g. An audio recording of the hearing will be kept at college expense. The complainant and
172 respondent may receive one copy each upon request.
173

174 F. Procedures Following the Hearing

- 175 1. Decision of the Dean.
176 a. Within ten (10) business days of the close of the hearing, the Hearing Panel will
177 transmit in writing, confidentially, its findings, arguments (if any), and
178 recommendations to the dean, complainant, and respondent by personal delivery
179 or registered mail. Committee recommendations are not binding to the dean. The
180 report shall be signed by all members of the Hearing Panel. In the report,
181 dissenting opinions to the majority shall be signed by the appropriate Hearing
182 Panel members.

- 183 b. Within ten (10) business days of receipt of the final report, the dean will transmit
184 in writing to the Hearing Panel, to the complainant and to the respondent the
185 dean's decision in reference to the formal record and the actions, if any, which will
186 be taken.
- 187 c. The Hearing Panel has, at this point, fully discharged its obligations and shall have
188 no further role. Because the case may yet be appealed, Hearing Panel members
189 shall not comment on the hearing proceedings.
- 190 d. If the complaint is against the dean of a college, then the College Hearing
191 Committee report will be forwarded to the Provost and Vice President for
192 Academic Affairs.
- 193 2. Appeal to the Provost and the Vice President for Academic Affairs.
- 194 a. The complainant may appeal the dean's decision to the Provost and Vice President
195 for Academic Affairs. The appeal must be submitted in writing within ten (10)
196 days of receipt of the dean's decision. No new or additional charges may be added
197 to the complaint.
- 198 b. The appeal to the Provost and Vice President for Academic Affairs shall state the
199 complaint, the redress sought, and any supporting documentation. The Provost
200 and Vice President for Academic Affairs shall consider the appeal based upon the
201 formal record. The Provost and Vice President for Academic Affairs shall render a
202 decision within thirty (30) business days of receipt of the appeal request.
- 203 3. Appeal to the President.
- 204 a. The complainant may appeal the decision of the Provost and Vice President for
205 Academic Affairs to the President of the University. To do so, the complainant
206 must submit an appeal, along with reasons for doing so and redress desired, in
207 writing, to the President within ten (10) business days of receipt of the decision of
208 the Provost and Vice President for Academic Affairs.
- 209 b. The President shall consider the appeal based upon the formal record. The
210 President shall render a decision within thirty (30) business days of receipt of the
211 appeal request.
- 212 4. Appeal to the Board of Regents.
- 213 a. Further appeal of the President's decision shall be in accordance with University
214 System Policies.
- 215
- 216 G. Miscellaneous General provisions.
- 217 1. Withdrawing Complaints: A complainant may withdraw, in writing, the complaint
218 prior to the distribution of materials (as outlined in 'E.1.d.')
- 219 to the chair of the College Faculty Affairs Committee. Upon the agreement of the respondent, the complainant
220 may withdraw the complaint at any subsequent time.
- 221 2. Waiving the Hearing: Upon agreement of the respondent, a complainant may waive the
222 hearing, requesting that the Hearing panel's report and recommendations be reached
223 only on the basis of the formal complaint, the written response and any documentary
224 evidence submitted by both parties and available to both parties for examination and
225 rebuttal. Having waived a hearing, the complainant is not entitled to rescind the waiver.
- 226 3. Point of Decision: These procedures presume that the Hearing Panel will make
227 recommendations to the dean of the college. In the event that the primary respondent is
228 the dean of the college, the Hearing Panel recommendations will be made to the

- 229 Provost and Vice President for Academic Affairs. Any appeals of the decision of the
230 Provost and Vice President for Academic Affairs will be made to the President.
- 231 4. Legal Sufficiency: Any agreements reached by the parties shall be reviewed by the
232 university legal counsel for legal sufficiency and compliance with University System
233 and university policy and procedure.
- 234 5. Burden of Proof: The complainant has the burden of proving allegations raised in the
235 complaint.
- 236 6. Non-retaliation: Any individual exercising her or his rights under this grievance
237 procedure will be treated fairly and the complaint will be given unbiased consideration.
238 Neither individuals using this procedure, nor individuals providing information so that
239 the facts can be determined, will be penalized or harassed for their participation in the
240 grievances process.
- 241 7. Time Limits: The University strives to resolve all complaints by the deadlines
242 established in this Policy; however, each situation is unique and circumstances may
243 prevent the meeting of a deadline. If it is not possible for a deadline to be met, the
244 University will minimize the delay and proceed through the process outline in this
245 Policy as close to the deadlines as possible.
- 246 8. Confidentiality of Proceedings: The University shall take all reasonable steps to insure
247 the confidentiality of all proceedings, hearings, and records, subject to the Georgia
248 Open Records law.
- 249 9. Retention of Hearing Materials: Following a hearing and any appeals which may be
250 filed thereafter the college will retain written documents presented by the complainant,
251 the respondent, or any parties to the appeals, along with the audio tapes of the
252 proceedings of the hearing for four years.