

Summary of Grievance and Disciplinary Procedures

This document is meant to give a brief overview and does not replace the appropriate policies and procedures. In case of conflict between this summary and the formal policies and procedures, the formal policies and procedures will govern.

JURISDICTION OF THE PRIVILEGE AND TENURE COMMITTEE The Senate Committee on Privilege and Tenure makes recommendations to the Administration in disciplinary and grievance matters involving Senate members (see Academic Senate Bylaw [334](#), [335](#), [336](#), and [337](#)). P&T inquires into grievances brought to it directly by Senate members (and in some circumstances by non-Senate members) regarding administrative, procedural, actions affecting them. The P&T Committee also handles early termination cases, where a Senate or non-Senate member challenges whether there is good cause for his or her early termination (See Senate Bylaws [335-337](#)). In the case of Senate members' alleged violations of the Faculty Code of Conduct (see [APM 015](#)) the Committee may conduct formal hearings after the Charges Committee has made a "probable cause" finding, and the Campus Provost/Executive Vice Chancellor has determined to initiate disciplinary proceedings before P&T.

The most typical matters before P&T are grievances and disciplinary complaints (commonly referred to as "Charges"). This summary focuses on these two types of proceedings. Should a Senate faculty member be in doubt as to whether a matter falls under disciplinary (charges) or grievance proceedings, the Chair of P&T will be able to direct that person to the appropriate committee.

The grievance procedure for non-Senate academic appointees is set forth in [Section 140](#) of the Academic Personnel Manual. AFT Unit 18 members should contact the Employee and Labor Relations Office or their union representative for further information about applicable grievance procedures.

Below are issues to consider in determining whether the conduct or circumstance at issue should be initiated as a disciplinary complaint (**charge**) that goes first to the EVC and the Charges Committee, or a **grievance** filed directly with the Committee on Privilege and Tenure.

Is it a Disciplinary Complaint (Charge) or a Grievance?

Disciplinary Complaint (Charge): The Faculty Code of Conduct ([APM 015](#)) outlines the Ethical Principles and standards of professional conduct that guide faculty behavior in regard to teaching and students, scholarship, the university, colleagues, and the community. Some examples of violations of the Faculty Code of Conduct include violation of the canons of intellectual honesty, significant failure to meet classes, and harassment of students and colleagues. Alleged violations of the Faculty Code of Conduct should be initiated by the filing of a complaint with the Campus Provost/EVC under procedures outlined in [CAPP 002.015](#). A disciplinary complaint (charge) alleges faculty misconduct and may result in a disciplinary action ([link](#)).

Grievance: Any member of the Academic Senate may grieve to the Privilege and Tenure Committee that his or her rights or privileges as a faculty member have been violated. Grievances generally involve the alleged violation of a Senate members' right to fair procedures and due process or the alleged violation of a University policy that deprives the Senate member of a right or privilege (see Senate Bylaw [335](#)). In cases of personnel review involving tenure, promotion, or reappointment, grievances may be based only on allegations that a procedure was not consonant with applicable rules or that a decision was based on impermissible criteria (see Senate Bylaw [335](#)). The Committee on Privilege and Tenure cannot re-evaluate academic qualifications or professional competence. Examples of grievances include improper denial of faculty right voting rights on personnel cases, specific solicitation of negative review letters, and denial of a faculty benefit. This process seeks a remedy for the violation of faculty rights.

Grievance Procedures

Senate Bylaw [335](#) discusses in detail the procedure P&T uses in considering a grievance. In general, a grievance must be filed within three years of the time that the faculty member knew of or should have known of the violation of rights and privileges and the resulting injury to the grievant. Before filing a grievance, consider seeking informal resolution and exhaust all appropriate administrative avenues of redress. Senate members are encouraged to discuss their concerns with a [P&T advisor](#) for help in formulating the grievance. If the Senate member decides to file a grievance with P&T, he or she should send a letter to the Committee outlining the main points at issue, and take care to give specific answers to the following questions:

1. What is the right or privilege that has been violated?
2. What inappropriate procedures were employed?
3. Who is involved?
4. What consequences were suffered?
5. What remedies or sanctions are sought?
6. Include your name, title, and department.

Please note that punishment or censure of another faculty member cannot be considered among the acceptable remedies for a grievance. Such penalties are only available in a disciplinary proceeding after the Charges Committee has made a "probable cause" determination, the Administration has determined to initiate a disciplinary complaint with P&T, and P&T has conducted a formal hearing under Senate Bylaw [336](#).

In general, once a grievance has been filed with P&T, the committee will first determine, based upon the written grievance only, whether the Senate member has stated a *prima facie* case. A *prima facie* case is established if P&T concludes that the allegations, if true, would constitute a violation of a faculty member's rights and privileges. If a *prima facie* case has been established, the committee will try to negotiate an informal resolution to the grievance.

For each grievance case that is not resolved through a negotiated resolution or mediation, the Privilege and Tenure Committee shall appoint a Hearing Committee to conduct a formal hearing.

Disciplinary (Charges) Procedures: Violation of Faculty Code of Conduct

Anyone may submit a signed, written complaint alleging a violation of the Faculty Code of Conduct to Campus Provost/Executive Vice Chancellor (see [CAPP 002.015](#)).

Before submitting a complaint to the Campus Provost/EVC, consider informal means of resolving the behavior, such as discussions with the faculty member or department chair, and make sure to exhaust available administrative remedies. In filing a complaint, take care to address the following issues in your complaint:

1. Submit a Formal Charge Form (Appendix A—Procedures for Implementation of University Policy on Faculty Conduct and Administration of Discipline.)
2. Specify which section(s) of the Faculty Code of Conduct is alleged to have been violated.
3. Provide all documents referenced in the complaint. No unsolicited documents may be included after the submission of the complaint.
4. Make sure that the case is clearly and cogently articulated. The Charges committee may reject any submissions that do not coherently articulate the case being presented.

The Campus Provost/Executive Vice Chancellor forwards complaints of violation of the Faculty Code of Conduct to the Committee on Charges, an administrative committee drawn from a list of Senate members submitted to the Campus Provost/EVC by the Senate Committee on Committees. The Committee on Charges first determines whether the allegations in the complaint, if true, would constitute a violations of the Faculty Code of Conduct.

If so, the Charges Committee investigates and determines whether there is sufficient evidence to warrant the initiation of a disciplinary action by the Campus Provost/EVC. A disciplinary action may not be commenced unless there is a finding of probable cause. The probable cause standard means that the facts in the complaint, if true, justify the imposition of a discipline for violation of the Faculty Code of Conduct and that there is credible evidence to support the charge. If the Charges Committee finds probable cause, it recommends appropriate disciplinary action to the Campus Provost/EVC.

When formal charges are brought against a faculty member, the Chair of the Committee on Privilege and Tenure shall deliver or send a full statement of the charges, the facts underlying the case, and the proposed discipline to the accused faculty member. The accused faculty member will have 21 calendar days to respond.

If the Campus Provost/EVC determines to initiate a disciplinary action against the accused Senate member, the member has the right to a formal hearing conducted by the P&T committee, under procedures outlined in Senate Bylaw [336](#). No disciplinary action may be commenced if more than three years have passed between the time the Campus Provost/EVC knew or should have know about the alleged violation of the Code of conduct and the delivery of the notice of proposed disciplinary action to P&T.