Bylaws Committee Substitute Motion 3 for 19 March 2002 Library Faculty Meeting

To clarify several issues that arose in the discussion of the Bylaws Committee third motion at the February faculty meeting, the Bylaws Committee has prepared a revision of its initial motion on the proposed Grievances Committee. The following text incorporates the one amendment that was passed to the original motion, but otherwise, the Committee will withdraw its initial version of the third motion and replace it with the following. (Note: motions one and two, relating to other matters in the bylaws were approved by the February faculty meeting and will appear, as the meeting amended them, on a ballot for final voting.)

3. Be it moved that bylaws language revising Grievance procedures and establishing a Grievance Committee be adopted as follows:

3.1 In Article VII Section 1 A add a paragraph 7 to serve as cross reference reflecting the existence of a Grievance Committee, as follows:
7) Grievances and Appeals Committee (See Article IX)

3.2 Moved that deletions and additions to Article III, Section 1 be adopted as marked below:

ARTICLE IX. GRIEVANCES AND APPEALS

Section 1: TIME SCHEDULE FOR APPEAL PROCEDURE
A minimum of ten working days at each stage is normal before appeal to the next level, unless it is mutually agreed in writing to specify an alternate time schedule for the appeal process.

Section 2: APPEAL PROCEDURE FOR ADMINISTRATIVE PROBLEMS
These are the normal stages for appeals for administrative problems:
A. Unit Head
B. Divisional Coordinator
C. Deputy University Librarian
D. University Librarian

Section 3: APPEAL PROCEDURE FOR PROMOTION AND TENURE GRIEVANCES
These are the normal stages for appeals for promotion and tenure grievances:
A. Library Executive Committee
B. Promotion and Tenure Advisory Committee
C. Ad Hoc Appeals Committee
This committee will be constituted as follows: the Executive Committee shall appoint a committee for each individual appeal, after consultation with the appellant. Each Ad Hoc Appeals Committee shall consist of at least three tenured faculty members of rank equal to or above that being requested by the appellant. No member of an Ad Hoc Appeals Committee shall have been involved in prior review of the case being appealed:
D. University Librarian
E. Campus Faculty Advisory Committee or the Senate Committee on Academic Freedom and Tenure:

Section 4: APPEAL PROCEDURE FOR SALARY GRIEVANCES
These are the normal stages for appeals for salary grievances:
A. Library Executive Committee
B. University Librarian
C. Campus Faculty Advisory Committee

Section 5: APPEAL PROCEDURE FOR NONREAPPOINTMENT OF TENURE-TRACK FACULTY PRIOR TO 6Y
These are the normal stages for appeals for nonreappointment of tenure-track faculty prior to 6Y:
A. Library Executive Committee
B. Ad Hoc Appeals Committee
This committee will be constituted as follows: the Executive Committee shall appoint a committee of at least three tenured faculty members for each individual appeal, one of whom shall be a
ARTICLE IX. GRIEVANCES AND APPEALS COMMITTEE

Purpose: To insure the right of a faculty member to initiate a formal grievance concerning actions or policies of the unit or the actions of another individual(s).

1. Membership. The Library Faculty Appeals and Grievance Committee shall be a Standing Committee elected by the Faculty consisting of five members of the faculty of the rank of Associate Professor and above. No individual who has an appointment as University Librarian or Associate University Librarian may serve on the Committee.

2. Functions and Responsibilities:

The Committee shall:

a) Address complaints concerning actions and policies of the Library, its officers, committees, or faculty.

b) Consider appeals of personnel decisions in the following areas: salary, reappointment, and promotion and tenure.

c) Consider appeals relating to administrative decisions.

d) Report its findings in written form to the grievant and to the respondents.

e) Advise the University Librarian of its recommendations.

3. Nomination and Election. The Committee shall consist of five members elected by the Faculty for two-year staggered terms. Elections will be conducted by the NEVP each Spring. The Committee will convene in late August each year to elect a chair.

Cases in which the grievant(s) or respondent is a member of the Committee will be reviewed by the remaining four members plus an additional faculty member of the rank of Associate Professor or above, selected by the remaining members on the committee.

4. Procedure

   a) Individuals are encouraged to pursue avenues of informal resolution of problems before the filing of a formal grievance.

   b) All grievances must be submitted in writing by the individual holding the grievance within 30 days from the date of grievant receiving notification of the adverse decision giving rise to the grievance. The statement of the grievances must include the facts relating to the matter, including any attempts at informal resolution, and the resolution sought by the grievant.

   c) Grievances may be received by any member of the Committee.

   d) The grievant has the right to be accompanied by an advisor of his/her choice at any and all stages of the grievance process.

   e) The Committee will inform, in writing, the individual(s) against whom the grievance is made of the matter under dispute, including the identity of the grievant.

   f) In the event more than one member of the Committee is a grievant or respondent on the

1Grievances related to discrimination by reason of race, sex, national origin, religion, age, handicap, or status as a disabled veteran or veteran of the Vietnam era should be made to the University's Affirmative Action Office.
same issue, the University Librarian, in consultation with the Executive Committee, may appoint an ad hoc committee of three of the rank of Associate Professor or above to make a recommendation on an appeal process. Committee members determined to have a conflict of interest must recuse themselves from the proceedings.

g) All committee deliberations shall be kept in the strictest confidence.

h) The process will be considered completed:
   (1) By informal settlement between grievant(s) and respondent(s) communicated in writing to the Committee.
   (2) At any point in the process the grievant drops the grievance by a written statement to the Committee.
   (3) When the grievant agrees to a settlement recommended by the Committee prior to the completion of these procedures.
   (4) When the procedures outlined in these By-Laws have been accomplished and the Committee has reported to the University Librarian.
   (5) When appeal is made to the Campus Faculty Advisory Committee or the Senate Committee on Academic Freedom and Tenure.
   (6) If legal action has been commenced.