

 جامعة الإمارات العربية المتحدة United Arab Emirates University 	Academic Personnel Policies Manual	Policy Number	AP-11
		Effective Date	02-Mar-2014
	<u>Subject</u> Faculty Grievance	Most Recent Review Date	01-Dec-2013
	<i>Responsible Office:</i> DVC for Academic Affairs	Due Date for Next Review	01-Sep-2016
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11. Faculty Grievance

Overview

Describes the principles and process of resolution of instances where a faculty member is dissatisfied with the application (or non-application) of University rules, policies, or procedures.

Scope

Applies to all faculty members and instructors in the University.

Objective

The UAEU requires that a faculty member should have resort to prompt resolution of a personal/professional grievance and that resolution should be accomplished under orderly procedures.

Policy

1. A faculty member will have resort to prompt resolution of a personal/professional grievance and that resolution will be accomplished under orderly procedures. The grievance process shall be used as due process by a faculty member who believes that: 1) a rule, procedure, or policy has not been followed; 2) a rule, procedure or policy has been applied in an inequitable manner, or 3) there has been unfair or improper treatment by a person or persons.
2. Grievance of decisions involving promotion or discipline may be filed according to their specific related Procedures.
3. When an incident forming the basis for a grievance arises, the grievant must follow the procedures associated with this policy. Each grievance shall be handled promptly and impartially, without fear of coercion, discrimination, or reprisal. Each participant in a grievance procedure shall do his/her part to protect this right.
4. Records shall be kept of each grievance process. These records shall be confidential to the extent allowed by legal requirements, and shall include, at a minimum: the written grievance filed by the grievant, the written response filed by the respondent, the recording of and documents considered at the hearing, the written recommendation of the Grievance Panel, the results of any appeal, the decision of the final authority, and any other related materials. These records shall be maintained for three years following the final decision.

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Procedures of Policy No. (11) - Faculty Grievance

1. Definitions

- a) **Grievance:** An expression of dissatisfaction when a faculty member believes that a rule, procedure, or policy has been applied in an unfair or inequitable manner or that there has been unfair or improper treatment by a person or persons.
- b) **Grievant:** Any faculty member or instructor submitting a grievance as defined above.
- c) **Respondent(s):** A person or persons alleged to be responsible for the violation(s) alleged in a grievance. The term may be used to designate persons with direct responsibility for a particular action, or those persons with supervisory responsibility for procedures and policies at issue in the grievance.

2. Presentation of an Informal Grievance

- a) The grievant must submit a written statement to the Department Chair identifying the respondent(s), specifying the violation(s) alleged, the basis for the grievance, and the remedy sought. This written statement must be submitted within seven (7) working days following the incident that gave rise to the grievance. If the grievance is against the Department Chair or Assistant/Vice Dean, a written statement must be submitted to the Dean. If the grievance is against the Dean, a written statement must be submitted to the Provost.
- b) Within ten (10) working days of receipt of the written statement, the Department Chair will attempt to resolve the grievance by way of discussion with the grievant. Following discussion with the grievant, the Department Chair may, at his/her discretion, discuss the grievance with the respondent(s) in an effort to resolve the grievance. If the grievance is against the Department Chair, or Assistant/Vice Dean, the Dean or his/her designate will attempt resolution of the grievance. If the grievance is against the Dean, the Provost or his/her designate will attempt resolution of the grievance.
- c) If the grievance is satisfactorily resolved by discussion, the terms of the resolution shall be written and signed by the grievant, the Department Chair (or Dean or Provost), and the respondent(s) if the respondent(s) participated in any discussions in an effort to resolve the grievance. A copy of this document shall be maintained by the faculty member's Dean's Office.
- d) This initial attempt of resolution must conclude within ten (10) working days of the initial discussion with the grievant. At the end of this ten-day period, if the grievance cannot be resolved, the grievant can immediately proceed to the next step, which is presentation of a formal grievance.

3. Presentation of a Formal Grievance

- a) Formal grievances must be submitted to the Dean in all instances (except where the respondent is the Dean in which case the grievance is submitted to the Provost). The

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written submission shall provide the following information:

- (i) name and corresponding address of the grievant;
- (ii) nature, date, and description of the alleged violation(s);
- (iii) name(s) of person(s) responsible for the alleged violation(s);
- (iv) requested corrective action or remedy sought; and,
- (v) any background information the grievant believes to be relevant.

- b) A grievance must be submitted to the Dean (or Provost if applicable) within ten (10) working days of the completion of the initial attempt of resolution, outlined above.
- c) Immediately upon receipt of a formal grievance, the Dean (or Provost) will give the respondent(s) a copy of the grievance and will direct the respondent(s) to submit a written response to the charges within ten (10) working days. It is expected that the respondent(s) will act professionally with the grievant and that no retaliation in any way will take place.
- d) Following receipt of the written response, the Dean (or Provost) may elect to review and decide on the issue, or may refer the issue to a Grievance Panel for a hearing. If the Dean (or Provost) decides on the issue, the decision shall be final, and there shall be no appeal. If the issue is referenced to the Grievance Panel, the grievance will be heard pursuant to the Pre-Hearing Procedures and Hearing Procedures listed below.

4. Pre-Hearing Procedures

- a) Selection of Grievance Panel: A Grievance Panel is constituted of three faculty members selected by the Dean (or Provost) to review the case and provide recommendations.
- b) The hearing will be conducted within fifteen (15) working days after the formation of the Grievance Panel unless the Dean (or Provost) decides that there are good reasons why this should not be the case.

5. Hearing Procedures

- a) The grievant and respondent(s) shall be afforded a reasonable opportunity for oral opening statements related to the subject matter of the grievance and presentation of pertinent documentary evidence, including written statements.
- b) After the hearing is concluded, the Grievance Panel shall deliberate in a closed session and arrive at a majority recommendation. The Grievance Panel shall make its determination of whether a rule, procedure or policy was not followed or was applied in an inequitable manner based upon the evidence presented at the hearing, which is relevant to the issue(s) before the Grievance Panel. The Grievance Panel should make recommendations for resolution of the dispute.
- c) Within ten (10) working days after the hearing is concluded, the Grievance Panel shall transmit a written copy of its recommendation to the Dean (or Provost), who in turn decides on the grievance within ten (10) working days from receiving the Panel recommendations. The Dean (or Provost) will send his/her decision to the grievant and respondent(s).

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6. Appeal of Recommendation of the Grievance Panel

- a) An appeal by the grievant or respondent(s) must be made in writing within ten (10) working days of the receipt of the decision to the Provost or the Vice Chancellor if the decision was made by the Provost. Appeals are limited to the following grounds:
 - (i) a substantial mistake of facts;
 - (ii) a fundamental misinterpretation of official policies; or
 - (iii) a significant procedural defect.
- b) After making a preliminary review of the matter, which may include consultations with whomever the Provost/Vice Chancellor deems appropriate, the Provost/Vice Chancellor may grant or deny the appeal or take any action that he/she deems appropriate. Alternatively, the Provost/Vice Chancellor may appoint a fact-finder who will investigate the matter and report back to him/her.
- c) The decision to grant, deny or take other action must be made within twenty (20) working days from the receipt of the appeal. The grievant and the respondent shall be notified in writing of the decision of the Provost/Vice Chancellor, which is considered final, except for cases that involve reappointment or dismissal.

7. End of Process

If the grievance involves reappointment or dismissal, upon receipt of the final decision, the grievant may within ten (10) working days request a further review by the Vice Chancellor, who may grant or deny the appeal or take any other action that he or she deems appropriate. The Vice Chancellor's decision will be conveyed to the individual and is final.