

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

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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
9 or 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
11 be directed to Opportunity Development and Diversity Education Planning Office
12 (ODEP).
13

14 B. Definitions.

- 15 1. A complaint is an allegation of a misinterpretation, incorrect application, or
16 violation of a policy, practice, or procedure not pursued by the faculty member in
17 a forum outside the University. The use of this grievance procedure is not
18 available if a formal complaint is filed with a governmental agency or a court
19 action has been initiated based upon substantially similar facts, in which case any
20 investigation then in progress by the University will be terminated relative to the
21 grievance process.
22 2. A complainant is a faculty member who seeks resolution of a complaint through
23 the informal or formal procedures as outlined herein.
24 3. A respondent is a person against whom a complaint is filed.
25 4. The Hearing Panel is formed according to the procedures described in this policy.
26 It is charged with hearing complaints, and making recommendations regarding the
27 complaints.
28 5. For purposes of counting, a day is any business day except in cases where the
29 policy explicitly states calendar days. If a deadline falls on a weekend or
30 scheduled University holiday, then deadline will be the next scheduled workday
31 of the University.
32 6. A formal hearing as outlined in section 'E' only occurs during the academic year
33 (Fall and Spring terms). If a complaint is initiated during the summer term, or
34 during the spring term with insufficient time for the formal hearing to occur, the
35 hearing procedure will be followed during the fall.
36

37 C. Informal Procedures.

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

46 days of knowledge of the consequence of event(s), either to request mediation or
47 submit a formal complaint by notifying the dean's office.

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

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51 D. Optional Facilitated Conversation Procedures

- 52 1. Facilitated conversation is an option within the grievance procedure of the
53 College of Education and Human Development and is coordinated through the
54 Georgia State University Office of the Ombudsperson. If the complaint is not
55 resolved by informal procedures, then the parties in the complaint may agree to
56 facilitated conversation following the informal procedures and preceding the
57 complainant's request for a hearing.
- 58 2. The Office of the Ombudsperson is responsible for conducting the facilitated
59 conversation and guidelines for that process are maintained by that office. The
60 complainant and/or the respondent are responsible for initiating the facilitated
61 conversation by contacting the Office of the Ombudsperson to request a meeting.
- 62 3. The information listed below shall pertain to the College of Education and Human
63 Development mediation procedure:
- 64 a. The facilitated conversation procedure differs from typical mediation in that
65 the facilitated conversation is more informal and does not result in written
66 binding agreements that all parties must sign.
 - 67 b. The facilitated conversation procedure is a part of the college's grievance
68 procedure.
 - 69 c. The facilitated conversation procedure shall be used only upon mutual
70 agreement of the complainant and respondent
 - 71 d. The facilitated conversation procedure may be terminated by the complainant,
72 respondent, or mediator at any time.
 - 73 e. Each participant in the facilitated conversation procedure shall be encouraged
74 to participate in good faith in an effort to resolve the dispute.
 - 75 f. It is expected that this process shall proceed in a timely fashion. Time limits
76 are established by the Office of the Ombudsperson. These limits shall be
77 observed by the complainant and respondent.
 - 78 g. The Office of the Ombudsperson establishes the procedural guidelines for the
79 facilitated conversation. Refer to that office for more specific procedural
80 information.

81
82 E. Formal Procedures

83 1. Initiating a Hearing.

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

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

- 138 g. If the complainant or respondent request the removal of the College Faculty Affairs
139 Committee chair for cause, a designated member of the Faculty Affairs Committee
140 shall determine whether the statement of cause is valid grounds for removal. If the
141 chair is removed for cause, the designated FAC member shall serve the role of chair
142 of FAC for the purposes of the grievance process.
- 143 h. In the event of disqualification of Hearing Panel members such that fewer than five
144 (5) members remain for hearing a complaint, substitute members will be selected
145 according to the guidelines in If a hearing committee cannot be constituted according
146 to these guidelines, the matter is referred to the University Hearing Committee.
- 147 i. The Hearing Panel chair will be elected by the Hearing Panel.
- 148 j. Until the hearing procedure in the college is complete, the group responsible for
149 considering all matters related to the complaint shall be the Hearing Panel as
150 constituted by these procedures.
- 151 3. Hearing procedures shall be conducted according to the following:
- 152 a. At the initial meeting:
- 153 i. FAC Chair will review the grievance procedures outlined in this document
154 with the Hearing Panel.
- 155 ii. A hearing panel chair will be elected.
- 156 b. Because each appeal is unique, the conditions under which a given hearing will be
157 conducted (rules, order, agenda, etc.) will be determined by the Hearing Panel after
158 consultation with the complainant and respondent and with University Counsel.
- 159 c. The hearing shall be considered closed unless all participants agree to the contrary.
- 160 d. The Hearing Panel will notify the complainant and respondent in writing of the rules
161 under which the hearing will be conducted at least ten (10) business days in advance
162 of the hearing.
- 163 e. A hearing will be scheduled to begin within fifteen (15) business days of the
164 notification of the rules of the hearing.
- 165 f. The complainant has the right to be in attendance throughout the presentation by the
166 respondent, and the respondent has the right to be in attendance through the
167 presentation by the complainant; the complainant and respondent have the right to be
168 accompanied by counsel, have the right to call witnesses, and to question witnesses.
169 Witnesses have the right to be accompanied by counsel. Counsels for the complainant
170 and respondent and counsel for witnesses shall not have the right to address the
171 Hearing Panel nor the witnesses unless requested to do so by the Hearing Panel. The
172 Hearing Panel may have counsel throughout the proceedings.
- 173 g. An audio recording of the hearing will be kept at college expense. The complainant
174 and respondent may receive one copy each upon request.

175
176 F. Procedures Following the Hearing

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

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

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