

Article XII, Section 25 titled “Other Appeals and Complaints” shall be deleted in its entirety and replaced with the following:

Section 25. Faculty Grievance Policy.

A. Statement of Policy

Georgia State University has a tradition of excellence in all of its academic endeavors. To maintain this standard, faculty and administrators must work together in a respectful and collegial manner. This Policy exists to provide a fair and equitable process to resolve faculty grievances for alleged violations of University policy, procedure or established practice.

Georgia State University encourages informal, frank and open discussion to resolve disagreements. However, the University also recognizes that occasionally more formal processes are needed. All such activities, whether informal or formal, must be carried out by all participants within a framework of good faith collegiality. Those participating in the grievance process as outlined in this Policy and the accompanying Operating Procedures for Resolving Faculty Grievances will not be subject to reprisal or retaliation.

Grievances and the proceedings under this Policy will be treated with the greatest degree of confidentiality possible. Complainants are advised, however, that confidentiality can only be respected insofar as it does not interfere with the University’s obligations to investigate allegations of misconduct that require it to take corrective action, or to fulfill duties imposed by law, including, but not limited to, compliance with the Georgia Open Records Act, responses to discovery requests in litigation and third-party subpoenas.

When extenuating circumstances warrant, the Provost or the Associate Provost for Faculty Affairs has authority to extend any of the time limits set forth in the Operating Procedures for Resolving Faculty Grievances.

Any question of interpretation regarding this Policy will be referred to the Provost for final determination. The Provost’s interpretation is not appealable.

B. Matters Excluded from Resolution through the Faculty Grievance Policy

This Policy does not apply to decisions made with regard to the following as they have their own policies and procedures for resolution:

- Tenure or promotion, including interpretation of policies or procedures related thereto
- Non-reappointment or non-extension of appointment
- Compensation
- Evaluation of performance
- Termination of tenured faculty for cause or termination of non-tenured faculty for cause prior to the expiration of their term of appointment
- Complaints involving allegations of discrimination or harassment

The Grievance Policy does not usurp and cannot be used in tandem with or after closure of matters involving tenure and promotion or discrimination or harassment. Matters involving tenure and promotion shall only be raised as set out in the University's Promotion and Tenure Manual. Complaints related to discrimination or harassment shall be filed solely with and addressed by the Office of Equity and Civil Rights Compliance.

C. Related Documents

Procedures for Resolving Faculty Grievances

Procedures for Resolving Faculty Grievances

These procedures supplement the Policy on Faculty Grievances.

Effective Date: **April 14, 2022**

I. GRIEVANCE RESOLUTION PROCESS

Conflicts frequently can be resolved if the parties involved communicate their concerns, listen to each other, and show a willingness to compromise and/or change. Often conflicts can be lessened, if not eradicated, by clearing up misperceptions and misunderstandings. Faculty members are strongly encouraged to resolve their concerns in this manner.

The Informal Grievance Resolution Process is designed to empower the parties to a grievance to reach a mutually satisfactory agreement. However, engaging in the Informal Grievance Resolution Process is not required before a formal grievance is filed.

All deadlines in these procedures are stated in terms of business days. If a deadline falls on a scheduled University holiday, the deadline will be the next scheduled business day of the University. If circumstances prevent the meeting of a deadline established in these procedures, the delay will be minimized and the steps of the procedure will proceed as close as possible to the deadlines outlined in these procedures.

II. DEFINITIONS

- A. Complainant-** a member of the Faculty who seeks to resolve a grievance through the Faculty Grievance Policy and the procedures set forth herein.
- B. Respondent-** The Georgia State University employee(s) who made the decision or took the action on behalf of the University that precipitated the grievance.

III. INFORMAL GREIVANCE RESOLUTION PROCESS

A. Filing Written Statement of Concern

1. To begin the Informal Grievance Resolution Process, the Complainant must file a written statement of concern with the Associate Provost for Faculty Affairs within 30 business days from the date in which the Complainant first knew, or could reasonably be expected to know, of the issue giving rise to the grievance or within 30 business days from the most recent incident in a series of related incidents. The statement must include:
 - An explanation of the exact nature of the grievance, including relevant dates;
 - The University policy, procedure, or established practice allegedly violated;
 - The name(s) of the person(s), if known, responsible for the alleged violation; and

- The remedy sought and whether the Complainant is willing to participate in mediation.
2. Upon receipt of the statement, the Associate Provost for Faculty Affairs, or designee, will determine whether the statement is timely and whether the matters cited are covered by Faculty Grievance Policy. If the Associate Provost for Faculty Affairs is a party to the grievance, the statement will be forwarded to the Provost who will designate another academic administrator to perform the Associate Provost for Faculty Affairs' duties assigned herein.
 3. The Associate Provost for Faculty Affairs, or designee, will provide notice of the statement to the Dean of the College and/or the head of the Unit, provided neither of these two positions is the Respondent.
 4. Within ten business days of receipt of the statement, the Associate Provost for Faculty Affairs will share the statement with the Respondent. The Respondent will have ten business days from receipt of the statement to notify the Associate Provost for Faculty Affairs whether the Respondent is willing to engage in mediation. If Respondent chooses not to participate, mediation will not proceed and the Complainant may pursue filing a formal grievance in accordance with section IV below.
 5. Within 10 business days of receipt of the statement, the Associate Provost for Faculty Affairs will notify the Complainant in writing whether the grievance will be closed because it was untimely, failed to meet the eligibility criteria, the Respondent chose not to participate in mediation or will proceed to mediation.
 6. In the event it is determined that the grievance will not proceed further because it was determined to be untimely or the matters cited are not covered by the Policy, the Complainant may appeal such determination to the Provost. The appeal must be in writing and filed within 10 business days of the Associate Provost for Faculty Affairs' decision. The decision of the Provost is final and is not appealable.

B. Mediation

1. In the event that mediation will proceed, the Associate Provost for Faculty Affairs will appoint a mediator to assist the parties in resolving the grievance. Such mediator may be selected among employees of the University. The mediator's role is to assist the parties in arriving at a resolution of the dispute that is acceptable to both the Complainant and the Respondent(s).
2. The Complainant, Respondent and any other parties participating in mediation should keep all information related to the grievance and mediation confidential, except as necessary to fulfill the requirements of the Policy or to comply with applicable law. All matters discussed during mediation cannot be used as evidence in any subsequent formal resolution process, unless those matters were otherwise known by or available to the Complainant and Respondent(s) prior to the informal process.

3. Within 10 business days following the conclusion of the mediation, the mediator must complete and submit to the Associate Provost for Faculty Affairs a report indicating whether or not the parties reached a resolution. Copies of the report will be sent to the Complainant and Respondent(s). If the parties reach a resolution, the grievance will be closed, as confirmed in writing by the Associate Provost for Faculty Affairs to the Complainant and Respondent.
4. The Informal Grievance Resolution Process must be concluded within 30 business days from the appointment of the mediator unless the parties mutually agree to extend the time for conclusion of the Informal Grievance Resolution Process.

IV. FORMAL GRIEVANCE RESOLUTION PROCESS

If the parties choose not to participate in mediation or the mediation fails to reach a resolution, the Complainant may initiate the Formal Grievance Resolution Process.

A. Initiation of Formal Grievance Resolution Process

1. To initiate the Formal Grievance Resolution Process, a Complainant must file a Notice of Formal Grievance (“Notice”) with the Associate Provost for Faculty Affairs no later than 10 business days after receiving either the notification that the Respondent did not elect to participate in mediation or the report indicating that the mediation failed to reach a resolution.
2. If the Complainant did not initiate an Informal Grievance Resolution Process, the Notice must be filed within 30 business days from the date in which the Complainant first knew, or could reasonably be expected to know, of the issue giving rise to the Grievance or within 30 business days from the most recent incident in a series of related incidents.
3. If the Associate Provost for Faculty Affairs is a party to the Grievance, the Complainant must send the Notice to the Provost who will designate another academic administrator to perform the Associate Provost for Faculty Affairs’ duties assigned in this Formal Grievance Resolution Process.
4. The Notice must include all of the following:
 - An explanation of the exact nature of the grievance, including relevant dates;
 - The University policy, procedure, or established practice allegedly violated,
 - The name(s) of the person(s), if known, responsible for the alleged violation; and
 - The remedy sought, and

- Copies of all documents concerning the Grievance, including those that were sent or received during the Informal Grievance Resolution Process, if such process occurred.
5. Within 10 business days after receipt of the Notice, the Associate Provost for Faculty Affairs will review the Grievance and determine whether the Notice is timely, whether the subject matter of the Grievance is eligible for review under the Faculty Grievance Policy and notify the Complainant in writing whether the grievance is eligible to proceed.
 6. In the event the Associate Provost for Faculty Affairs determines that the Grievance will not proceed further, the Complainant may appeal such determination to the Provost. The appeal must be in writing and filed within 10 business days of the issuance of the determination that the Grievance will not proceed. The decision of the Provost is final. Decisions not appealed within the time limit are deemed final.
 7. If the Grievance will proceed further, the Associate Provost for Faculty Affairs will forward a copy of all materials received from the Complainant to the Respondent whose alleged actions or decisions are the basis for the Grievance. Within 10 business days of receipt, the Respondent will provide a written response to the Associate Provost for Faculty Affairs. The Respondent's written response and any supporting documentation submitted will be forwarded by the Associate Provost to the Complainant.
 8. The Associate Provost for Faculty Affairs will also provide written notice to the appropriate Department head and Dean (if not a Respondent) of the existence of the Grievance, including the names of the Complainant and the Respondent(s).

B. Grievance Hearing Panel

1. The Associate Provost for Faculty Affairs will appoint an impartial Grievance Hearing Panel of three faculty senators drawn from the Senate Hearing Committee based on the following criteria:
 - A panelist shall not be in the same academic department as the Complainant or the Respondent or if there is no academic department than a panelist shall not be from the same College as the Complainant or the Respondent; and
 - A panelist shall not have a conflict of interest with either party.
2. Within five business days of receiving notice of the three faculty senators, the Complainant and the Respondent each may exclude up to one faculty senator as prospective panelists.
3. If additional panelists are needed and no other Senate Hearing Committee members are available or qualify, the Associate Provost for Faculty Affairs will select the number of additional faculty needed to constitute a panel from the faculty at-large. Selected panelists must meet all the criteria stated above.

4. The Associate Provost will notify the Complainant and Respondent of the final panel members and forward to the panel members the materials provided by the Complainant and Respondent.
5. The Chair of the Grievance Hearing Panel, selected by the members of the Panel, must be a tenured faculty member. The Chair of the Grievance Hearing Panel will be responsible for conducting hearings, meetings, and issuing all communication on behalf of the panel.

C. Grievance Hearing Proceedings

1. The Grievance may be withdrawn under the following conditions:
 - The Complainant may withdraw the Grievance at any time;
 - The Respondent agrees to provide the remedy sought by the Complainant in the Grievance Notice or otherwise come to a mutually satisfactory agreement; or
 - Both the Complainant and the Respondent agree to withdraw the Grievance for another reason.
2. Any agreement reached by the parties will be reviewed by the University's General Counsel for legal sufficiency and compliance with University System and University policy and procedure.
3. A hearing will commence no later than 20 business after a panel is constituted and will be open only to the participants and their respective advisors, unless both the Complainant and the Respondent request or agree otherwise. Such request or agreement must be submitted in writing to the Grievance Hearing Panel for consideration and approval.
4. The order in which the various elements of the hearing described below occur is determined by the panel. The panel also may set reasonable time limits in which these elements must be completed. The determined order of the hearing and the time limits, if the panel chooses to set them, must be sent to both the Complainant and the Respondent(s) at least five business days prior to the hearing.
5. The Complainant and the Respondent may each invite one individual to serve in an advisory capacity. Advisors can be present throughout the hearing to provide support and advice to their advisee and/or to observe the proceedings. However, they may not provide testimony, advocate, make statements, or otherwise participate in the hearing.
6. The panel also is permitted to have advisory counsel during the proceeding.

7. Both the Complainant and the Respondent may present oral and written statements, question each other, introduce witnesses, and question all witnesses. Witnesses may be present at the hearing only when they are making a statement or being questioned. An advisor may not also be a witness, nor may a witness be an advisor.
8. The panel may question all participants speaking at the hearing as well as ask for additional information. The panel also may question witnesses. In addition, the panel may stop the presentation of information it deems irrelevant to the allegations. No new allegations may be introduced at the hearing.
9. All panel members, participants, and advisors must respect the confidentiality of the information and records introduced at the hearing.
10. An audio recording will be made of the hearing and kept in the Office of the Associate Provost for Academic Affairs. The panel, the Complainant, the Respondent, the Provost, the Associate Provost for Faculty Affairs, and any designee of such University officers may use the recording to review the proceedings. A written transcript will not be provided.
11. The panel's recommendation must be based solely on information made available by both the Complainant and the Respondent during the course of the Formal Grievance Resolution Process. If additional information is received by the panel outside the hearing, it must be shared with both parties to the Grievance prior to the hearing, and each must be given a reasonable opportunity to respond in writing.
12. After the hearing has concluded, the panel will meet separately and determine by majority vote whether or not a preponderance of the evidence presented supports the allegations made by the Complainant regarding violation of University policy, procedure or established practice.
13. Within 15 business days after completion of the hearing, the panel will provide a brief, written report of its findings, conclusions, and recommendations to the Associate Provost for Faculty Affairs, the Complainant and the Respondent. The Associate Provost will provide a copy of the report to the Provost.
14. The Provost will make a determination on the outcome of the grievance following review and consideration of the findings, conclusions, and recommendations. The determination will be provided in writing to the Complainant, the Respondent, the Dean and/or appropriate unit head, and the members of the panel within 10 business days of receipt of the panel's recommendation.
15. If the Provost participated in the hearing or was a party to the Grievance, the President will appoint another University academic administrator not associated with the Grievance to make and communicate the determination.

V. APPEAL PROCESS

- A.** The Complainant and the Respondent each have the right to appeal the determination made by the Provost or other official designated in accordance with these procedures. Such appeal must be in writing, addressed to the President and filed within 10 business days of the issuance of notification of the determination with all supporting materials attached. Decisions not appealed within such time are deemed final.

- B.** The President in accordance with these procedures must make a determination on the appeal within 10 business days. Such determination will be communicated in writing to the Complainant, the Respondent, the members of the Grievance Hearing Panel, and the Provost or other official who made the determination regarding the Grievance. The written determination concerning the appeal constitutes the University's final action.