

FACULTY SENATE

SOUTHEAST MISSOURI STATE UNIVERSITY

FACULTY SENATE BILL 24-A-XX

Approved by the Faculty Senate  
XXXXXX

1 **BRIEF SUMMARY:** This bill revises the procedure for the Grievance section of Chapter 2 of  
2 the *Faculty Handbook*.

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5 **REVISING “GRIEVANCE” PROCEDURE SECTION**

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7 **WHEREAS:** Per the advice from the legal team at Husch Blackwell, and subject to the passage  
8 and approval of both this bill and its companion bill, 24-A-XX “Revising Grievance Policy,” the  
9 Grievance Policy in Chapter 2 of the *Faculty Handbook* will be revised.

10  
11 **THEREFORE, BE IT RESOLVED:** Existing sections of Chapter 2 be revised to reflect these  
12 changes.

13  
14 *Informal Dispute Resolution Procedure Grievance Process*

15 The ~~i~~Informal ~~G~~grievance ~~p~~Process (or “~~I~~Informal Process”) is initiated by the  
16 ~~g~~rievant ~~G~~Grievant without the submission of a Faculty-~~S~~enate Grievance Form, which  
17 formalizes the grievance process. Individuals are strongly encouraged to follow the ~~i~~Informal  
18 ~~g~~Grievance ~~P~~Process, although ~~it-doing so~~ is not required. The ~~I~~informal ~~p~~Process is  
19 designed to facilitate a timely resolution ~~at the lowest level possible and with minimal~~  
20 ~~paperwork~~ quickly and efficiently with minimal administrative burden. The first meeting is  
21 initiated in writing to inform those who will participate in the ~~I~~informal ~~r~~resolution-~~P~~rocess  
22 and to document the beginning date of the process but is not to be part of any personnel file.

- 23 1. Faculty members, or “~~g~~rievant ~~G~~Grievants,” who believe they have a grievance  
24 concerning the application ~~by an administrator/administrative body~~ of a specific  
25 policy or procedure should first discuss the matter informally with their department  
26 chair, ~~who will serve as a facilitator in order to-and~~ attempt to develop a satisfactory  
27 resolution. (~~Exceptions to this practice are set forth in item 8, below.~~) The faculty  
28 member should initiate this informal discussion by making a written, dated request  
29 for a meeting with the chair. The request should also identify the specific policies and  
30 procedures in question, and briefly describe the nature of the action(s) being grieved.  
31 ~~Email is an appropriate method for initiating the informal discussion and for any~~  
32 ~~other notification that must be in writing.~~
- 33 2. During the meeting with the chair, the faculty member should: (1) ~~indicate-state~~ that  
34 the grievance is at the informal discussion stage, (2) explain the action(s) giving rise  
35 to the grievance; (3) explain how the faculty member believes the specific policies

- 36 and procedures in question have been violated; and (4) ~~indicate~~ describe how the  
37 faculty member believes the issue(s) should be resolved.
- 38 3. The informal meeting(s) may also include ~~the department chair, the grievant~~ Grievant;  
39 ~~and~~ the party against whom the grievance is directed, which may be an individual,  
40 multiple individuals, or an administrative body (“Respondent”). The ~~meeting(s) of the~~  
41 ~~chair~~ department chair may meet with the ~~grievant~~ Grievant and the  
42 ~~individual/administrative body (or administrative committee or body) against whom~~  
43 ~~the grievance is directed~~ Respondent may also be conducted separately if ~~it doing so~~  
44 would be helpful in facilitating resolution of the issue(s). The objective of the  
45 informal discussion process is to see if the issues can be resolved at the informal  
46 meeting stage without the faculty member having to initiate the ~~F~~ formal ~~g~~ Grievance  
47 ~~R~~ Resolution ~~procedure~~ Process.
- 48 4. Any resolution(s) ~~and/or decisions~~ arrived at during the informal discussion stage  
49 should be communicated ~~verbally-orally~~ by the department chair to each participant  
50 within ten (10) business day from the date of the ~~last~~ informal discussion meeting. If  
51 the chair’s statement of resolution(s) ~~and/or decision(s)~~ are deemed acceptable by all  
52 parties, the matter will be considered closed. If a resolution is reached, any submitted  
53 documentation will be returned to the ~~grievant~~ originating party.
- 54 5. If no satisfactory resolution is reached through the informal discussion process, the  
55 chair should so indicate to each participant, within ten (10) business days of the last  
56 informal discussion meeting. The chair should also record the date and that the  
57 grievance was not resolved but should not include details of the informal grievance in  
58 any official file.
- 59 4.6. If the resolution has been made clear to all parties, but the ~~grievant~~ Grievant is not  
60 satisfied, ~~or if no resolution was reached,~~ the ~~grievant~~ Grievant may initiate ~~a the~~  
61 ~~f~~ Formal ~~g~~ Grievance Resolution Process as outlined below. ~~If no satisfactory~~  
62 ~~resolution is reached through the informal discussion process, the chair should so~~  
63 ~~indicate to each participant. The chair should also record the date and that the~~  
64 ~~grievance was not resolved but should not include details of the informal grievance in~~  
65 ~~any official file. The faculty member may then elect to file a formal written grievance~~  
66 ~~by following the process outlined below.~~
- 67 5.7. Department chairs may not propose or approve any resolution that is inconsistent with  
68 University policies, procedures, or practices.
- 69 6.8. ~~The informal discussion should be held with the party’s immediate supervisor~~  
70 ~~or~~ facilitated by the next level of supervision above the Grievant or  
71 ~~person/administrative body against whom the action is initiated~~ Respondent. For  
72 example, if the grievance is initiated by or against a department chair, the informal  
73 discussion should be held with the ~~grievant~~ Grievant’s college dean, following the  
74 same process outlined above.

### *Formal Dispute Resolution Procedure Grievance Process*

77 The ~~F~~ formal ~~G~~ grievance ~~procedure~~ Process includes the submission of a Faculty ~~Senate~~  
78 Grievance Form ~~and~~ interviews with administrative personnel at successive levels, ~~and~~

79 ~~respective opportunities~~ to resolve the grievance. It may also include a review and hearing by  
80 the Faculty Senate Grievance Committee, ~~with a recommendation to the Faculty Senate~~  
81 ~~Executive Committee~~, a letter to the Provost from the Faculty Senate ~~Executive Grievance~~  
82 Committee ~~which addresses the~~including the Grievance Committee's recommendation, and a  
83 review and response by the Provost. The Faculty Grievance Form is located on the MySemo  
84 portal under Faculty Resources ([my.semo.edu/pages/faculty-resources](http://my.semo.edu/pages/faculty-resources)).

85  
86 *STEP I: Formal Written Grievance*

- 87 a. If an acceptable resolution is not reached informally, ~~or if a Grievant chooses not to~~  
88 ~~use the Informal Grievance Process~~, faculty members may pursue their grievance by  
89 submitting a formal written grievance to their department chair ~~or other administrator~~,  
90 as appropriate. ~~-If the Informal Grievance Process has been used, the Faculty~~  
91 ~~Grievance formal grievance Form~~ must be submitted within ten (10) business days of  
92 the conclusion of the ~~informal process~~Informal Process. ~~If the Informal Grievance~~  
93 ~~Process has not been used, the Faculty Grievance Form~~ must be submitted within  
94 twenty (20) business days of the alleged misapplication of the policy or procedure.  
95 The formal ~~written~~grievance form should (a) ~~indicate~~include the name and contact  
96 information for the Grievant; (b) the name of the Respondent; (c) the date of the  
97 alleged violation; (d) the name of the policy or operating procedure at issue; (e) a  
98 description of what occurred; (f) how the Grievant was adversely affected; (g) how  
99 the Grievant thinks the problem should be resolved; (h) ~~whether the informal~~  
100 ~~discussion process~~Informal Resolution Process ~~has occurred~~was attempted and, if so,  
101 why it was unsuccessful, ~~that the grievance has not been satisfactorily resolved, that~~  
102 ~~the grievance is proceeding to the formal procedure; (b) describe the issue(s) and~~  
103 ~~action(s) encompassed by the grievance and, if appropriate, state the reasons why the~~  
104 ~~informal process did not satisfactorily resolve the problem in the faculty member's~~  
105 ~~view; (c) explain how the faculty member believes the specific University policies or~~  
106 ~~procedures at issue have been improperly applied; and (d) indicate how the faculty~~  
107 ~~member believes the problem(s) should be resolved.~~.. Copies of ~~these materials~~the  
108 form should also be provided to the ~~individual(s) against whom the grievance is~~  
109 ~~directed~~Respondent(s) by the appropriate administrator.
- 110 b. The department chair (or other administrator, as appropriate) will investigate/review  
111 the matter, ~~which may include meeting with the parties involved~~, and will provide a  
112 written response to the faculty member and the ~~individual(s) against whom the~~  
113 ~~grievance is directed~~Respondent(s) within ten (10) business days of receiving the  
114 formal written grievance. The chair's response will be deemed acceptable by the  
115 ~~grievant~~Grievant and the matter will be considered closed unless the ~~grievant~~Grievant  
116 initiates a Step II grievance with the dean of the college within ten (10) business days  
117 of receiving the chair's response.
- 118 c. The department chair (or other administrator, as appropriate) may not propose or  
119 approve any resolution that is inconsistent with University policies, procedures, or  
120 practices.

121 ~~d. If the grievance is by or against a department chair, Step I of the formal process~~  
122 ~~should be submitted to and conducted by the chair's college dean, following the same~~  
123 ~~process outlined above.~~  
124

125 *STEP II: Review of Step I Grievance Response*

- 126 a. If the ~~grievant~~Grievant is not satisfied with the response provided at Step I of the  
127 formal grievance process, the ~~grievant~~Grievant may appeal the decision by  
128 submitting a written appeal to the appropriate college dean (~~or a Vice Provost if the~~  
129 ~~grievant~~Grievant ~~is a college dean~~ or other administrator designated by the Provost, if  
130 appropriate) within ten (10) business days of receiving the Step I response. This  
131 appeal must include ~~copies~~a copy of the original ~~formal grievance~~Faculty Grievance  
132 Form, the ~~department chair's or college dean's~~administrator's response at Step I, a  
133 statement by the ~~grievant~~Grievant specifying why they believe the Step I decision is  
134 incorrect or unacceptable, and a proposed resolution. Copies of these materials should  
135 also be provided to the Step I responder and ~~the individual(s) or parties against whom~~  
136 ~~the grievance is directed~~all the parties involved in the grievance.  
137 b. The appropriate ~~college dean/Vice Provost~~dean or other administrator will meet with  
138 the ~~grievant~~Grievant and conduct an investigation/review of the grievance appeal.  
139 Within ten (10) business days of receipt of the appeal, the appropriate college  
140 dean/~~Vice Provost~~ or other administrator will provide a written response to the  
141 ~~grievant~~Grievant, with ~~copies~~a copy to the Step I responder and the ~~individual(s)~~  
142 ~~against whom the grievance is directed~~Respondent(s). The dean or other  
143 administrator's response will be deemed acceptable by the Grievant and the matter  
144 will be considered closed unless the Grievant requests a hearing with the Faculty  
145 Senate Grievance Committee within ten (10) business days of receiving the dean or  
146 other administrator's response.  
147  
148

149 *STEP III: Request for a Hearing with the Faculty Senate Grievance Committee*

- 150 a. If the decision at Step II of the grievance procedure is not satisfactory to the ~~faculty~~  
151 ~~member~~grievantGrievant, the ~~faculty member~~grievantGrievant may request a review  
152 and a hearing before the Faculty Senate Grievance Committee. Any such request for  
153 review shall be filed with the Faculty Senate Grievance Committee within ten (10)  
154 business days after the ~~grievant~~Grievant has received the Step II response. ~~If the~~  
155 ~~response is sent by email, it is deemed received twenty-four (24) hours after the time~~  
156 ~~it was properly sent.~~  
157 b. The request for review shall include (a) a copy of the original ~~formal~~  
158 ~~grievance~~Faculty Grievance Form; (b) copies of the written response to the grievance  
159 provided at Step I and Step II; (c) copies of the appeal filed at Step II; (d) an  
160 explanation of why the ~~grievant~~Grievant believes the Step II decision is  
161 unsatisfactory or unacceptable; and (e) a proposed resolution. The  
162 ~~grievant~~Grievant~~faculty member~~ shall simultaneously provide copies of these

- 163 materials to the Step I and II responders and to the ~~individual(s) against whom the~~  
164 ~~grievance is directed~~ Respondent(s).
- 165 c. Within five (5) business days of the request for review, the Faculty Senate Grievance  
166 Committee shall notify the ~~individual(s) against whom the grievance is~~  
167 ~~directed~~ Respondent(s) in writing that the request has been filed by the faculty  
168 member.
- 169 e.d. Within twenty (20) business days of the request for review, the Faculty Senate  
170 Grievance Committee chair shall notify the ~~faculty member grievant~~ Grievant and the  
171 ~~individual(s) against whom the grievance is directed~~ Respondent(s) in writing whether  
172 the committee believes a hearing is warranted and if so, the notice should include the  
173 date, time, and location of the hearing. The parties must be given at least twenty (20)  
174 business days written notice of the hearing date. The hearing date may be rescheduled  
175 by the parties only upon a showing of good cause as determined by the Faculty  
176 Senate Grievance Committee. ~~If the Faculty Senate Grievance Committee decides~~  
177 ~~that a hearing is not warranted, the matter is closed.~~
- 178 d.e. The Faculty Senate Grievance Committee chair shall also instruct the parties to  
179 identify the witness, if any, that they may wish to present and the general subject  
180 matter of each witness's anticipated testimony. This information should be provided  
181 to the Faculty Senate Grievance Committee chair and to the other party or parties no  
182 later than ten (10) business days before the hearing date. The Faculty Senate  
183 Grievance Committee chair has the authority to limit the number of witnesses if it is  
184 determined that the proposed witnesses will present repetitive, unnecessarily  
185 cumulative, or irrelevant evidence. The parties shall be responsible for ensuring that  
186 their witnesses are present for the hearing.
- 187 e.f. The hearing is not a formal legal proceeding and formal rules of evidence shall not  
188 apply. The ~~committee~~ Faculty Grievance Committee shall, however, have the  
189 authority to reject or curtail evidence that is repetitive, that unnecessarily protracts the  
190 proceedings, and/or has no relevance to the grievance. The proceedings will be  
191 recorded by a professional transcriptionist and transcribed.
- 192 f.—The hearing will be a closed proceeding, with only the committee members, the  
193 parties, and the witnesses (who will be present only during their testimony) present.  
194 The ~~grievant~~ Grievant and the ~~individual(s) against whom the grievance is~~  
195 ~~directed~~ Respondent(s) may, however, each be accompanied by an observer. The  
196 observer may consult with and assist the ~~grievant~~ Grievant but may not conduct any  
197 portion of the hearing. The observer may not be acting in the capacity of an attorney;  
198 no may be represented by an attorney at the hearing.
- 199 g.
- 200 g.—The Faculty Senate Grievance Committee shall make a written recommendation to  
201 the Provost for review within ten (10) business days of the conclusion of the hearing  
202 and receipt of the transcribed proceedings. ~~The recommendation will be sent the~~  
203 ~~same day to the grievant, the individual(s) against whom the grievance is directed,~~  
204 ~~and the Faculty Senate Executive Committee. The Faculty Senate Executive~~  
205 ~~committee shall withing ten (10) business day review the recommendations of the~~

206 ~~Faculty Senate Grievance Committee and a statement of the Faculty Senate Executive~~  
207 ~~Committee's support or nonsupport of those recommendations.~~ The Faculty Senate  
208 Grievance Committee's recommendation ~~and the Faculty Senate Executive~~  
209 ~~Committee's response~~ will be forwarded by the ~~Faculty Senate Executive~~  
210 ~~Committee~~ simultaneously to the Provost, the ~~grievant~~ Grievant, and the  
211 ~~individual(s) against whom the grievance is directed~~ Respondent, ~~and the Faculty~~  
212 ~~Senate Grievance Committee~~. The Provost will be provided with the materials  
213 regarding the grievance.  
214

215 *STEP IV: Review of the Faculty Senate ~~Executive~~ Senate Grievance Committee Recommendation*  
216 *by the Provost*

217 The Provost will conduct whatever review they deems necessary, ~~and will make a~~  
218 ~~recommendation. The Provost~~ will provide a written response within ten (10) business  
219 days of receiving the recommendation from the Faculty ~~Senate Executive~~ Grievance  
220 Committee. This written response will be sent simultaneously to the ~~grievant~~ Grievant, ~~the~~  
221 ~~individual(s) against whom the grievance is directed~~ Respondent(s), the appropriate  
222 department chair and dean, the Faculty Senate Grievance Committee, and the President. The  
223 Provost's decision is final. If the grievance is against the Provost, then ~~Step IV~~ the process  
224 is conducted by the President or the President's designee. Documentation materials will ~~also~~ be  
225 sent to the Faculty Senate Chair ~~(see Step III.G.)~~.  
226

227 *Report to the Faculty Senate*

228 Following resolution of the grievance, the Faculty Senate Executive Committee may  
229 report issues to the Faculty Senate when it believes a grievance has raised an issue of broader  
230 relevance to the faculty. The report shall not include names or identifying information and  
231 may be reserved for a semester-end or year-end summary of the state of all grievances  
232 brought against the University in the previous semester or year.  
233

234 *General Provisions*

- 235 1. The Grievance ~~Process~~ is not intended to replace or diminish the role of department  
236 chairs, deans, and other academic administrators to supervise faculty activities, make  
237 personnel decisions, or evaluate faculty performance. The administrative decision in  
238 dispute shall be upheld unless a preponderance of the evidence gathered during the  
239 grievance process supports a finding that there has been a violation of policy,  
240 procedure, or established practice. The decisionmaker must decide whether, in a  
241 given instance, the University's policies and procedures (1) were followed in reaching  
242 the challenged decision;; (2) were applied uniformly and consistently;; and (3) that in  
243 applying them, adequate consideration was given to all available and relevant  
244 information.
- 245 ~~4.2.~~ In any situation where a Respondent would normally be involved in the resolution  
246 process, the Respondent will not play a role in the process other than that of  
247 respondent, and the administrator's supervisor, or another administrator as  
248 determined appropriate, will play the appropriate role in the resolution process.

249 Faculty members in Kent Library will file grievances with their dean. If a grievance  
250 is filed against the dean, the Provost will determine an appropriate administrator to  
251 facilitate the grievance process.

252 ~~2.3.~~ Failure to Meet Timelines

- 253 1. A faculty member's failure to submit a grievance or appeal within the time frames  
254 set forth in the grievance procedure will end the faculty member's ability to  
255 pursue the matter and the grievance shall be deemed resolved based on the  
256 University's last action report.
- 257 2. For purposes of the time frames set forth herein, "business day" will be defined  
258 for timeliness purposes as any weekday, Monday through Friday, when regular  
259 Fall, Spring, or Summer semester classes are in session and campus offices are  
260 open. University break times will not be counted.
- 261 3. In the event the appropriate administrator or committee fails to make a timely  
262 response as herein stipulated, the faculty member may proceed to the next step in  
263 the grievance process.

264  
265 ~~3.4.~~ Extensions of Timelines

266 ~~1. The timelines at each level may be extended by the parties involved and the~~  
267 ~~appropriate administrator or committee chair.~~

268 ~~2.1.~~ For good cause shown, including, but not limited to, sick leaves, funeral leaves,  
269 University-related business travel, unavoidable absences from campus or other  
270 unavailability of participants, the appropriate administrator or committee chair  
271 may grant a request for extension by ~~either any~~ party. Any extensions granted  
272 should be as brief as possible and practicable under the circumstances.

273 ~~3.2.~~ At any level, if the appropriate administrator or committee chair deems the  
274 complexity of the grievance such that the response deadline is unrealistic, up to an  
275 additional ten (10) calendar days may be added to the response deadline by the  
276 administrator or committee chair, who shall be responsible for providing notice  
277 and justification of the extension to the parties within the originally designated  
278 time frame.

279 ~~4.3.~~ Notice of any change in timelines or scheduling must be provided in writing to all  
280 participants by the appropriate administrator or committee chair. For purposes of  
281 the Step III hearing, the respective parties are responsible for notifying their  
282 proposed witnesses.

283 ~~4.5.~~ Joint Proceedings

284 If more than one faculty member grieves the same action, ~~they the faculty~~  
285 ~~members~~ may, by mutual agreement between themselves and the Provost, pursue  
286 their grievances jointly under these procedures. The group may, by mutual agreement,  
287 elect one or more of their number to act on behalf of the group throughout the  
288 grievance procedure. In such circumstances, the Faculty Senate Grievance Committee  
289 reviewing the grievance will conduct a joint hearing, which all members of the group  
290 may attend.

291 ~~5.6.~~ Confidentiality

292 The grievance procedures shall be conducted with the highest level of sensitivity  
293 to the privacy of all concerned. Members of the Faculty Senate Grievance Committee,  
294 the Faculty Senate ~~Executive Committee~~Chair, the Provost, the ~~grievant~~Grievant(s),  
295 respondents, colleagues, witnesses, and all other concerned are expected to treat as  
296 highly confidential the oral and documentary evidence presented and the deliberations  
297 occurring at all stages of the processing of the grievance, except as necessary for the  
298 preparation of a grievance or grievance response, or consistent with the notice  
299 requirements set forth herein, and/or as otherwise may be required by law. Similarly,  
300 except as otherwise provided herein or as authorized by the Provost or the chair of the  
301 Faculty Senate, or as may be required by law, the decisions and responses at each  
302 level shall be treated as confidential by all participants and by all members of the  
303 University community.

304 **6.7. Reprisal or Retaliation**

305 No faculty members shall be subjected to disciplinary action or retaliation because  
306 they have initiated or participated in good faith in the processing of a grievance.

307 **7.8. Storage of Materials Related to the Grievance**

308 Supporting documents, files, transcription, or any other media shall be stored in a  
309 locked **electronic or paper** file cabinet in the ~~Faculty Senate~~Office of Human  
310 **Resources** for a period of seven (7) years, after which time they will be destroyed.

311 *Faculty Senate bill 07-A-04, Approved by the Board of Regents 12/14/07*  
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<b>Action</b>	<b>Date</b>
Introduced to Senate	2/28/2024
Second Senate Meeting	
Faculty Senate Vote	
President's Review	
15 Day Review	
Posted to Faculty Handbook	