

Faculty to Administrator Grievances

This section applies for grievances filed by faculty against an administrator (i.e., faculty who holds an administrative faculty position in the SOM as detailed above in Section 1 above). For any such faculty members, a separate procedure to that listed in the SGU faculty Handbook is followed since most faculty holding administrative positions are exempted from membership as voting members of the SOM Faculty Senate as per current SOM faculty senate bylaws. These are handled as follows:

INSTITUTING AN ADMINISTRATIVE GRIEVANCE

Any faculty member who feels aggrieved by an Administrator may file a grievance in the following manner, once all reasonable attempts to resolve the issues informally have been unsuccessful.

(1) Filing a Grievance against an administrator

The process is initiated by filing a written complaint with the administrator's direct supervisor. The complaint must set forth the actions giving rise to the complaint and the remedy being sought to address the situation. Only matters subject to grievances as defined in the beginning of this section will be grievable.

(2) Resolving an administrative grievance

Upon receipt of a written grievance, the named supervisor of the administrator against whom the grievance is filed shall endeavor to resolve the grievance through mediating communication between the Complainant and the Respondent. If mediation fails to resolve the grievance, the supervisor shall move to appoint a formal Administrative Grievance Committee as described below to hear the grievance.

(3) Administrative Faculty Grievance Committee

If a grievance cannot be resolved by mediation as described above, then the following process will be followed:

1. A written notice of a formal hearing will be provided 10 days in advance to the Complainant and Respondent.
2. The named supervisor must appoint a Chair for the Administrative Faculty Grievance Committee within 10 (ten) business days and inform the Complainant and Respondent in writing of this appointment.
 1. The Chair shall not be from the department in which either the Respondent or the Complainant holds their primary appointment.
 2. The Chair must be a full-time faculty member at SGU and hold a rank and administrative appointment level equivalent to or higher than that of the Respondent.
3. The supervisor shall appoint three (3) faculty Members within 10 (ten) business days to serve as members of the Grievance Committee and inform the Complainant and Respondent in writing of the names of the members.
 1. All 3 members must be full-time faculty at SGU and hold a rank and administrative appointment level equivalent to or higher than that of the Respondent.
 2. The members shall not be from the department in which either the Respondent or the Complainant hold their primary positions.

4. The Complainant and/or the Respondent may object to any one of the Administrative Grievance Committee members but must state her/his reasons for the objection(s) in writing within 5 (five) business days of being informed in writing of the names of the members of the Committee a.
 1. The Chair of the Administrative Grievance Committee shall consider any objections lodged in terms of (4) above and make a ruling whether to dismiss a member of the Committee. Should a member or members be dismissed the Chair shall replace such a member or members and inform the Complainant and Respondent in writing accordingly. No further objections relating to the Committee membership from either the Complainant or Respondent will subsequently be allowed.
 2. The Chair shall be a non-voting member and will conduct the Grievance hearing in accordance with the rules in C.3.3.1 below.

(4) The formal hearing of a grievance and appeals process

A formal hearing is not an open public hearing and the following persons may attend such a hearing: the Administrative Faculty Grievance Committee members, the Complainant, the Respondent and such witnesses as may be required. A hearing by a Grievance Committee is not a court of law but is rather an administrative tribunal and an excessive legal approach will not be entertained. The following process will be followed during the hearing although the Chair of the Administrative faculty Grievance Committee may deviate from the order of proceedings with the consent of the Complainant and the Respondent. The Chair shall review the process with the members prior to the hearing to ensure the members understanding.

1. The Chair of the Committee will present an outline of the grievance as contained in the written complaint to the Respondent.
2. The Respondent will be asked if she/he admits to the alleged conduct.
3. Should the Respondent admit to the allegations, the process will move to the stage set out in section (5) n and o below.
4. Should the Respondent deny the alleged conduct, the Chair will conduct the hearing in the following manner:

(5) Conduct of the Hearing

The Chair will:

1. Allow an opening statement by the Complainant followed by an opening statement by the Respondent.
2. Allow the presentation of evidence by Complainant in support of the allegations.
3. Allow questions by the Committee members and Respondent, relating to the evidence given except where the evidence is given in camera as contemplated in (b) above. Questioning in the form of cross examination as in legal proceedings is not allowed.
4. Allow the presentation of evidence on by Respondent.
5. As the hearing represents an administrative tribunal and not a court of law, the law of evidence does not strictly apply. Where deemed appropriate based on the circumstances, the Chair of the Committee may rule that evidence can be given in camera in the presence of the Committee alone.
6. Allow questions by the Committee members and Respondent, relating to the evidence given except where the evidence is given in camera as contemplated in (b) above. Questioning in the form of cross examination as in legal proceedings is not allowed.
7. The Chair of the Committee shall preside over the hearing and the sole adjudicator of the relevance, admissibility and any other procedural matter during the hearing.
8. The proceedings are closed by a statement by the Complainant followed by a statement by the Respondent should they so wish.

9. Evidence (testimony, exhibits and documents) that is not presented at the hearing will not be considered.
10. The Administrative Faculty Grievance Committee must deliberate and determine the facts as it relates to the grievance alleged immediately after the close of the proceedings as envisaged in (g) above.
11. A fact is deemed proven when the majority of the Committee believes it has been established by a preponderance of the evidence. Determinations of credibility can be considered.
12. If it is found by majority vote that the grievance is substantiated by a preponderance of the evidence, the Panel must find that the Respondent caused the grievance as alleged and consider the appropriate remedy.
13. If the Respondent's defense is substantiated by a preponderance of the evidence, the Committee must find for the Respondent and dismiss the grievance.
14. Either finding will be communicated in writing to the Complainant and Respondent respectively. Should the Committee find that the Respondent caused the grievance as alleged, it must inform the Respondent of the finding and remedy it will recommend to the Supervisor for implementation in writing within 24 (twenty-four) hours after the decision is made.
15. The Chair of the panel must inform the named Supervisor in writing of the findings and recommended sanction(s) within 24 (twenty-four) hours after the decision is made.
16. A verbatim recording of the entire grievance hearing must be made and preserved.

(6) Appeals Process for Administrative Faculty

An administrative faculty member who disagrees with the determination of the Administrative Grievance Committee has the right to appeal the decision of the Administrative Faculty Grievance Committee and the recommended remedies in the following manner:

1. A written appeal must be submitted to the Dean of SOM by giving Notice of Appeal in writing to the University Dean of SOM within 10 days of receiving the written notice of the Administrative Committee's decision.
2. The notice of appeal must clearly state the grounds for the appeal, and be based on one or more of the following: due process errors affecting the outcome of the hearing, findings and/or recommendation are not substantiated by the evidence, errors in determining the facts substantiating one or more findings and/or new relevant evidence not available at the time of the hearing and/or the remedy is inappropriate or unreasonable. The Respondent may file a statement arguing grounds of appeal.
3. The Dean of SOM may consult with the Chair of the Administrative Faculty Grievance Committee in connection with any questions the Dean may have regarding the underlying matter.
4. The Dean will review the transcript of the proceedings, exhibits and documents submitted into evidence within 30 (thirty) days of receiving the notice of appeal and render a decision.
5. The Dean's decision after review is final and binding

(7) Remedies

An administrative Grievance Committee upon finding an administrative faculty member was found to have engaged in the alleged conduct may recommend a variety of remedies, including but not limited to, an order to cease and desist from the conduct, an order to comply with one more requirements, an oral reprimand, a written reprimand, referral for consideration of appropriate disciplinary measures.