THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION

ITEM FOR INFORMATION

Subject: Faculty Governance Update

Revisions in the University of Michigan Grievance procedures

SACUA spent much time this past month with the report of the Grievance Procedures Task Force that it appointed in September. The principle driving the task force's report is that procedures should ensure a fair and rapid hearing, and that the procedures should establish a "covenant of fair dealing" amongst all parties to a dispute.

At the present time a grievance is heard by a Grievance Review Board (GRB), appointed by, and reporting to the Dean or Director of that unit. Once the Dean or Director receives a written report of the GRB's hearing, the Dean/Director issues a written response, accepting or rejecting the GRB's finding. If the grievant is dissatisfied with the response, the grievant may appeal on either substantive or procedural grounds. In such cases the Dean/Director who appointed the GRB will make the final decision.

The Grievance Procedures Task Force notes that the current procedures interfere with the establishment of the desired "covenant of fair dealing" by prescribing procedures that may be perceived as inequitable. Chief amongst these issues are:

1. That the current system is founded upon inherent conflicts of interest. Under the current procedure Deans/Directors are expected to reverse themselves, or their direct subordinates who may be respondents. Members of GRBs tend also to be subordinates of the Dean/Director, with whom the power of the ultimate decision resides;
2. That access to information is asymmetrical, to the disadvantage of the grievant;
3. That definitions of actions subject to the grievance procedure are often opaque, as are definitions of adequate proof, admissible evidence, and acceptable behavior on the part of an administrator;
4. That there is no effective way to police violations of procedure or refusal to abide by the results of a hearing on the part of the respondent.

The Grievance Review Task Force proposes to remedy the problems with the current system by ensuring that:

1. Decision makers will be impartial;
2. In cases where the grievance is the result of administrative action, the grievant must have access to the evidence upon which the administration's case is built;
3. Face-to face hearings before the body adjudicating a grievance;
4. The adjudicating body must state the reasons for its decision clearly;
5. Administrative officers cannot ignore decisions by the adjudicating body.

To achieve the goals of an equitable and effective grievance review procedure, the Grievance Review Task Force proposes the following emendations to the existing procedure:

1. Appeals should be made to an elected Faculty Grievance Committee (FGC) composed of 12 members of the Senate Assembly or chairs of senate assembly standing committees. The Senate Assembly will elect 8 members of the FGC, the President will appoint the other 4. No more than 3 of the 12 can be from one school/college of the University. GRBs will consist of 3 members of the FGC, none of whom may come from the grievant's unit
2. The grievant must have prior access to all materials that the respondent will place before the GRB.
3. That greater effort be made to effect a reconciliation between grievant and respondent before the initiation of a formal grievance procedure through the agency of the Central Faculty Ombuds
4. Both Grievant and Respondent will have the right to appeal the result of a GRB decision to an Appeals Board drawn from the FGC.
5. The Appeal Board may allow the GRB decision to stand, return the matter to the original GRB, establish a new GRB or take other appropriate action.
6. In cases where the two parties do not voluntarily accept and implement the decision of a GRB or Appeals Board, the FGC will transmit the decision of the GRB or Appeals Board to the Provost for final administrative resolution.

SACUA feels that the proposed new procedures, by removing the resolution of disputes from the administrative purview of potential respondents, will ensure a process that will be more satisfactory to all parties.

Regents' Bylaw 4.04. The Senate Assembly shall serve as the legislative arm of the senate…The assembly shall have power to consider and advise regarding all matters within the jurisdiction of the University Senate which affect the functioning of the University as an institution of higher learning, which concern its obligations to the state and to the community at large, and which relate to its internal organization insofar as such matters of internal organization involve general questions of educational policy.

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