THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Faculty Grievance Procedures

In January 2007, the Senate Assembly approved a report from the Faculty Grievance Procedures Task Force. This committee had been established because the current grievance procedures are not well suited to resolve disputes concerning the treatment of faculty by administrators. (i) There are potential conflicts of interest: review boards generally contain members who report to the respondent, and administration of the procedures is conducted by the Office of Academic Human Resources. (ii) There are asymmetries in the access to resources. (iii) There are inadequate, ambiguous, and conflicting definitions and standards. (iv) There is a lack of effective enforcement of the procedures and of recommendations resulting from the process. The Task Force made suggestions for revised procedures that would address these problems.

In December 2007, the Provost charged a committee to provide advice for the design of improved grievance procedures. The committee reported their findings in June 2008. This committee did an excellent job of capturing the principles that should govern an equitable and transparent grievance policy. Their report provides a very sound framework for the next step, which is to develop a new policy that enshrines these principles.

From an institutional perspective, grievance procedures should result in decisions in which all parties can have confidence. The system should be designed so that it levels the inherent asymmetry in the power relationship between the grievant and those who are the object of the grievance. This is facilitated by the use of review boards consisting of the grievant's peers, and through the assurance that in normal circumstances the recommendation of the board will be accepted by the university administration. The faculty grievance committees must be seen as being independent from all parties, and there must be a clearly defined process in place to ensure that, in the absence of any compelling counter-argument, the recommended administrative remedy is followed by the appropriate Dean (or Provost).

Grievances should be adjudicated within the university community. An alternative model of adjudicating grievances involving external arbitrators is not appropriate within a university environment for several reasons. First, peer review by faculty is a well-established tradition in academia. Second, external arbitrators may not be familiar with the culture of academic freedom and the (often undocumented) traditional rights and duties of faculty that are crucial to the vitality of any top-ranked academic institution.

The principle of confidentiality outlined in the report of the Provost's committee is important since it will allow an administrator to save face if the grievance committee finds against him or her. However, transparency of the proceedings for all parties must not be sacrificed to the interests of confidentiality. In drafting grievance procedures, a balance will need to be achieved between the principles of transparency and confidentiality. In particular, the possibility of an open discussion of the issues (with the concurrence of the grievant) by faculty governance in the event of the recommendations not being implemented might be the best guarantor that recommendations of a grievance committee would be accepted by the appropriate executive authorities.

An important recommendation is that faculty grievance committees should be composed only of faculty from outside the home unit of the grievant and respondent. This is important,

because it is imperative that the hearing board not have any appearance that it could be influenced by any of the parties in the grievance process.

Another detail yet to be clarified is where the responsibility lies for determining whether a complaint falls within the domain of the grievance procedures. A faculty member should have the opportunity to appeal any decision that a complaint is not within the domain of the grievance procedures to central faculty governance. This ensures that the appeal will be administered by people who are outside the unit, yet it does not subtract from the executive authority of any office.

SACUA looks forward to working with the Provost and a new committee to establish procedures for a fair and equitable process to resolve grievances within the university.

(Submitted November, 2008)

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.