



## POLICY STATEMENT 35 FACULTY GRIEVANCE PROCEDURE

### POLICY DIGEST

Primary Monitoring Unit: Academic Affairs  
Initially Issued: June 4, 2010  
Last Revised: February 8, 2017 (format updated March 19, 2022)

### I. INTRODUCTION

It is important that members of the faculty be treated fairly in decisions affecting academic standing and conditions of employment. Faculty members who believe that they have been treated unfairly or denied due process in such a decision have the right to resort to the Grievance Procedure for Faculty.

Faculty who feel they are being discriminated against because of race, color, sex, ethnicity, religion, age, creed, marital status, veteran’s status, disability, or sexual orientation also have a right to file a complaint in accordance with the policy statement on Affirmative Action/Equal Employment Opportunity (PS No 29), Equal Opportunity Policy ([LSU PM 55](#)), or Title IX Violation ([PS 30](#)) or Title IX and Sexual Misconduct Policy ([LSU PM 73](#)). In an event where the grievance may be considered a Title IX/AA/EEO violation the grievance shall be referred to the Title IX/AA/EEO officer immediately.

A grievance consists of an allegation by a faculty member<sup>1</sup> of unfair treatment in decisions made by a program director, division head, or other academic administrator that adversely affect the grievant's academic standing or conditions of employment. Grievances may result from, but are not limited to, decisions affecting tenure, promotion, salary adjustments, and teaching responsibilities.

The Grievance Procedure for Faculty is designed to ensure the observance of due process in academic personnel matters. Due process is a clear, orderly, fair system of procedures designed to produce the best possible judgments. While the judgment of colleagues within the department and of administrators (including division heads) regarding the quality of professional performance may not normally be the subject of grievance, a grievance may allege that a decision was not made in accordance with the letter and intent of established and accepted procedures and criteria. A faculty member may contend, for instance, that an adverse decision was not made on the basis of accepted criteria, either at the department or higher level; or, a faculty member may contend that criteria have been applied in a way different from the

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<sup>1</sup>The term faculty member in this Grievance Procedure for Faculty is as defined in the [Employee Handbook](#).

39 application to others in a similar situation.

40 The Grievance Procedure for Faculty is a serious matter. It is the responsibility of all parties to  
41 resolve complaints on personnel actions quickly and at the lowest possible level. The faculty  
42 member who contends that treatment has been unfair in personnel actions is obliged to confer  
43 informally with the person responsible for making the adverse decision<sup>2</sup> before filing a formal  
44 grievance. A grievant has the right of self-representation at any step in the Faculty Grievance  
45 Procedure, and at any formal step may choose to be accompanied by an advisor, legal or  
46 personal.

## 47 **II. SUMMARY OF THE FACULTY GRIEVANCE PROCEDURE**

48 The Grievance Procedure for Faculty consists of three steps: informal consultation, the formal  
49 Grievance Procedure for Faculty, and appeal. The process may be terminated at any stage by  
50 mutual agreement of the parties involved, or by the grievant's decision not to pursue the matter  
51 to the next stage.

52 A grievant who at any stage in the Grievance Procedure for Faculty fails to file a request for  
53 action by the specified deadline has lost the opportunity to proceed, unless an extension of time  
54 has been granted. Similarly, a grievant who does not receive a response by the specified  
55 deadline may proceed immediately to the next stage, unless the administrator has been granted  
56 an extension of time.

57 Beginning with the faculty member's "written request for a written explanation" (as specified in  
58 the second paragraph under Informal Consultation), either party to the grievance may present a  
59 written request to the Faculty Grievance Committee for an extension of time (for an additional  
60 ten (10) days because of documented hardship such as personal illness, family emergency, or  
61 official absence from campus. The Faculty Grievance Committee should promptly respond in  
62 writing to the request for an extension of time. In the absence of a written response from the  
63 Faculty Grievance Committee, it is to be assumed that the original deadlines apply.

64 For all time limits, "day" means a day when classes or examinations are scheduled and held in  
65 accordance with the official academic calendar of the University, excluding Saturdays and  
66 Sundays. Moreover, if the document specifies that a party must act within ten (10) days of  
67 receiving a response, the day on which the response is received is not to be counted as one of  
68 the ten (10) days.

## 69 **III. INFORMAL CONSULTATION**

70 At a minimum this stage requires that the faculty member present concerns to the appropriate  
71 administrator within 90 days of the date the faculty member was informed (or can reasonably be  
72 expected to have known) of the event which occasioned the grievance. In return, the  
73 administrator should explain the reasons for the decision and the criteria employed. Both

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<sup>2</sup>If the administrator responsible for making the decision is not available, whether due to death, disability, or resignation, then the grievance will be addressed to that person's administrative superior. It should not be assumed that an alleged injury is automatically rectified by the absence of the person responsible for the injury.

74 parties should treat these discussions as an opportunity to settle the matter.

75 If, after informal discussion, the faculty member continues to believe that the treatment has  
76 been unfair and wishes to pursue the matter, the faculty member should file with the  
77 administrator a written request for a written explanation of the adverse decision. The request  
78 must include the faculty member's specific questions and concerns that constitute the basis for  
79 the complaint. A copy of this request shall also be sent to the next level in the chain of  
80 authority. The request must be made within 60 days from the date of the informal consultation.  
81 The right to request an explanation within 60 days of a decision, and to pursue the Grievance  
82 Procedure for Faculty to its conclusion, is assured to the grievant even if no longer an employee  
83 of the University. The administrator must respond to this request in writing within ten (10) days,  
84 stating the reasons for making the contested decision and explaining the procedures, standards,  
85 and criteria used in arriving at the decision. A copy of the administrator's response shall be  
86 forwarded to the next level in the chain of authority.

87 If no response is received after ten (10) days or if after receiving this response, the faculty  
88 member feels that an unfair judgment has been rendered or that due process has been denied,  
89 or if the faculty member is not satisfied with the response, the faculty member may within ten  
90 (10) days bring the grievance to the Vice Chancellor for Academic Affairs and Provost.<sup>3</sup> The  
91 Vice Chancellor for Academic Affairs and Provost will have ten (10) days to arrive at a resolution  
92 to the faculty member's concern. The Vice Chancellor's recommendations should be  
93 communicated in writing to the person filing the grievance and the person against whom the  
94 grievance is filed.

95 If no response is received after ten (10) days or if, after receiving this response, the faculty  
96 member still feels that an unfair judgment has been rendered or that due process has been  
97 denied, the faculty member may file, within ten (10) days, a formal grievance with the LSU  
98 Eunice Faculty Grievance Committee.

#### 99 **IV. THE FACULTY GRIEVANCE COMMITTEE**

100 The LSU Eunice Faculty Grievance Committee will consist of one tenured faculty member  
101 (whose duties are not primarily administrative) from each academic division and the library,  
102 elected at the beginning of the fall semester. Each academic unit shall also elect an alternate to  
103 serve in the event that a committee member is involved in a grievance or is unable to fulfill  
104 his/her obligations. In the event that an academic unit contains only one tenured non-  
105 administrative faculty member, the Executive Committee of the Faculty Senate, in consultation  
106 with the faculty of the unit, will appoint an alternate from another academic unit. No person with  
107 a pending grievance can participate in the election of members of the Faculty Grievance  
108 Committee, nor be elected or appointed to serve on the committee.

109 The Faculty Grievance Committee will elect a chair from among its own members. In the event  
110 that the committee is hearing a case involving a faculty member from the same academic unit  
111 as the committee chair, the committee will select another chair to serve for the duration of the  
112 case.

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<sup>3</sup>This stage will be omitted if the grievance is against the Chancellor or the Vice Chancellor for Academic Affairs and Provost.

113 **V. THE FORMAL GRIEVANCE PROCEDURE FOR FACULTY**

114 To begin the formal grievance procedure, a petition must be filed with the LSU Eunice  
115 Grievance Committee. The petition will set forth in detail the nature of the grievance and will  
116 state against whom the grievance is directed. It will contain any factual or other data which the  
117 petitioner deems pertinent to the case. Statistical evidence of improper discrimination, including  
118 discrimination in salary, may be used in establishing a *prima facie* case.

119 Copies of all documents of the formal grievance procedure (beginning with the formal  
120 grievance) shall be delivered to the Chancellor's Office. This will include the grievant's petition  
121 as well as the initial request for explanation and the written responses received from the  
122 administrator against whom the grievance is filed and the Vice Chancellor for Academic Affairs  
123 and Provost. The grievant will be responsible for making copies of the documents for the  
124 Grievance Committee and the administrator against whom the grievance is filed; the  
125 Chancellor's Office will notify them of the documents' availability. The Chancellor's Office shall  
126 also keep a log of the dates of receipt and delivery of these documents.

127 If the grievant desires to send copies of the documentation directly to the Grievance Committee,  
128 in addition to depositing them at the Chancellor's Office, then the documents must be sent by  
129 mail. Neither party to a grievance should have any communication regarding the grievance with  
130 members of the Grievance Committee except at the committee's request. This prohibition also  
131 applies to advisors of the person filing the grievance and to administrative superiors of the  
132 person against whom the grievance was filed. When the Grievance Committee receives  
133 documents from either party to the grievance, it shall immediately notify the other party and,  
134 unless legally prohibited, make copies of the documents available to all parties.

135 Submission of a petition will not automatically entail investigation or detailed consideration  
136 thereof. The Grievance Committee, at its discretion, may invite either or both parties to present  
137 additional material, either personally or in writing. The committee may also request legal  
138 opinions from LSU attorneys through the appropriate institutional officer.

139 It is the duty of the committee to determine, within ten (10) days, whether the grievant has been  
140 denied due process or treated unfairly and to make recommendations to the Chancellor. If,  
141 however, the committee needs additional time for its investigation, it may take an additional ten  
142 (10) days by notifying both parties in writing. Copies of the committee's recommendations shall  
143 be sent to the grievant and the administrator against whom the grievance was filed.

144 If the committee takes no action within the specified or extended time, the petition will  
145 automatically go forward to the Chancellor without recommendation. Once the Chancellor  
146 receives the recommendation of the committee (or the original petition without  
147 recommendation), he must respond to the grievant within ten (10) days. For most substantive  
148 issues, the Chancellor shall be the final arbiter in the faculty grievance procedure. If the grievant  
149 is not satisfied with the Chancellor's response, or if the Chancellor fails to respond within ten  
150 (10) days, the grievant may appeal to the President of LSU, through the Provost. The appeal  
151 should clearly identify the basis for the appeal and any errors or omissions that may have  
152 occurred.