

SUBJECT: Grievance Procedure for Faculty

Introduction

1
2 It is important that members of the faculty be treated fairly in decisions affecting academic
3 standing and conditions of employment. Faculty members who believe that they have been
4 treated unfairly or denied due process in such a decision have the right to resort to the
5 Grievance Procedure for Faculty.
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7 A grievance consists of an allegation by a faculty member¹ of unfair treatment in decisions made
8 by a program director, division head, or other academic administrator that adversely affect the
9 grievant's academic standing or conditions of employment. Grievances may result from, but are
10 not limited to, decisions affecting tenure, promotion, salary adjustments, and teaching
11 responsibilities.
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13 The Grievance Procedure for Faculty is designed to ensure the observance of due process in
14 academic personnel matters. Due process is a clear, orderly, fair system of procedures
15 designed to produce the best possible judgments. While the judgment of colleagues within the
16 department and of administrators (including division heads) regarding the quality of professional
17 performance may not normally be the subject of grievance, a grievance may allege that a
18 decision was not made in accordance with the letter and intent of established and accepted
19 procedures and criteria. A faculty member may contend, for instance, that an adverse decision
20 was not made on the basis of accepted criteria, either at the department or higher level; or, a
21 faculty member may contend that criteria have been applied in a way different from the
22 application to others in a similar situation.
23

24 The Grievance Procedure for Faculty is a serious matter. It is the responsibility of all parties to
25 resolve complaints on personnel actions quickly and at the lowest possible level. The faculty
26 member who contends that treatment has been unfair in personnel actions is obliged to confer
27 informally with the person responsible for making the adverse decision² before filing a formal
28 grievance. A grievant has the right of self-representation at any step in the Faculty Grievance
29 Procedure, and at any formal step may choose to be accompanied by an advisor, legal or
30 personal.
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Summary of the Faculty Grievance Procedure

32 The Grievance Procedure for Faculty consists of three steps: informal consultation, the formal
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¹The term faculty member in this Grievance Procedure for Faculty is as defined in the Employee Handbook.

²If 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.

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34 Grievance Procedure for Faculty, and appeal. The process may be terminated at any stage by
35 mutual agreement of the parties involved, or by the grievant's decision not to pursue the matter
36 to the next stage.

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

43
44 Beginning with the faculty member's "written request for a written explanation" (as specified in
45 the second paragraph under Informal Consultation), either party to the grievance may present a
46 written request to the Faculty Grievance Committee for an extension of time (for an additional
47 ten (10) days because of documented hardship such as personal illness, family emergency, or
48 official absence from campus. The Faculty Grievance Committee should promptly respond in
49 writing to the request for an extension of time. In the absence of a written response from the
50 Faculty Grievance Committee, it is to be assumed that the original deadlines apply.

51
52 For all time limits, "day" means a day when classes or examinations are scheduled and held in
53 accordance with the official academic calendar of the University, excluding Saturdays and
54 Sundays. Moreover, if the document specifies that a party must act within ten (10) days of
55 receiving a response, the day on which the response is received is not to be counted as one of
56 the ten (10) days.

57
58 **Informal Consultation**

59 At a minimum this stage requires that the faculty member present concerns to the appropriate
60 administrator within 90 days of the date the faculty member was informed (or can reasonably be
61 expected to have known) of the event which occasioned the grievance. In return, the
62 administrator should explain the reasons for the decision and the criteria employed. Both
63 parties should treat these discussions as an opportunity to settle the matter.

64
65 If, after informal discussion, the faculty member continues to believe that the treatment has
66 been unfair and wishes to pursue the matter, the faculty member should file with the
67 administrator a written request for a written explanation of the adverse decision. The request
68 must include the faculty member's specific questions and concerns that constitute the basis for
69 the complaint. A copy of this request shall also be sent to the next level in the chain of
70 authority. The request must be made within 60 days from the date of the informal consultation.
71 The right to request an explanation within 60 days of a decision, and to pursue the Grievance
72 Procedure for Faculty to its conclusion, is assured to the grievant even if no longer an employee

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73 of the University. The administrator must respond to this request in writing within ten (10) days,
74 stating the reasons for making the contested decision and explaining the procedures, standards,
75 and criteria used in arriving at the decision. A copy of the administrator's response shall be
76 forwarded to the next level in the chain of authority.

77
78 If no response is received after ten (10) days or if after receiving this response, the faculty
79 member feels that an unfair judgment has been rendered or that due process has been denied,
80 or if the faculty member is not satisfied with the response, the faculty member may within ten
81 (10) days bring the grievance to the Vice Chancellor for Academic Affairs.³ The Vice Chancellor
82 for Academic Affairs will have ten (10) days to arrive at a resolution to the faculty member's
83 concern. The Vice Chancellor's recommendations should be communicated in writing to the
84 person filing the grievance and the person against whom the grievance is filed.

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

The Faculty Grievance Committee

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

100
101 The Faculty Grievance Committee will elect a chair from among its own members. In the event
102 that the committee is hearing a case involving a faculty member from the same academic unit
103 as the committee chair, the committee will select another chair to serve for the duration of the
104 case.
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The Formal Grievance Procedure for Faculty

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107 To begin the formal grievance procedure, a petition must be filed with the LSU Eunice
108 Grievance Committee. The petition will set forth in detail the nature of the grievance and will
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³This stage will be omitted if the grievance is against the Chancellor or the Vice Chancellor for Academic Affairs.

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110 state against whom the grievance is directed. It will contain any factual or other data which the
111 petitioner deems pertinent to the case. Statistical evidence of improper discrimination, including
112 discrimination in salary, may be used in establishing a *prima facie* case.
113

114 Copies of all documents of the formal grievance procedure (beginning with the formal
115 grievance) shall be delivered to the Chancellor's Office. This will include the grievant's petition
116 as well as the initial request for explanation and the written responses received from the
117 administrator against whom the grievance is filed and the Vice Chancellor for Academic Affairs.
118 The grievant will be responsible for making copies of the documents for the Grievance
119 Committee and the administrator against whom the grievance is filed; the Chancellor's Office
120 will notify them of the documents' availability. The Chancellor's Office shall also keep a log of
121 the dates of receipt and delivery of these documents.
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123 If the grievant desires to send copies of the documentation directly to the Grievance Committee,
124 in addition to depositing them at the Chancellor's Office, then the documents must be sent by
125 mail. Neither party to a grievance should have any communication regarding the grievance with
126 members of the Grievance Committee except at the committee's request. This prohibition also
127 applies to advisors of the person filing the grievance and to administrative superiors of the
128 person against whom the grievance was filed. When the Grievance Committee receives
129 documents from either party to the grievance, it shall immediately notify the other party and,
130 unless legally prohibited, make copies of the documents available to all parties.
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132 Submission of a petition will not automatically entail investigation or detailed consideration
133 thereof. The Grievance Committee, at its discretion, may invite either or both parties to present
134 additional material, either personally or in writing. The committee may also request legal
135 opinions from LSU system attorneys through the appropriate institutional officer.
136

137 It is the duty of the committee to determine, within ten (10) days, whether the grievant has been
138 denied due process or treated unfairly and to make recommendations to the Chancellor. If,
139 however, the committee needs additional time for its investigation, it may take an additional ten
140 (10) days by notifying both parties in writing. Copies of the committee's recommendations shall
141 be sent to the grievant and the administrator against whom the grievance was filed.
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143 If the committee takes no action within the specified or extended time, the petition will
144 automatically go forward to the Chancellor without recommendation. Once the Chancellor
145 receives the recommendation of the committee (or the original petition without
146 recommendation), he must respond to the grievant within ten (10) days. For most substantive
147 issues, the Chancellor shall be the final arbiter in the faculty grievance procedure. If the grievant
148 is not satisfied with the Chancellor's response, or if the Chancellor fails to respond within ten

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149 (10) days, the grievant may appeal to the President of the LSU System, through the Vice
150 President for Academic Affairs. The appeal should clearly identify the basis for the appeal and
151 any errors or omissions that may have occurred.