

Chapter 13: Complaints and Grievances

Kerrie Hoar 2/12/09 2:59 PM

Comment: Blue font has been used for UWS rules, which cannot be changed. Black Font has been used for unclassified rules. Green Font has been used for instructional academic staff. Red Font has been used for non instructional academic staff.

UWS 13.01 Complaints.

Each institution shall establish policies and procedures to deal with allegations by persons other than the academic staff member's supervisors, including administrators, students, other academic staff, faculty, classified staff, or members of the public concerning conduct by an academic staff member which violates university rules or policies, or which adversely affects the staff member's performance or obligation to the university but which allegations are not serious enough to warrant dismissal proceedings under ch. UWS 11. Such procedures shall include the designation of an individual or body with the power and authority to conduct a hearing on the complaint and to recommend solutions to the chancellor if the problem cannot be otherwise resolved.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWL 13.01 Complaints.

Instructional Academic Staff

Kerrie Hoar 2/11/09 3:27 PM

Comment: Current UWL 13.01 language is ASC rather than FS bylaws & procedures.

(1) Responsibilities for Charges, Hearing Requests, Due Process, Procedural Guarantees: The Chancellor shall review and act on the types of complaint specified in this chapter by the procedures specified in UWS 11.02. The rules for request for a hearing shall be those specified UWS 11.04. The rules for adequate due process and procedural guarantees shall be those specified under UWS 11.05, 11.06; UWL 11.06-11.07; and corresponding Faculty Senate bylaws, while substituting in these rules for dismissal the concept of severe sanctions other than dismissal.

(2) Hearing Body: The standing committee to hear complaints from IAS shall be the same hearing body established under UWS 4.03, by UWL 4.03, and the corresponding Faculty Senate bylaws.

(3) Procedures and Recommendations: At least two-thirds of the members hearing the case must concur in a finding of misconduct and in a recommendation of severe sanctions if such a finding and recommendation are to be reported to the Chancellor. Otherwise, a finding of no serious misconduct warranting severe sanctions shall be reported. The hearing body may by majority vote of those hearing the case recommend a minor sanction. If the hearing body finds sanctions are not warranted, it shall recommend dismissal of the complaint. The hearing body may recommend referral to appropriate officials or groups for informal resolution of remaining issues.

(a) The hearing body shall transmit its finding of fact and recommendations in writing to the Chancellor and the academic staff member involved within ten calendar days after the conclusion of its proceedings.

(b) Following the final decision of the Chancellor, the academic staff member involved shall not be charged again for the same instance(s) of alleged misconduct.

(c) Within ten calendar days after the transmittal of the findings and recommendations of

the hearing body, the academic staff member or the complainant may file written objections with the Chancellor.

(d) Any objections must be based solely on the record as developed at the hearing before the hearing body.

(e) The Chancellor shall render a decision as soon as practical after the expiration of this latter ten-day period and shall transmit the decision to the academic staff member, the complainant, and the hearing body. If the Chancellor does not accept the committee recommendation, he/she shall provide for the hearing body a written statement of the reasons for his/her disagreement. Failure to accept the hearing body's recommendations shall be rare, and the reasons compelling.

(4) Board Review: Policies and procedures for board review of dismissal for cause of a member of the instructional academic staff are specified in UWS 11.10.

NonInstructional Academic Staff

(1) Responsibilities for Charges, Hearing Requests, Due Process, Procedural Guarantees: The Chancellor shall review and act on the types of complaint specified in this chapter by the procedures specified in UWS 11.02. The rules for request for a hearing shall be those specified under UWS 11.04. The rules for adequate due process and procedural guarantees shall be those specified under UWS 11.05, 11.06; UWL 11.05-11.07; and corresponding Academic Staff Council bylaws, while substituting in these rules for dismissal the concept of severe sanctions other than dismissal.

(2) Hearing Body: The standing committee to hear complaints shall be the same hearing body established under UWS 11.03, by UWL 11.03, and the Academic Staff Council bylaws. (X, A).

(3) Procedures and Recommendations: At least two-thirds of the members hearing the case must concur in a finding of misconduct and in a recommendation of severe sanctions if such a finding and recommendation are to be reported to the Chancellor. Otherwise, a finding of no serious misconduct warranting severe sanctions shall be reported. The hearing body may by majority vote of those hearing the case recommend a minor sanction. If the hearing body finds sanctions are not warranted, it shall recommend dismissal of the complaint. The hearing body may recommend referral to appropriate officials or groups for informal resolution of remaining issues.

(a) The hearing body shall transmit its finding of fact and recommendations in writing to the Chancellor and the academic staff member involved within ten calendar days after the conclusion of its proceedings.

(b) Following the final decision of the Chancellor, the academic staff member involved shall not be charged again for the same instance(s) of alleged misconduct.

(c) Within ten calendar days after the transmittal of the findings and recommendations of the hearing body, the academic staff member or the complainant may file written objections with the Chancellor.

(d) Any objections must be based solely on the record as developed at the hearing before the hearing body.

(e) The Chancellor shall render a decision as soon as practical after the expiration of this latter ten-day period and shall transmit the decision to the academic staff member, the complainant, and the hearing body. If the Chancellor does not accept the committee recommendation, he/she shall provide for the hearing body a written statement of the reasons for his/her disagreement. Failure to accept the hearing body's recommendations shall be rare, and the reasons compelling.

(4) Board Review: Policies and procedures for board review of dismissal for cause of a member of the academic staff are specified in UWS 11.10.

UWS 13.02 Grievances.

Each institution shall establish policies and procedures for adjudicating grievances involving members of the academic staff. Such procedures shall include the designation of an individual or body with the power and authority to investigate and to recommend solutions to the chancellor if the problem cannot be otherwise resolved.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWL 13.02 Grievances.

Instructional Academic Staff

(1) The committee to investigate grievance of instructional academic staff shall be the faculty committee on Grievance, Appeals, and Academic Freedom. (See senate bylaws and UWS 6.02 and UWL 6.02.)

(2) A grievance is a personnel problem involving an appointee's expressed feeling of unfair treatment or dissatisfaction with aspects of his/her working conditions within the University which are outside his/her control. A grievance relates to such matters as salaries, promotions, assignments of duties, working conditions, and propriety of conduct claimed to harm the petitioner substantially whether the claim alleges unethical or improper action by colleagues or by administrator. A grievance is a matter other than one involving dismissal proceedings and other than a complaint proceeding involving (other) severe sanctions.

(3) If an instructional academic staff member feels cause for grievance the member may petition in writing the Grievance, Appeals, and Academic Freedom Committee for redress after other remedies are exhausted.

(4) The written petition shall set forth in detail the nature of the grievance and shall state against whom the grievance is directed. It shall cite any data which the petitioner deems pertinent to the case.

(5) Submission of a petition shall not automatically entail investigation or detailed consideration thereof. The committee shall have the right to decide whether or not the facts merit a detailed investigation.

Kerrie Hoar 2/11/09 3:28 PM

Comment: Current UWL 13.01 language is ASC rather than FS bylaws & procedures.

- (6) The committee may seek to bring about a settlement of the issue satisfactory to the parties without a hearing.
- (7) If in the opinion of the committee such a settlement is not possible or is not appropriate, it shall conduct a fact finding hearing.
- (8) The hearing shall provide adequate due process: reasonable notice, hearing, and the right of the grievant to be accompanied by one other person (in addition to witnesses). The committee may establish procedures to conduct a hearing.
- (9) The committee shall report its findings and recommendations to the petitioner, to the Chancellor, or other appropriate administrative officer, and the Faculty Senate.
- (10) The Chancellor shall respond in writing to the Committee's recommendations.
- (11) The committee to investigate grievance of instructional academic staff shall be the faculty committee on Grievance, Appeals, and Academic Freedom. (See senate bylaws and UWS 6.02 and UWL 6.02.)

NonInstructional Academic Staff

- (1) The academic staff committee to investigate grievances of non instructional academic staff members shall be the Academic Staff Grievance Committee established in the Academic Staff Council bylaws.(X, D).
- (2) A grievance is a personnel problem involving an appointee's expressed feeling of unfair treatment or dissatisfaction with aspects of his/her working conditions within the University which are outside his/her control. A grievance relates to such matters as salaries, promotions, assignments of duties, working conditions, and propriety of conduct claimed to harm the petitioner substantially whether the claim alleges unethical or improper action by colleagues or by administrator. A grievance is a matter other than one involving dismissal proceedings and other than a complaint proceeding involving (other) severe sanctions.
- (3) If a non instructional academic staff member feels cause for grievance the member may petition in writing the Academic Staff Grievance Committee for redress after other remedies are exhausted.
- (4) The written petition shall set forth in detail the nature of the grievance and shall state against whom the grievance is directed. It shall cite any data which the petitioner deems pertinent to the case.
- (5) Submission of a petition shall not automatically entail investigation or detailed consideration thereof. The committee shall have the right to decide whether or not the facts merit a detailed investigation.

(6) The committee may seek to bring about a settlement of the issue satisfactory to the parties without a hearing.

(7) If in the opinion of the committee such a settlement is not possible or is not appropriate, it shall conduct a fact finding hearing.

(8) The hearing shall provide adequate due process: reasonable notice, hearing, and the right of the grievant to be accompanied by one other person (in addition to witnesses). The committee may establish procedures to conduct a hearing.

(9) The committee shall report its findings and recommendations to the petitioner, to the Chancellor, or other appropriate administrative officer, and the Academic Staff Council.

(10) The Chancellor shall respond in writing to the Committee's recommendations.