

# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » Faculty Grievance Committee

## Archive from 1997-2014

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### Faculty Grievance Committee

- [Standing Rules](#)
- [Membership](#)
- [Scheduled Meetings](#)
- [Agendas](#)
- Minutes
- [Annual Reports](#)
  
- [Grievance Procedures](#)

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » Standing Rules

## Faculty Grievance Committee

### Standing Rules

The Faculty Grievance Committee, as an instrument of the "Faculty Grievance Procedure," shall meet with University faculty members to consider grievances that are not resolved through informal processes. The role, activities, and responsibilities of the committee are defined in the "OSU Faculty Grievance Procedure," referenced in the Oregon Administrative Rules. The Committee consists of five academic employees, with faculty rank or professional title, at least one of whom shall be female and one faculty member from an underrepresented population, chosen by the Faculty Senate Executive Committee. Any academic employee with Faculty rank or professional title may submit nominations to the Executive Committee for consideration. The Chair of the Committee shall be selected by the Executive Committee of the Faculty Senate. Three members of the Faculty Grievance Committee shall constitute a quorum.

(It is recommended that at least one member of the Committee should have legal training.)

*(Note: OAR 576-50-015 and -020 provide for separate mediation and grievance processes which require two separate committees.)*

(03/02)

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » Membership

## Faculty Grievance Committee

### Membership

- [2013-2014](#)
- [2012-2013](#)
- [2011-2012](#)
- [2010-2011](#)
- [2009-2010](#)
- [2008-2009](#)
- [2007-2008](#)
- [2006-2007](#)
- [2005-2006](#)
- [2004-2005](#)
- [2003-2004](#)
- [2002-2003](#)
- [2001-2002](#)
- [2000-2001](#)
- [1999-2000](#)

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » Scheduled Meetings

## Faculty Grievance Committee

### Scheduled Meetings 2012-2013

[Fall 2012](#)

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » Agendas

## Faculty Grievance Committee

### Agendas

[March 9, 2001](#)

[February 25, 2010](#)

---

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » Annual Reports

## Faculty Grievance Committee

### Annual Reports

- [2012-2013](#)
- [2011-2012](#)
- [2008-2009](#)
- [2007-2008](#)
- [2006-2007](#)
- [2005-2006](#)
- [2002-2003](#)
- [2001-2002](#)
- [2000-2001](#)
- [1999-2000](#)
- [1998-1999](#)
- [1997-1998](#)

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Membership](#) » Membership – 2013-2014

## Faculty Grievance Committee

### Membership – 2013-2014

Mirabelle Fernandes-Paul, Chair '14  
Alan Bakalinsky '14  
Wendy McKenna '15  
David Williams '15  
Lori Cramer '16

Women's Center  
Food Science & Technology  
Human Development and Family Sciences  
Environmental & Molecular Toxicology  
Sociology

*Executive Committee Liaison – Nell O'Malley*

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Membership](#) » Membership — 2012-2013

## Faculty Grievance Committee

### Membership — 2012-2013

Mirabelle Fernandes-Paul, Chair '14  
Staci Simonich '13  
Alan Bakalinsky '14  
Wendy McKenna '15  
Terry Reese '15

Women's Center  
Environmental & Molecular Toxicology  
Food Science & Technology  
Human Development and Family Sciences  
The Valley Library

*Executive Committee Liaison – Peg Herring*

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Membership](#) » Membership -- 2011-2012

## Faculty Grievance Committee

### Membership -- 2011-2012

Guillermo Giannico, Chair '12  
Richmond Barbour '12  
Staci Simonich '13  
Alan Bakalinsky '14  
Mirabelle Fernandes-Paul '14

Fisheries & Wildlife  
English  
Environmental & Molecular Toxicology  
Food Science & Technology  
Women's Advancement

*Executive Committee Liaison - Peg Herring*

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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## Faculty Grievance Committee

### Membership --- 2010-2011

Guillermo Giannico, Chair '12

Deb Pence '11

Jeri Hemmer '11

Richmond Barbour '12

Staci Simonich '13

Fisheries & Wildlife

Mechanical Engineering

Human Resources

English

Environmental & Molecular Toxicology

#### **Alternate:**

Julia Jones '11

Geosciences

*Executive Committee Liaison - Leslie Burns*

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Membership](#) » Membership – 2009-2010

## Faculty Grievance Committee

### Membership – 2009-2010

Deb Pence '11, Chair  
Janet Nishihara '10  
Jeri Hemmer '11  
Richmond Barbour '12  
Guillermo Giannico '12

Mechanical Engineering  
Educational Opportunities Program  
Human Resources  
English  
Fisheries & Wildlife

**Alternate:**

Staci Simonich '10

Environmental & Molecular Toxicology

*Executive Committee Liaison - Lynda Ciuffetti*

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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## Faculty Grievance Committee

### Membership – 2008-2009

Deb Pence '11, Chair	Mechanical Engineering
Matt Cannon '09	Animal Sciences
Jay Sexton '09	Forest Science
Janet Nishihara '10	Educational Opportunities Program
Jeri Hemmer '11	Human Resources

**Alternate:**

Tom Wolpert '09	Botany and Plant Pathology
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*Executive Committee Liaison - Lynda Ciuffetti*

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Membership](#) » 2007-2008

## Faculty Grievance Committee

### 2007-2008

#### Membership -- 2007-2008

Deborah Pence '08, Chair  
Loretta Rielly '08  
Matt Cannon '09  
Jay Sexton '09  
Janet Nishihara

**Alternate:**

Tom Wolpert '08

Mechanical Engineering  
Valley Library  
Animal Sciences  
Forest Science  
Educational Opportunities  
  
Botany and Plant Pathology

Executive Committee Liaison - Bill Boggess

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Membership](#) » 2006-2007

## Faculty Grievance Committee

### 2006-2007

#### Membership -- 2006-2007

Loretta Rielly '08, Chair	Valley Library
Urmila Mali '07	Educational Opportunities Program
Deborah Pence '08	Mechanical Engineering
Matt Cannon	Animal Sciences
Jay Sexton	Forest Science
<i>Alternate:</i>	
Tom Wolpert '08	Botany and Plant Pathology

Executive Committee Liaison - Bill Boggess

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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## Faculty Grievance Committee

### Membership -- 2005-2006

Steve Sharrow '06, Chair

Barbara Balz '06

Jessica White '06

Urmila Mali '07

Loretta Rielly '08

**Alternate:**

Tom Wolpert '08

Rangeland Resources

Registrar's Office

College of Education

Educational Opportunities Program

Valley Library

Botany and Plant Pathology

Executive Committee Liaison - Jeff Hale

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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### Faculty Grievance Committee

#### Membership -- 2004-2005

Gregg Walker '07, Chair

Barbara Balz '06

Steve Sharrow '06

Jessica White '06

Urmila Mali '07

Tom Adams (v. Murphy) '05

**Alternate:**

TBA

Speech Communication

Registers Office

Rangeland Resources

School of Education

Educational Opportunities Program

Wood Science

Executive Committee Liaison - Bob Mason

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Membership](#) » Membership -- 2003-2004

### Faculty Grievance Committee

#### Membership -- 2003-2004

Michael Ingram '04, Chair	School of Education
Mark Daeschel (v. Kostenbauer) '04	Food Science & Technology
Diane Kaufman '04	N. Willamette Research & Extension Center
Karel Murphy '05	College of Engineering
Jessica White '06	School of Education
<i>Alternate:</i> Jennifer Cornell '04	English

Executive Committee Liaison - Becky Warner

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Membership](#) » Membership -- 2002-2003

## Faculty Grievance Committee

### Membership -- 2002-2003

Michael Ingram '03, Co-Chair	School of Education
Michael Oriard '03, Co-Chair	English
Diane Kaufman '04	N. Willamette Research & Extension Center
Mark Daeschel (v. Kostenbauer) '04	Food Science & Technology
Karel Murphy '05	College of Engineering

Executive Committee Liaison - Becky Warner

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Membership](#) » Membership -- 2001-2002

### Faculty Grievance Committee

#### Membership -- 2001-2002

Michael Oriard (v. Healey) '03, Chair	English
Ilene Kleinsorge (v. Osborne) '02	Business
Michael Ingram (v. Jackson) '03	Education
Diane Kaufman '04	North Willamette Res. & Ext. Ctr.
John Kostenbauer '04	Human Resources

Executive Committee Liaison – Bruce Sorte

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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## Faculty Grievance Committee

### Membership -- 2000-2001

Phil Rossignol '01, Co-chair	Entomology
Jennifer Cornell '02, Co-chair	English
Judy Osborne '02	Education
Deborah Healey '03	English Language Institute
Phil Jackson '03	Geosciences

Executive Committee Liaison - Nancy Rosenberger

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Membership](#) » Membership -- 1999-2000

## Faculty Grievance Committee

### Membership -- 1999-2000

Debbie Jimmerson '00 Chair

Karin Hardin '00

Phil Rossignol '01

Jennifer Cornell '02

Judy Osborne '02

Mechanical Engineering

Nutrition & Food Management

Entomology

English

Education

Executive Committee Liaison – Stella Coakley

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Agendas](#) » Friday, March 9 Agenda

## Faculty Grievance Committee

### Friday, March 9 Agenda

Agenda  
Friday, March 9  
3:00-4:00  
304 Moreland

1. Additional issues arising from my discussion with the AAUP on February 13th regarding proposed changes to OAR 580-021-0055, which describes OUS grievance procedures. Please note: a final vote on this issue is scheduled for April 16th!
2. Proposed changes to the FGC Standing Rules, summarized in an e-mail to the FGC following a meeting with Henry Sayre on November 10th. Specifically, we need to discuss ways to ensure the inclusion of professional as well as fixed-term faculty on the committee before we revise the Rules and submit them to the Committee on Committees for approval;
3. The Graduate Council's failure to act on the recommendation included in the FGC's 1999-2000 Annual Report to provide for additional review and signature by a Dean when Graduate Faculty Status is removed;
4. The need for a Handbook and/or Web Site for Potential Grievants(adapted from existing documents addressed to Committee Members, as outlined in the report to the Committee I prepared in June, 2000).

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| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Agendas](#) » February 25, 2010 Agenda

## Faculty Grievance Committee

### February 25, 2010 Agenda

Agenda  
February 25, 2010  
Noon -1:00 PM  
304 Rogers Hall

1. Review [Standing Rules](#) and determine whether revisions are necessary
- 

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Annual Reports](#) » Annual Report 2012-2013

## Faculty Grievance Committee

### 2012-2013 Annual Report

#### Membership

Mirabelle Fernandes-Paul, Chair '14	Women's Center
Staci Simonich '13	Environmental & Molecular Toxicology
Alan Bakalinsky '14	Food Science & Technology
Wendy McKenna '15	Human Development and Family Sciences
Terry Reese '15	The Valley Library
Executive Committee Liaison – Peg Herring	

#### Summary of Activities

A total of two university faculty members contacted the Chair of the Faculty Grievance Committee to determine whether a grievance procedure was the appropriate option to resolve the job related problems or issues.

The first was a member of the Office of Equity and Inclusion (OEI) enquiring about how the Faculty Grievance Committee handles possible conflict of interest issues. Her question specifically was about what happens if a faculty member wishes to file a grievance with the committee, and one of the committee members is a faculty member in the same department as the grievant. After consultation with the Faculty Senate Grievance Committee (FSGC) guidelines, as well as consulting with Ms. Nunnemaker, the Faculty Senate President, and OSU's Legal Counsel, the FSGC chair let the OEI officer know that the case can be considered by the committee, and the committee member in question can be replaced by Peg Herring, the Executive Committee Liaison. No further communication was received about this case.

The second enquiry came from a fixed-term instructor who had been newly terminated and felt that this was a part of prolonged harassment, as perceived by the instructor. After consultation with the FSGC Chair, this instructor presented a grievance to the Dean of the corresponding college, according to FSGC guidelines. Before the Dean responded, however, the instructor decided not to pursue this case with Faculty Grievance. It is not appropriate to comment on the specifics of this case in this report.

#### Recommendations

The experience of the Committee during this grievance process led us to present the following recommendations to the Faculty Senate's Executive Committee.

1. To work with the university administration to ensure that all colleges and departments/units properly and timely conduct annual reviews. Additionally, departments must advise faculty going up for annual review about the criteria in place for them so that they don't find themselves surprised by the outcomes of that review, or at the time of contract renewal/terminations.
2. To work with the Provost's Office to ensure that any unit that has shown a pattern of violations of procedural guidelines to the tenure, promotion and termination process brings its procedures into alignment with the principles and criteria of the university guidelines.
3. To reconsider a request in 2000-2001 Report by Faculty Grievance Committee for Faculty Senate support for a proposal by the AAUP to establish a "legal defense fund" to provide some pre-determined legal advice services to grievant.
4. To work closely with the University Ombuds and Legal Counsel proactively to accurately, promptly, and compassionately respond to queries from potential plaintiffs; possibly a two-hour orientation meeting around the beginning of fall term.



| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Annual Reports](#) » Annual Report 2011-2012

## Faculty Grievance Committee

### Annual Report

#### Membership

Guillermo R. Giannico '12, Chair	Fisheries and Wildlife
Richmond Barbour '12	English
Staci Simonich '13	Environmental and Molecular Toxicology
Alan Bakalinsky '14	Food Science and Technology
Mirabelle Fernandes-Paul '14	Women's Center

#### Summary of Activities

A total of two university faculty members contacted the Chair of the Faculty Grievance Committee to determine whether a grievance procedure was the appropriate option to resolve the job-related problems or issues they were facing. After consultation with the Chair, one of these faculty members decided to have the issue resolved through the Office of Affirmative Action and Equal Opportunity; the other faculty member presented a grievance for denial of tenure. This grievance resulted in a hearing on November 2, 2011 and a Committee recommendation to President Ray On December 6, 2011. It should be noted that this grievance was separate from, albeit related to, an earlier grievance by the same faculty member that was heard by this Committee in 2010. All members of the Committee were in attendance during the hearing and participated in preparing the final recommendation. It is not appropriate to comment on the specifics of this case in this report.

#### Recommendations

The experience of the Committee during this grievance process led us to present the following recommendations to the Faculty Senate's Executive Committee.

1. To work with the university administration to ensure that all colleges and departments/units properly advise faculty going up for tenure or promotion about the criteria in place for them so that they don't find themselves straddling a gap between the procedural guidelines for promotion and tenure published in the online version of the Faculty Handbook and those actually applied to them.
2. To work with the Provost's Office to ensure that any academic unit that has shown a pattern of violations of procedural guidelines to the tenure and promotion process brings its procedures into alignment with the principles and criteria of the university guidelines.
3. To avoid the President's direct involvement during the initial appeal process by a grievant (unless the grievant decides to bypass the Faculty Grievance Committee and files an appeal directly to the President). If the grievant files an appeal to the Faculty Grievance Committee, then the Committee's decision is written as a recommendation to the President, and he/she makes the final decision. This grievance process would follow OAR576-050-0025 and -0030 closer than the current process does, and involve the President only once in the appeal process rather than twice as we experienced. However, this change may significantly increase the work load on the Faculty Grievance Committee, and how to tackle this will need to be considered by the Senate's Executive Committee.
4. To reconsider request in 2000-2001 Report by Faculty Grievance Committee for Faculty Senate support for a proposal by the AAUP to establish a "legal defense fund" to provide some pre-determined legal advice services to grievant.

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Annual Reports](#) » Annual Report 2008-2009

## Faculty Grievance Committee

### Annual Report

#### Membership

Deborah Pence '08, Chair	Mechanical Engineering
Jeri Hemmer '08	Human Resources
Matt Cannon '09	Animal Sciences
Jay Sexton '09	Forest Science
Janet Nishihara '10	Educational Opportunities Program

#### Alternate

Tom Wolpert '08	Botany and Plant Pathology
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#### Summary of Activities

Two grievance hearings were held during the 2008-2009 academic year. They were both in the same college. One centered around the promotion and tenure review process, whereas the second involved the denial of an annual raise. Based on evidence presented at these hearings, the members of the Faculty Grievance Committee came up with three recommendations that we wish to share with the Faculty Senate for consideration.

#### Recommendations

1. In order to eliminate any appearance of bias, the department, school, and college Promotion and Tenure committees should be constituted using a transparent, democratic process.
2. Mixed messages should be avoided when feedback is given on annual performance reviews or any type of review, including the awarding of salary increases.
3. There is no excuse for the violation of the Procedural Guidelines for Promotion and Tenure, which were deemed by the committee to have occurred.

Note that the first recommendation, based on the June 11 Faculty Senate meeting during which new guidelines were approved for the election of college level Tenure and Promotion committee members, appears to be coming to fruition at the college level.

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Annual Reports](#) » Annual Report 2007-2008

## Faculty Grievance Committee

### Annual Report

#### Membership

Deborah Pence '08, Chair	Mechanical Engineering
Loretta Rielly '08	Valley Library
Matt Cannon '09	Animal Sciences
Jay Sexton '09	Forest Science
Janet Nishihara '10	Educational Opportunities Program

#### Alternate

Tom Wolpert '08	Botany and Plant Pathology
-----------------	----------------------------

#### Summary of Activities

A total of five faculty members contacted the chair of the Faculty Grievance Committee to determine whether or not the faculty grievance procedures were the proper avenue to address their particular concerns. After consultation, two faculty members indicated that their most appropriate avenue of pursuit was not obvious from the faculty handbook posted on the university website. Ultimately, one grievance was heard during the 2007-2008 academic year. All members of the committee were in attendance.

#### Recommendations

(1) Based on this year's activities, we agree in part with the 2001-2002 recommendation of the Faculty Grievance Committee to hire an ombudsperson. However, rather than restrict this individual's role to assisting faculty with grievances, the committee believes that an ombudsperson should be hired to help faculty members find the proper avenue for resolution of any potential issue (e.g., affirmative action, faculty grievance, research misconduct, etc.) and, if appropriate, to serve as an interim mediator.

(2) Although we as a committee feel that the procedures for initiating and following through with a grievance are well-defined, we feel that in the absence of experience or knowledgeable advice, these procedures can be overwhelming and confusing to a potential grievant. To help the grievant navigate the faculty grievance process more effectively, we propose that a checklist which includes a representative timeline be prepared and made available in the faculty handbook and posted on the university website. Development of this checklist would be a goal for the Faculty Grievance Committee during the 2008-2009 academic year.

(3) The committee further recommends that the Research Office's procedures for handling research misconduct be more clearly delineated. For example, a clear indication needs to be provided as to whether informal complaints will be investigated or if it is necessary for a faculty member to lodge a formal complaint in order to seek resolution. In addition, clear procedures for lodging official complaints of *plagiarism* need to be presented, as does a list of actions that will be taken by the Research Office in the course of investigating and resolving this type of research misconduct. According to the Office of Research Integrity webpage<sup>1</sup> as of August 22, 2008, the document that will provide an outline of the policies for addressing such allegations is still under preparation and will be titled the Collaborative Research Projects Policy. We urge timely completion of this document.

(4) According to the current Research Misconduct Policy, research misconduct allegations are handled first by an inquiry conducted by the unit head and/or Vice President for Research and, if necessary, followed up with an investigation conducted by a Misconduct Investigation Committee appointed by the Vice President for Research. To avoid any perceived conflict of interest by having the university administration overseeing both the inquiry and investigation into these types of allegations, we propose the creation of a Faculty Senate Research Misconduct Committee to replace the current ad-hoc process. This committee would serve a role similar to the Faculty Grievance Committee. Following an unsatisfactory resolution with the unit head, the

complainant could write an appeal to the proposed Faculty Senate Research Misconduct Committee requesting that an inquiry be conducted. The findings of the proposed Faculty Senate Research Misconduct Committee inquiry would be reported to the Vice President for Research. Also, for *all* research misconduct allegations requiring an investigation, three of the five members on the Misconduct Investigation Committee would be members of the proposed Faculty Senate Research Misconduct Committee. The remaining two members, who require “professional expertise in the area of the alleged misconduct”<sup>1</sup>, would be appointed by the Vice President for Research.

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1. <http://oregonstate.edu/research/ori/miscon.htm>

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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### Faculty Grievance Committee

Date: **July 17, 2007**

To: **Bill Boggess and the Executive Committee, OSU Faculty Senate**

From: **Loretta Rielly, Chair, Faculty Grievance Committee; Matt Cannon, Urmila Mali, Deborah Pence, Jay Sexton, Tom Wolpert**

RE: **Grievance Committee Annual Report, 2006-2007**

The Faculty Grievance Committee heard two appeals in 2006-2007, both from tenured faculty. One grievance concerned a post-tenure review and the other concerned a failure to receive a merit raise. Both hearings demonstrate the critical need for clear, unambiguous procedures and language at the department and the college level that are consistent with university procedures.

One of the hearings took place during the summer and fortunately there was a quorum available. Faculty who volunteer for the committee should be aware that there may be a need to convene in the summer months.

The Chair also consulted with two faculty who had questions about grievance procedures.

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

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## Faculty Grievance Committee

Date: **July 1, 2006**

To: **Bill Boggess and the Executive Committee, OSU Faculty Senate**

From: **Steven Sharrow, Chair, Faculty Grievance Committee (Members: Barbara Balz, Urmila Mali, Loretta Rielly, Steven Sharrow, and Tom Wolpert)**

RE: **Grievance Committee Annual Report, 2005-2006**

Three grievances were filed by two different faculty members during 2005-2006. Grievances included issues related to the promotion and tenure process, non-renewal of an annual contract, and reassignment of a faculty members' advising role.

The issues brought forth in these cases offered some useful insights into the nature and role of the grievance process itself. The current grievance process is very effective at identifying obvious breaches in OSU procedures and practices so that remedies may be applied. In two of the three grievances that reached the Grievance Committee, one or more of the actions being objected to were addressed at the Dean's level. The grievance process, of which the Faculty Grievance Committee is an integral part, serves a valuable function in reviewing administrative actions. This has the effect of deterring obvious administrative deviance from OSU procedures and practices.

Grievance at OSU is a voluntary internal procedure that operates within well defined guidelines contained in the applicable OAR's, as interpreted in the Handbook for Grievance Committee Members. This makes the grievance process a poor forum for challenges to OSU policies that set procedures and practices. Of specific concern this year was the issue of tenure track faculty being denied access to the grievance procedure for issues pertaining to non-reappointment of their annual contract. The scope of the grievance procedure, as presented in the OSU faculty handbook (<http://oregonstate.edu/facultystaff/handbook/griev/grievance.htm>) is ambiguous on this point as read by someone without legal training. The OSU Handbook for Grievance Committee Members clearly excludes non-reappointment of annual contracts from grievance, except in cases where the faculty member alleges that his or her rights were violated in connection with the decision not to reappoint. This discrepancy needs to be addressed by either changing OSU policy so that contract non-reappointment issues are grievable, or by clearly stating in the OSU Faculty Handbook that they are not subject to grievance except in the case of a violation of rights.

The Faculty Handbook clearly explains the grievance process and describes the specific steps necessary to file the initial grievance with the Dean or other appropriate administrator. It is a bit more vague on how one refers a grievance to the Faculty Grievance Committee. It would be useful if section 576-050-0030 (Appeal to the Faculty Grievance Committee) includes instructions for grievants to send a written request for review of the grievance to the Chair of the Faculty Grievance Committee, along with a statement of why/how the Dean's decision was flawed.

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

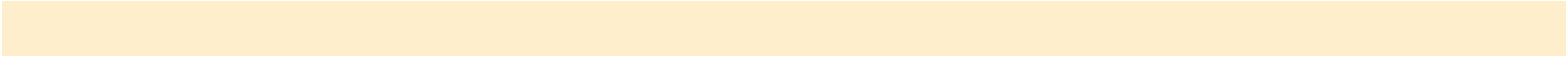
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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Annual Reports](#) » Annual Report 2002-03

## Faculty Grievance Committee

### Annual Report 2002-03

**Date:** February 3, 2004

**To:** Bruce Sorte and the Executive Committee

**From:** Michael Ingram and Michael Oriard, co-chairs, Faculty Grievance Committee  
(Mark Daeschel, Diane Kaufman, Karel Murphy)

**Re:** Annual Report

The Faculty Grievance Committee heard four grievances from the same faculty member, the first, an appeal of a Promotion & Tenure decision, conducted on September 10, September 11, and October 3, 2002; the second, a request for a third-year and annual reviews, on October 4, 2002; the third, an appeal of an annual review, on January 23, 2003; and the fourth, an appeal of a notice of termination, on February 6, 2003. The fourth hearing had to be continued, but after the faculty member resigned from the university, the grievance became moot. Due to schedule conflicts, Patricia Easley substituted for Karel Murphy, and Bruce Sorte substituted for Diane Kaufman for the first grievance.

From our experience with these grievances the Committee wishes to raise some issues to be considered next year. We would like the appropriate Faculty Senate committees to consider clarifying the wording in the Promotion and Tenure Guidelines regarding early tenure.

- The Guidelines currently state, "Tenure is granted for achievement, not for years in rank, but under normal circumstances faculty will be considered for tenure in their sixth year of service in professorial rank." The intent is clearly to make the sixth year the norm while still allowing for the possibility of early tenure. It is also implicit, but only implicit, that expectations will be higher for early tenure. We recommend that this implicit principle be made explicit.
- The current guidelines allow either the faculty member or the unit head to initiate an early-tenure review. This is a revision from the Guidelines as originally written, presumably at the desire of the administration, perhaps in consultation with the Executive Committee in place at the time. Our Committee is unaware what motives led to that change, but we recommend that only the chair or supervisor be allowed to initiate an early-tenure review. We assume that, in principle, early tenure is offered by the university in order to onto exceptional faculty who are clearly deserving (and perhaps who might otherwise leave). If the chair or supervisor does not feel a member of his or her unit is so deserving, it is hard to imagine the case going forward successfully. The cost in faculty time and ill-will within the department can be considerable in these circumstances. If there is a compelling reason to preserve the faculty member's prerogative to seek early tenure without the chair's concurrence, perhaps this prerogative could be limited to the fifth year. For tenure earlier than the fifth year, only the chair or supervisor could initiate the process. It could well be that the situation which eventuated in the grievance we heard will never occur again, but a revision of the Guidelines along these lines seems reasonable to us in any case.

Finally, the co-chairs of the Committee met with the President of the Faculty Senate, Bruce Sorte, to discuss the possibility that the Faculty Grievance Committee needed more members to share the responsibilities when numerous grievances are filed. For a time it appeared that there would be several more grievances from professional faculty over the consequences of budget reductions. No additional formal grievances were filed, however. The immediate need to expand the Committee has disappeared, but the Committee feels that it would be good to discuss this issue next year.

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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## Faculty Grievance Committee

### Annual Report 2001-02

**Date:** June 11, 2002

**To:** Nancy Rosenberger and the Executive Committee

**From:** Michael Oriard, chair, Faculty Grievance Committee (Michael Ingram, Diane Kaufman, Ilene Kleinsorge, John Kostenbauer)

**Re:** Annual Report

The Faculty Grievance Committee heard one grievance in October 2001, and the President of the university subsequently agreed with the Committee's recommendation. I assume that it is appropriate not to comment on the specifics of the case.

The experience of the Committee in this grievance process led us to one important recommendation to subsequent Committees. The grievant and the party against whom the grievance was filed agreed at the outset not to call witnesses at the hearing. The Grievance Committee has the prerogative to call its own witnesses, but because all of us were new to the Committee and had no experience with grievances, we did not initially recognize the need to do so. Once we realized that witnesses would have been valuable, we invited both sides to call witnesses, but after the grievant adamantly protested, we on the Committee did not persist. Our concern all along had been that the grievant receive a fair hearing. In the future, members of the Faculty Grievance Committee should ignore any such agreement not to call witnesses, and should inform the two parties that the Committee will call witnesses as it sees fit.

The Committee declined to hear one other grievance because it was not filed in a timely manner, as required by university guidelines. Committee members also felt that this grievance was of such a minor nature that it could be better handled informally, and so adhering strictly to the guidelines did not harm the faculty member.

In May 2002, the chair of the Committee met with Bill Oye, chair of the Faculty Mediation Committee, to discuss ways to publicize and clarify the mediation/grievance process. Action on this matter is ongoing.

In May 2002, the chair also contacted Caroline Kerl, the university's legal advisor, to submit a revision to the Handbook for Grievance Committee Members, to clarify the importance of having witnesses at grievance hearings (as explained above).

Finally, the Committee considered several recommendations proposed by the previous year's Committee, and passed on its own recommendations on these issues to the Faculty Senate President and Executive Committee in December 2001. The Committee recommended:

- To change the language in the current standing rules on the make-up of the Committee to require one "member from an underrepresented population," instead of "one minority." The proposed change did not alter the spirit of the original wording but recognized that "minority" has become an ideologically loaded term, and that "underrepresented" more accurately reflects the goal of representation. The Committee rejected a recommendation from last year's Committee to specify that a professional faculty member and a fixed-term faculty member should be included on the Committee, preferring to allow greater leeway in appointments. But the Committee did agree with an earlier recommendation to add the following: "As much as possible, members should be selected from different colleges." The proposed new wording was approved by the Faculty Senate.
- To reject the recommendation from last year's Committee to exclude faculty with primarily supervisory administrative appointments from the Committee. Our Committee felt that members with supervisory experience can bring a valuable perspective to the Committee without compromising their "faculty" standing.

- To reject the recommendation from last year's Committee that the Committee choose its own chair in the spring, rather than have a chair appointed by the Faculty Senate Executive Committee as is currently done. We saw no reason to worry that continuing appointment of the chair by the Executive Committee would undermine the Committee's autonomy.
  - To reject the recommendation from last year's Committee to seek Senate approval for establishing a "legal defense fund" for faculty grievants to draw on. Here, the intention to provide faculty grievants with adequate counsel seemed not likely met by a fund built through voluntary contributions from the faculty. As an alternative, the Committee proposed that the Faculty Senate push, when (if ever) the university's budgetary circumstances permitted, for the hiring by the administration of an ombudsperson, whose role would include providing legal assistance to faculty grievants. In the meantime, the Committee proposed that past members of the Faculty Grievance Committee be made available to faculty grievants, not to assist in assembling evidence and building a case, but to advise on the process—that is, on effective methods for presenting evidence, on what to expect during the hearing, and so on.
  - To endorse the recommendation that the Faculty Grievance Committee, through its chair, work with the Mediation Committee to publicize and clarify the mediation/grievance process; and to revise the Handbook for Grievance Committee Members in order to emphasize the importance of witnesses at a grievance hearing. These things were done, as noted above.
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## Faculty Grievance Committee

### Annual Report 2000-01

To: Henry Sayre, President, Faculty Senate  
From: Jennifer Cornell and Philippe Rossignol, Co-Chairs, Faculty Grievance Committee  
Cc: Faculty Senate Executive Committee; Vickie Nunnemaker  
Subject: Faculty Grievance Committee, Annual Report 2000-01

As Co-Chairs of the Faculty Grievance Committee, Dr. Rossignol and I met with Faculty Senate President Henry Sayre on November 10th, 2000 to discuss the activities and concerns of the FGC. Among them were proposed changes to the Standing Rules which govern the Committee, and to OAR 580-021-0055, which governs the grievance procedure.

The FGC met subsequently with representatives of the AAUP (13 February 01) and the Faculty Mediation Committee (12 March 01) for further discussion of these and related matters. Informed by these discussions, we proposed (in an memo sent on 6 April 01) to meet again with Dr. Sayre and, if convenient, the full EC.

Specifically, we asked:

\* to be notified of and involved in future discussions of the proposed changes to the grievance procedure (OAR 580-021-0055) prior to the final vote on the issue then scheduled for April 16th 2001 in order to:

\* express our view that the Faculty Grievance Committee should be the final arbiter of grievances in much the same way as the Student Conduct and Mediation Committee is now the final arbiter of alleged violations of the Student Conduct Code;

\* reiterate our opinion that, in the absence of a FGC with the power to decide cases, all but eliminating the possibility of appeal to the Board removes an important degree of accountability from the process currently in use;

\* revise our suggestion that the proposed "Grievance Officer" be appointed by the Faculty Senate. Instead, we suggest that a pool of Grievance Officers be elected from among tenured teaching and research faculty, ideally with prior FGC experience, by democratic vote of all eligible faculty;

\* urge that Grievance Officers so elected serve for a maximum of six years;

\* recommend amending OAR 580-021-0050(8) as follows: "If the grievance officer rejects or modifies the recommendations of the faculty hearing

committee, the reasons shall be stated in writing, and a copy provided to the grievant and to the Faculty Grievance Committee.";

\* recommend amending OAR 580-021-0050(9) as follows: "The grievant may appeal the decision of the grievance officer to the president pursuant to OAR 580-021-0055. If no appeal is filed, the decision of the grievance officer shall be final."

We also requested the opportunity to:

\* remind the FSEC that "the right to representation for each party" referred to in OAR 580-021-0050(5)(c) is nominal, given the unequal resources available to institutions and individuals;

\* seek the Faculty Senate's support for a proposal by the AAUP to establish a "legal defense fund" based on an annual contribution of \$12 from all faculty, which would generate sufficient resources to pay for an Ombudsman or equivalent legal resource within five years;

\* respond to Gordon Matzke's October 13th 2000 memo to Susan Tonquist, Chair of the Graduate Council, and to reiterate our recommendation that the Dean of the appropriate College review and approve all decisions by Chairs to remove a tenure-track faculty member's graduate status for reasons other than termination or retirement;

\* develop with the FSEC a mechanism through which to encourage greater use of the Faculty Mediation Committee so that the need for a formal grievance procedure may be reduced; and

\* suggest that faculty with a primarily supervisory administrative position (and who are, as such, potentially the subject of a grievance), not be appointed to the Committee in order to avoid the appearance of a conflict of interest, or of favoring an administrative perspective. With these concerns in mind we proposed to make changes to the Standing Rules which govern the FGC (attached).

We received no response from Henry Sayre to our memo, however, nor were we able to schedule a meeting with the Faculty Senate Executive Committee prior to the April 16th deadline. As a consequence the FGC was excluded from a discussion of issues essential to its mission, and vital to the welfare of faculty on this campus.

On April 27th the Board of Higher Education amended OAR 580-021-0055. As of June 8th, however, no Grievance Officer had been appointed at OSU. Dr. Rossignol and I then sought a meeting with the FSEC to outline our concerns and recommendations while the subject was still under discussion. Coincidentally, our meeting on the 13th corresponded with the release on June 11th of a letter from President Risser summarizing his review of and response to the amendments. Our presentation to the FSEC therefore focussed on the following:

\* the President's view that the grievance officer is an "optional" step in the process. The amended OAR 580-021-005(3)(b) states unequivocally that "[The institutions' grievance procedures shall:] include both formal and informal steps. The formal steps shall include an appropriate administrator, a faculty committee (at the option of the grievant) and the grievance officer." In other words, appointment of this position is mandatory, not optional;

\* the President's view that "the addition of a grievance officer step" would not "add anything that is not already present in the current process." The amendments adopted by the BHE all but eliminated the opportunity to appeal a President's decision to the Board. The addition of a grievance

officer whose decisions may be appealed restores that lost step, albeit at a less influential point in the process. Its implementation is therefore essential;

\* the President's desire to retain his power to modify or overturn the recommendations of the FGC. The amendments to the OAR specify that the Grievance Officer would review and rule on the recommendations of the FGC. Should the grievant be satisfied with that ruling, the grievance would proceed no further. In other words, the President would not be not be involved in the process unless the grievant chose to appeal the Grievance Officer's decision to him. While we understand the basis for the President's objection to this arrangement, we believe that it is in the best interests of faculty. It is for this reason that the FGC objects so strenuously to the appointment of grievance officers by the President, and advocates filling the position by democratic vote of all eligible faculty;

\* the FSEC's recommendation, made verbally to the President by Henry Sayre without consultation with or notification of the FGC, that a pool of grievance officers be appointed by the President from among past Presidents of the Faculty Senate. Past Presidents are former elected representatives of the faculty, and suspicion of their relationship with the administration may be unwarranted; nevertheless, their ability to objectively represent faculty interests is widely perceived to be compromised. For this reason we disapprove of the FSEC's recommendation, and reiterate our own (see above).

President Risser has described the peer review of grievances by faculty committee as "key" to the process. We agree. With this in mind, we encourage the Committee on Committees, to whom a copy of the proposed changes has been forwarded, and the Faculty Senate to approve changes to the Standing Rules which govern the FGC (attached). It is our view that these amendments, if adopted, will help to ensure the independence and objectivity of the FGC within the current process.

That said, we stress that our preference is for a fully independent Faculty Grievance Committee with decision-making powers, whose rulings could be appealed to the President only if the grievant so wished. We also support the FSEC's recommendation to appoint a Grievance Officer to the Board of Higher Education who could be solely responsible for hearing appeals to decisions made by institutional presidents.

Submitted 22nd June 2001.

Jennifer C Cornell, Co-Chair, Faculty Grievance Committee

Philippe Rossignol, Co-Chair, Faculty Grievance Committee

Proposed changes to Standing Rules (submitted on 9 April 2001; resubmitted 18 June 2001):

#### FACULTY GRIEVANCE COMMITTEE

The Faculty Grievance Committee, as an instrument of the "Faculty Grievance Procedure," shall meet with University faculty members to consider grievances that are not resolved through informal processes. The role, activities, and responsibilities of the committee are defined in the "O.S.U. Faculty Grievance Procedure," referenced in the Oregon Administrative Rules. The Committee consists of five academic employees, at least one of whom shall be female, chosen by the Faculty Senate Executive Committee. The Faculty Grievance Committee shall include one member with professional title, one with a fixed-term appointment, and, whenever possible, one minority. As much as possible, members should be selected from different colleges. In order to avoid apparent conflicts of interest, faculty with a primarily supervisory administrative appointment (and who therefore are



potentially subjects of a grievance) should not be appointed to the Committee. Any academic employee with Faculty rank or professional title may submit nominations to the Executive Committee for consideration. The Chair of the Committee shall be selected at the end of each academic year by the current membership of the Committee from among its continuing members. Three members of the Faculty Grievance Committee shall constitute a quorum.

(It is recommended that at least one member of the Committee has legal training.)

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Philippe A. Rossignol, Professor  
Oregon State University E-mail: rossignp@bcc.orst.edu  
Department of Entomology  
Corvallis, OR, 97331  
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## Faculty Grievance Committee

### Annual Report 1999-00

June 29, 2000

To: Faculty Senate Office  
From: Debbie Jimmerson, Chair  
Faculty Grievance Committee  
Subject: Annual Report

Members of the Faculty Grievance Committee for 1999-2000 were Debbie Jimmerson, Karin Hardin, Phil Rossignol, Jennifer Cornell, and Judy Osborne. The Faculty Grievance Committee conducted one hearing on a formal grievance during 1999-2000 and had one informal inquiry. The hearing concerned graduate faculty status and related issues, and the informal inquiry concerned a promotion and tenure decision.

Although details of hearings must remain confidential, committee members who have served the last two years have noticed a pattern in regard to supervisory skills appearing in this year's grievance and in those filed last year. In the hearings, we were disturbed by details of supervisory mistakes, in some cases blunders, that have caused harm to employees or placed the University in jeopardy of legal action. There has been a history at OSU that academic-rank supervisors often do not attend supervisory training. Being a supervisor of others, and conducting those duties in a responsible manner, requires additional training beyond one's Ph.D. We recommend to the OSU Provost that supervisory training be mandated for academic-rank supervisors; in fact, we feel this is imperative if OSU is to avoid future litigation. We ask the Executive Committee to forward this recommendation to Provost White.

Another issue arising from this year's grievance hearing concerns a recommended revision to the Graduate Faculty Review policies. An initial appointment to the graduate faculty requires both Department Head and Dean's signatures. Removal or change in status does not, only the Department Head's signature is needed. In our letter to President Risser regarding resolution of the grievance, the Committee

asked that the policy be changed so that a Dean's signature is also required for removal or change in status. The purpose of this is to add another layer of review to avert potential problems. President Risser, in his response to the Committee, asked that this recommendation go forward to the Dean of the Graduate School from the Executive Committee.

Committee members continue to see the need for an ombudsman position at OSU where faculty may get support and advice from a neutral party. We strongly urge the Executive Committee to follow up on this recommendation, perhaps through a Faculty Senate task force.

The Faculty Grievance Committee met with the Mediation Committee once during the year to discuss procedures relating to grievances and making potential grievants aware of the mediation process available to them. It was determined in our discussions that more comprehensive information regarding the grievance process is needed. This year's Committee began work in late June on developing information on the grievance process, how it works, and what to expect in a hearing situation. This information is to be made available on the Faculty Senate web site and possibly in a brochure format. Work on this will be completed in 2000-01 and continuing Committee members will see this through.

The continuing Committee members for 2000-01 are Phil Rossignol, Jennifer Cornell, and Judy Osborne. Committee members completing their service on June 30, 2000, are Debbie Jimmerson and Karin Hardin.

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| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Annual Reports](#) » Annual Report 1998-99

## Faculty Grievance Committee

### Annual Report 1998-99

July 15, 1999

To: Faculty Senate Executive Committee

From: Roger L. Nielsen Chair, Faculty Senate Grievance Committee

This was a particularly busy year for our group, with four formally filed grievances and 6 additional serious inquiries. The specifics of these cases is of course confidential, however, it is clear that reduced resources is a contributing factor in many.

In processing these grievances, the committee has concluded that the existing grievance process is flawed. The current procedures have worked fairly well over the past several years, however, the structure has never been fully tested. The most important flaw relates to the advice given to the grievant. When an inquiry about filing a grievance is made, the only advice available within the process is from the chair of the grievance committee or the university counsel. However, their positions are compromised by the fact that the committee chair will preside at any hearing. It would be as if the only legal advice one could obtain in a civil or criminal proceeding was from the judge. As chair, I felt restricted in the extent and detail of the advice that I could give. We are put into the position of either giving inadequate advice, or worse, appearing to be an advocate for the grievant.

The committee feels that now is the time to make the necessary changes in procedure that will avoid future problems, while we have a group that benefits from common trust. Our recommendation is that the faculty senate set up an advisory committee of 2 to 3, made up of former members of the grievance or mediation committees and be given the duty of providing advice to grievants. However, we also feel that it is important that the role of this advisory group be limited and not interfere with the formal grievance procedures.

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| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » [Annual Reports](#) » Annual Report 1997-98

## Faculty Grievance Committee

### Annual Report 1997-98

#### OFFICE MEMO

Date: 7/6/98

From: Roger Nielsen, Chair

Subject: Annual Report of Grievance Committee

As per our guidelines, the work of this committee is conducted under strict confidence. Therefore, I cannot comment on any specific dealings of the committee. In addition, since the actions of the committee are dictated by the number of grievances filed, we have no agenda other than to serve as honest intermediaries, and make recommendations to the university that protect the rights of the faculty. We have had several inquiries over the past year, however, none resulted in an actionable formal grievance to the committee as of July 1.

Nevertheless, the type and number of inquiries suggests a larger problem within the university. Most of the inquiries from this past year were from fixed term employees who had been discharged due to budget reductions. The guidelines for this committee state that fixed term employee contract termination is not grievable except under extreme conditions. This has resulted in the (perhaps correct) impression to all non-tenure track faculty that they are expendable and can be dismissed at the whim of any administrator. I feel that this attitude, plus increase in the proportion of faculty that are fixed term, should be of great concern to all the faculty. These faculty make an indispensable contribution to the overall effort of the university and should be treated fairly. This issue deserves the continued attention of the Faculty Senate.

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| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » Membership

## Faculty Grievance Committee

### Membership

- [2013-2014](#)
- [2012-2013](#)
- [2011-2012](#)
- [2010-2011](#)
- [2009-2010](#)
- [2008-2009](#)
- [2007-2008](#)
- [2006-2007](#)
- [2005-2006](#)
- [2004-2005](#)
- [2003-2004](#)
- [2002-2003](#)
- [2001-2002](#)
- [2000-2001](#)
- [1999-2000](#)

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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# Faculty Senate

[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » Agendas

## Faculty Grievance Committee

### Agendas

[March 9, 2001](#)

[February 25, 2010](#)

---

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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[Faculty Senate](#) » [Committees/Councils](#) » [Faculty Grievance Committee](#) » Annual Reports

## Faculty Grievance Committee

### Annual Reports

- [2012-2013](#)
- [2011-2012](#)
- [2008-2009](#)
- [2007-2008](#)
- [2006-2007](#)
- [2005-2006](#)
- [2002-2003](#)
- [2001-2002](#)
- [2000-2001](#)
- [1999-2000](#)
- [1998-1999](#)
- [1997-1998](#)

| [Home](#) | [Agendas](#) | [Bylaws](#) | [Committees](#) | [Elections](#) | [Faculty Forum Papers](#) | [Handbook](#) | [Meetings](#) | [Membership/Attendance](#) | [Minutes](#) |

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