

Faculty Senate

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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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