

Faculty Grievance Committee

Annual Report 2013-2014

Membership:

Mirabelle Fernandes-Paul, '14, Chair	Women's Center
Lori Cramer	College of Liberal Arts
Alan Bakalinsky '14	Food Science & Technology
Wendy McKenna	Human Development and Family Sciences
David Williams	Environmental & Molecular Toxicology

Executive Committee Liaison – Nell Winokur O'Malley

Summary of Activities:

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

The first was an academic faculty member from the College of Liberal Arts, who was informed in June 2013 that the contract would not be renewed in June 2014 and, hence, the faculty member would not be going up for tenure review. The FSGC chair provided the faculty member with details on the Grievance procedures and timeline. The faculty member did not make any contact with FSGC again until mid June 2014, at which point, the faculty member was introduced to the new FSGC Chair, Wendy McKenna.

The second enquiry came from a Finance and Administration professional faculty member alleging wrongful termination due to age and retaliation. The grievant's attorneys initiated the grievance process by sending the FSGC chair all initial documents of the grievance, the appeal to, and response from the division head. A timeline was set and, on the eve of the pre-hearing, FSGC was informed that a settlement agreement had been agreed upon by the University and the professional faculty member, and the grievance had been withdrawn.

The third enquiry came from an academic faculty member from the College of Business (COB). The faculty member alleged that notice of non-renewal of the employment contract was given, alleging racial/ethnic discrimination, violation of academic freedom, failure on the parts of COB administration to follow procedures, and abuse of the faculty members' SET scores. The faculty member chose to bifurcate the claim and, hence, the OSU Office of Equity & Inclusion is handling the racial/ethnic discrimination part of the grievance and FSGC was charged with handling the parts relevant to: violation of academic freedom, failure on the parts of COB administration to follow procedures, and abuse of SET scores.

This grievance was a challenging experience for many reasons. First, the grievant, was located in Bend and all committee-level communications and discussions were held using the Polycom method of video conferencing. The quality of video and sound was of very low quality and technological glitches during the meetings took up precious time. The grievant let us know from the beginning that it would not be possible to travel to Corvallis for any part of the meetings and, hence, video conferencing was our only option.

Second, the grievant initially seemed to misunderstand the role of the FSGC Chair. The grievant expected the Chair to be the grievant's advocate and counsel, and often asked for advice that would have required the Chair to operate from a non-neutral position. This was clarified as soon as possible, but it was evident that the grievant was in need of a mentor/advocate who could provide counsel and clarify the grievance process. The grievant ignored clear requests to send all evidence in electronic format, instead mailing all of the evidence in an old shoe/toy box. The evidence needed to then be sorted, numbered, scanned, and delivered electronically to all FSGC members and all parties involved. The grievant also ignored the deadline to submit evidence in advance of the pre-hearing, in fact,

sending the FSGC Chair 32 documents the night before the pre-hearing. A decision to not admit those documents was made by the FSGC chair.

The grievant's case was heard on June 9th, 2014 and, based on the evidence and witness testimony, the FSGC has recommended to President Ray that the appeal to remedy/overtake the University administrators' decision to not renew the contract be denied.

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 conduct timely, accurate, and documented annual reviews. In the area of teaching, reviews should not only include SET scores, but also peer reviews and any additional material deemed relevant to teaching performance. The importance of identifying potential problems in teaching early on cannot be overemphasized.
- 2) To work closely with the University Ombuds and Legal Counsel to respond accurately, promptly, and patiently to queries from potential plaintiffs and to explain the grievance process and roles of participants.
- 3) To change the OARs/Board rules to require that all documents of evidence and witness lists be submitted no later than 48 hours before the start of the pre-hearing meeting. Currently, the Board rules permit FSGC chairs to set the structure of the submission process, however, it permits evidence and witness lists to be presented to FSGC and all parties right until the pre-hearing meeting. The purpose of the pre-hearing meeting is to admit or not admit evidence or witness testimony (based on relevance or repetitiveness). Allowing last-minute submissions defeats the purpose of the pre-hearing as it prevents a careful reading of the evidence by all parties concerned.