

COMMITTEE ON GRIEVANCE

1. Charge

- a. The Committee on Grievance shall review petitions of the following types:
 1. A charge of one of the following types by a faculty member or other person with a teaching or research appointment at Brown University that his or her rights during a term appointment or tenure have been violated by specified actions of a faculty member(s) or member(s) of the teaching or research staff or Academic Administration:
 - i. a violation of academic freedom;
 - ii. failure of the University to follow prescribed procedures in matters relating to reappointment or promotion;
 - iii. violation of the Corporation Statement on Nondiscrimination;
 - iv. abridgement of rights as members of the university academic community as generally understood or articulated in the Faculty Rules or other policy statements approved by the Faculty and the Corporation.
 2. A charge contesting a finding by the President that specified actions by a faculty member warrant dismissal, during either a term appointment or tenure.
 3. A charge by a student that his or her rights as a member of the University Community have been abridged by specified actions of a member or members of the Faculty or a person with a teaching or research appointment at Brown University.
- b. The Committee on Grievance may require reconsideration of the application of procedures or of a decision by a body involved in the petition of grievance.
- c. The Committee on Grievance shall not substitute its substantive judgment for that of a body whose actions are questioned by the petition of grievance.
- d. Access of Medical School faculty not employed by Brown University to grievance procedures within the University shall be limited to issues arising from their role as faculty members in activities under control of the University. The University understands that the employers of such faculty have in place appropriate grievance mechanisms for employees and medical staff for issues arising from their hospital duties.
- e. These procedures are intended to address matters that are unique to the academic community. The Committee is not intended to serve as an appeals body for decisions reached under other University procedures. Where other institutional procedures exist within the University to address the rights of members of the University community, those procedures take precedence. Also see Graduate Student Grievance Procedures, Section 10,II, A. and Medical Student Grievance Procedures, Section 10, II, B.

2. Procedures

- a. If any faculty member or student thinks that he or she has cause for grievance in any matter over which the Committee on Grievance has responsibility, as specified in the Charge for this Committee, that faculty member or student may present a petition to the Chair of the Committee on Grievance for consideration.

The petition shall be in writing, shall set forth in detail the nature of the grievance, and shall state against whom the grievance is directed. It shall contain the data that the petitioner deems pertinent to the review of the case. The Committee shall offer the parties to a grievance the opportunity to mediate the matter in advance of any formal consideration of it.

- b. The Committee shall have the right to request more information before it decides whether or not to conduct an investigation.
- c. The Committee shall have the right to decide whether or not the charge and supporting materials are sufficient to proceed with the grievance and/or whether further investigation is necessary. The Committee shall notify the petitioner in writing whether the petition has been accepted and, if not, why. Submission of a petition will not automatically entail such an investigation. Normally, the Committee shall initiate consideration of the petition within one week of submission of the petition, and shall act with all reasonable speed.
- d. Normally the completed petition of grievance with supporting material should be filed within six month of the decision or action that is the cause for the petition. The Committee shall have the right to decide whether or not a petition has been filed too late to be reviewed The Committee may consider special circumstances, such as an allegation with supporting materials of a long-term pattern or practice, in making its determination as to whether the petition has been timely filed.
- e. The Committee shall give timely notice of the specific charges to the party or parties against whom the petition is filed. The respondent shall be given the same privileges and opportunities in both responding and appearing as are provided to the petitioner. If the acts of other parties are considered as part of the allegation, those parties shall be notified of any allegations or assertions that relate to them. The Committee shall make adequate arrangements to receive the response of such parties, providing them with the opportunity to appear before the Committee or to present a response in writing.
- f. In conducting an investigation, the Committee shall, upon written request, have access to all documents that it deems pertinent to the case and may invite individuals or groups to appear before it. The Committee shall be empowered to indicate to each department, committee, and administrative body or office a reasonable date by which information must be received. If requested information is not forthcoming in the time allotted and if the Committee finds no compelling reason for the delay, the Committee shall proceed using its best judgment.
- g. In case the Committee finds a violation of academic freedom, failure of the University to follow prescribed procedures in matters relating to reappointment or promotion, violation of the Corporation Statement on Nondiscrimination, or an abridgment of a faculty member's rights as members of the university community and requires reconsideration of the decision, the Committee may suspend further steps in the implementation of that decision until the reconsideration is completed and all reports relating to the reconsideration are filed with the Committee on Grievance. Should the reconsideration involve non-reappointment, and reconsideration results in maintenance of the decision not to reappoint, the original date of notification of non-reappointment shall stand.

- h. If, in the judgment of the Committee on Grievance, reconsideration is warranted, it shall so state in a report both to the petitioner and to those to whom it is referring the case for reconsideration. The report shall specify the respects in which the Committee considers violations of academic freedom, failure of the University to follow prescribed procedures in matters relating to reappointment or promotion, violation of the Corporation Statement on Nondiscrimination, or an abridgment of a faculty member's rights as members of the university community to have occurred. If reconsideration of an administrative process is involved, the Committee shall inform the President and the Provost of the requested reconsideration.
- i. In the event that the Committee on Grievance finds that there is sufficient reason to believe that a member of a unit (the administration, department, and/or the Committee on Tenure, Promotions and Appointments) may have acted in violation of the University's non-discrimination policy, it shall refer the matter for reconsideration by said administrator, department, and/or Committee for a timely response. In cases where the Committee on Grievance has decided that such violation may have had a material effect on the substance of (as distinguished from the procedures for reaching) a decision, such reconsideration shall be conducted in the presence of a monitor, who may participate in the discussions leading to the reconsidered decision, but who may not vote. Each monitor shall be a tenured faculty member, and shall be chosen by the Chair of the Committee on Grievance, after consultation with the Committee on Grievance.
- j. After any reconsideration by a unit is completed, the monitor shall submit a brief report to the petitioner, the unit, the Committee on Grievance, and the next unit/person to which/whom the decision would pass indicating the monitor's opinion as to whether and in what respect, if any, the decision upon reconsideration has been affected by discrimination, and identifying any areas that may need special attention in its reconsideration.
- k. After any reconsideration by the Committee on Tenure, Promotions and Appointments is completed, the monitor shall file a report with the Provost, indicating the monitor's opinion as to whether, and in what respect, if any, the decision upon reconsideration has been affected by discrimination. Copies of this report shall be sent to the Chair of the Committee on Tenure, Promotions and Appointments, to the department Chair, to the petitioner, and to the Committee on Grievance.
- l. Any failure of a department or administrative unit to act in accordance with the terms of these provisions shall be referred to the Provost for final action. If the Provost is a party to the grievance, the matter shall be referred to the President for final action.

Note: Items i., j., and k. apply only to grievances relating to reappointment, tenure, and promotion.

3. Membership

- a. The Committee on Grievance shall consist of six tenured members of the faculty, of whom at least four shall be full professors.
- b. Three members of the faculty shall stand in reserve for service on the Committee if one or more of the regular members should be disqualified for

consideration of a case by a conflict of interest. At the beginning of each case, the question of whether a conflict of interest exists for a member of the Committee shall be decided, and the choice of the alternate member shall be made by the regular members of the Committee on Grievance, the member(s) in question abstaining.

- c. No members of the administration, including chairs, deans or directors of departments, programs, centers or institutes, or of the Committee on Tenure, Promotions and Appointments shall be eligible for election or service on the Committee on Grievance.

4. Method of Election

- a. The faculty members elected by the Faculty shall be representative of the distribution of faculty members by division and diversity, and serve staggered three-year terms.
- b. The Vice Chair shall be elected from among the full professors in their second year of service on the Committee. The Vice Chair shall become Chair during his/her third year on the Committee.
- c. The Committee on Nominations will solicit nominations from the voting Faculty, and may add names to the list of nominees.
- d. The Committee on Nominations shall prepare an electronic ballot in which there are as many categories as there are vacancies and each category has at least two candidates, in such a fashion as to insure reasonable balance and wide representation among the groups listed in Section 12,II. Each category shall contain nominees from at least two departments. Provision for write-in candidates shall be provided for each category.
- e. The Office of Faculty Governance will send an electronic ballot to all voting members of the Faculty. The Faculty Executive Committee will be responsible for counting the ballots and certifying the winner in each category.

5. Other Charges

- a. A charge of sexual harassment against a faculty member.

- i. If an alleged victim wishes to pursue a complaint beyond discussion with a hearing officer, the alleged victim must file his or her complaint in writing with the Provost (or person appointed by the President). Where appropriate, the Provost will keep the President informed.
 - ii. After a written complaint has been filed, the faculty member informed in writing of the allegation shall be asked to meet with the Provost. The faculty member shall have the right to bring a counsel to the meeting. The Provost shall determine who else will attend this meeting.
 - iii. At the meeting, the faculty member shall receive a written copy of the complaint and the name of the person filing the complaint. In very unusual circumstances, the Provost may choose not to include the name of the complainant. The faculty member shall have the option of utilizing the grievance procedures at this point or at any future time in the process.
 - iv. The alleged victim shall receive a copy of the complaint given by the Provost to the faculty member.
 - v. The Provost shall attempt to resolve the complaint as promptly as possible. The faculty member will be given a copy of any document which will be added to his/her personnel file and which is related to the charge of sexual harassment. The faculty member may use the grievance procedure to appeal any actions taken by the Provost stemming from charges of sexual harassment. Such a grievance must be initiated by filing a formal written grievance to the FEC within 30 calendar days of the contested actions.
 - vi. Should the faculty member utilize the grievance procedure, the name of the complainant must be given to the faculty member when an Ad Hoc Hearing Subcommittee is formed. The subcommittee may, at its discretion, close all meetings to non-participating observers.
 - vii. All other regulations and procedures outlined in the Grievance Procedures shall be followed.
- b. Suspensions: The President shall use his or her power to suspend an accused faculty member from duties during proceedings only if immediate harm to the member or others is threatened by his or her continuance. During this suspension, regular salary shall be continued.
 - c. Grievances which concern a faculty member in the Brown Medical School not employed by Brown University shall be dealt with according to the following procedures:
 - i. An attempt shall be made by a three person Grievance Mediation Subcommittee of the MFEC to settle grievances by direct discussion among the parties involved.
 - ii. If the matter cannot be terminated by mutual agreement between the parties within a reasonable time the Grievance Mediation Subcommittee of the MFEC shall so report to the Appeals and Grievances Committee. This Committee shall follow procedures in dealing with grievances which shall conform to those outlined in Paragraph 10.I.A.2 above.
 - iii. The Appeals and Grievances Committee shall be chosen by the MFEC and consist of three faculty members of the Brown Medical School, one of whom should be a member of the Biomedical Faculty Council. If the Department of a member is involved in a grievance, that member should disqualify himself

or herself. Accordingly, an alternate member shall be appointed to serve in the event of disqualification of a member of the Committee.

- iv. The report of the Appeals and Grievances Committee shall be sent to the Dean of Medicine and Biological Sciences, who shall initiate relevant decisions and actions. If the Dean is a party to the dispute, the report shall be transmitted to the Provost.
- v. If the report does not provide the basis for a mutually satisfactory resolution of the grievance, either party may appeal to the Provost for further mediation and recommended action.
- vi. Access of Brown Medical School faculty not employed by Brown University to grievance procedures within the University shall be limited to issues arising from their role as faculty members in activities under control of the University. It shall be the duty of the mediating committees to establish the relevance of the grievances which may be brought to it. The University understands that the affiliated hospitals have in place appropriate grievance mechanisms for employees and medical staff for issues arising from their hospital duties.