COMPOSITION AND DUTIES OF
GRIEVANCE BOARD FOR FACULTY APPEALS

I. The faculty grievance board shall be composed of twenty (20) members of the college faculty. These faculty shall be appointed by the college executive committee according to the following scheme: four (4) members shall be appointed from each of the four areas of the college - humanities, social and behavioral sciences, fine arts, natural and computational sciences - and four (4) members appointed at large. Initially, one (1) member from each area and one at-large member shall be appointed to one-year terms; one (1) member from each area and one (1) at-large member shall be appointed to two-year terms; one (1) member from each area and one at-large member shall be appointed to three-year terms; one (1) member from each area and one at-large member shall be appointed to four-year terms. All subsequently appointed members will serve four-year terms. If, for any reason, an individual faculty member must be replaced, the college executive committee shall appoint a replacement from the appropriate area (to complete the unexpired term.)

II. The faculty grievance board shall have two (2) officers, a chair and a vice chair. These officers shall be elected by the members of the board. The chair shall serve one (1) year. The vice chair would serve one (1) year as an active assistant to the chair, and normally would advance to the office of chair in the second year. This would provide continuity in leadership of the board and would allow for flexibility that may be necessary in conducting the training and conciliatory functions of the board. At the initial election, the board shall elect a chair from any of its membership and a vice chair from those of its members who have at least two years remaining in their terms. At each succeeding annual election, the board shall elect a new vice chair from those of its members who have at least two years remaining in their terms, and the previous vice chair with the approval of the board shall assume the office of chair.

III. The board shall be advisory to the dean and shall function in accordance with the "Faculty Appeals Policy and Procedure" adopted by the executive committee and approved by the dean of the College of Arts and Sciences.

IV. The duties of the board shall be:

1. to provide training for board members in grievance conciliation and in the conduct of formal appeal hearings;

2. to attempt to conciliate differences that arise between faculty members and department chairs/school directors or administrators;
3. to conduct formal grievance appeal hearings and to report its findings and recommendations to the dean; and

4. to conduct procedural hearings on promotion and tenure appeals when referred to the board by the executive committee.
College of Arts and Sciences
Georgia State University
FACULTY APPEALS POLICY AND PROCEDURES

The following policy and procedures relative to faculty appeals shall be applicable to all faculty members of the College of Arts and Sciences at Georgia State University with the following exceptions: 1) non-renewal of faculty; 2) dismissal of faculty (see Article XI, Sections 24 and 25 of the University Statutes); and 3) faculty appeals procedures related to promotion and tenure issues as described in the College of Arts and Sciences Promotion and Tenure Manual.

I. Policy

A. The appeals process is designed to provide an impartial review of decisions or actions which are believed to be capricious, arbitrary, or discriminatory.

B. Faculty members of the College of Arts and Sciences at Georgia State University who desire to appeal a decision rendered at the departmental/school level (with the exception of items 1, 2, and 3 above), have the right to seek redress by following the procedures described herein. All appeals must be brought forward no later than the end of the semester immediately following the semester during which the alleged grievance occurred.

C. Appeals shall be heard at the college level only after an initial decision has been rendered at the departmental/school level in accordance with established procedures.

II. Procedures

A. Procedures for Initiating an Appeal

1. If a faculty member has a grievance which is alleged to involve a capricious, arbitrary, or discriminatory decision or action, he/she shall attempt to resolve the issue informally in a conference with the departmental/school director or other appropriate authority (referred to hereafter as chair/administrator). If this conference fails to resolve the issue, the faculty member may either discontinue the appeal or exercise one of the following options no later than thirty (30) days following receipt of the chair/administrator's written decision regarding the appeal:

   (a) the faculty member may forward a formal, written appeal directly to the appropriate chair/administrator;

   (b) the faculty member or the chair/administrator may request the chair of the faculty grievance board (or his/her designate from the faculty grievance board, hereafter referred to as faculty conciliator) to mediate the appeal.
disagreement. This process shall not proceed if either party objects to the mediation process.

2. If option (a) is selected, a written appeal detailing the nature of the capricious, arbitrary, or discriminatory treatment being alleged and setting forth a full statement of the problem, the issue or issues involved, and the redress being sought shall be forwarded by the appellant directly to the appropriate chair/administrator.

3. If option (b) is selected, the faculty conciliator shall discuss the grievance with the appropriate chair/administrator and/or the departmental/school committee whose recommendations gave rise to the grievance. If within thirty (30) days of having been informed of the grievance, the conciliator has failed to reach a satisfactory settlement, a written appeal shall be presented by the appellant to the appropriate chair/administrator and the faculty conciliator detailing the nature of the capricious, arbitrary, or discriminatory treatment being alleged and setting forth a full statement of the problem, the issue or issues involved, and the redress being sought.

B. Department/School Appeal Procedures

1. Within ten (10) working days of receipt of the written appeal under option (a) or (b) above, the chair/administrator shall initiate the department's/school's informal appeal procedure. Within twenty (20) working days of receipt of the written appeal, the departmental/school appeal process shall be completed and a written report forwarded to the appropriate chair/administrator and the faculty conciliator (if utilized).

2. The chair/administrator shall review the findings and recommendation(s) resulting from the departmental/school grievance procedure and shall provide the appellant and the faculty conciliator (if utilized) with a written statement of his/her response to those recommendations within five (5) working days of having received them.

3. If the appellant does not accept the chair/administrator's decision, he/she may appeal the decision in writing through the chair/administrator and the faculty conciliator, if utilized, to the dean of the college within twenty (20) days of the date of the written decision.

4. At this point there shall be an attempt to resolve the issue informally in conference at a time and place mutually agreed upon within five (5) working days of the dean's receipt of the appeal of the chair/administrator's decision. The dean shall be responsible for arranging the conference, which shall be attended by the two (2) parties to the dispute, the dean or his/her designated representative, and the faculty conciliator (if utilized).
5. If this conference fails to settle the issue, the faculty conciliator (if utilized) shall be excused from any further involvement in this matter. The chair of the faculty grievance board (or his/her designate) shall then be responsible for establishing a hearing committee within ten (10) working days of the informal conference.

C. Procedures for Establishing the Hearing Committee

1. The two (2) parties to the dispute shall each nominate four (4) members of the faculty grievance board to the appeal hearing committee. Beginning with the appellant, each party shall then alternately strike names from the list until only four (4) members remain.

2. The four (4) members of the hearing committee selected through the procedure described above, shall select a chair from among the remaining members of the faculty grievance board who were not nominated under C (1) above.

3. If, for any reason, a member of the hearing committee must be replaced in order to constitute a full committee, committee members shall select the replacement from among those members of the faculty grievance board who were not struck by either party.

D. Conduct of the Hearing

1. The hearing committee, through its chair, shall set the date for a hearing of the written appeal of the chair/administrator decision to occur within fifteen (15) working days of receipt of all written materials pertaining to the appeal, including a list of the witnesses (if any) to be called.

2. All parties involved shall be notified in writing as to the date, time, location, and witnesses (if any) to be called at least ten (10) working days in advance of the hearing.

3. Each party shall be given one (1) hour during the hearing to present respective positions, including testimony and questioning of witnesses (questioning of witnesses by the opposing party is not included, however, the hearing committee shall establish any time limits which it feels are necessary to maintain proper decorum). Additional time may be allowed at the discretion of the committee.

4. Counsel for both parties shall be permitted to attend the hearings; counsel shall not be permitted to question witnesses of either of the parties involved or to address the committee. The sole role of counsel is to informally advise and counsel the party he/she represents.
5. All proceedings during the hearing shall be recorded, and, if requested, each party shall be provided a copy of the recording at his/her own expense. The record of the proceedings shall be retained in the dean's office.

6. Hearing procedures:

(a) the hearing shall be called to order and the tape recorder shall be started;

(b) the parties concerned with the appeal and all witnesses shall be sworn;

(c) the chair shall rule on any objections offered during the hearing. If a member of the committee objects to the chair's ruling, the hearing shall be recessed and members of the committee shall vote on the ruling in executive session. A majority vote is required to overrule the chair's decision;

(d) the appellant shall be first to present testimony, including documents and witnesses. Formal rules of evidence shall not be followed. The relevance of any evidence shall be determined by the committee in light of the issues involved at the time the evidence is presented. All relevant evidence may be presented; if the relevance of evidence is challenged by the opposing party or a member of the committee, the relevance of the evidence shall be determined in accordance with the procedures described in item (c) above;

(e) the chair/administrator may question witnesses called by the appellant;

(f) the chair/administrator shall present testimony following the same guidelines as specified in item (d) above;

(g) the appellant may question witnesses called by the chair/administrator;

(h) the appellant may make a summary statement. The maximum time allotted is fifteen (15) minutes. This time limit is separate and distinct from the one hour time limit set forth in D(3) above. The appellant may choose to reserve a portion of the time allotted to summation for making a rebuttal statement after the summation by the chair/administrator;

(i) the chair/administrator may make a summary statement. The maximum time allotted is fifteen (15) minutes;

(j) witnesses identified by either party should be immediately available at all times during the formal hearing and shall be summoned at the request of the party calling upon them to testify;

(k) witnesses designated by either party who are unable to attend the hearing may submit affidavits;

(l) at their discretion, members of the appeals committee may question witnesses or recall witnesses; and
(m) members of the appeals committee may question either party or both
parties about the documentary evidence submitted to the committee.
Questions by the committee members of witnesses or of the parties shall
not be counted against the time allotted to each party.

7. Within five (5) working days of the hearing, the committee shall meet in
closed, executive session to consider its recommendation(s). Committee
recommendation(s) shall be decided by a majority vote. Those in the minority
may choose to submit a minority report.

8. Within five (5) working days of the executive session, the committee shall
make a written report of its findings and recommendation(s) to the dean.

9. The dean shall review the findings and recommendation(s) of the committee
and shall provide the appellant with a written copy of his/her decision along
with a copy of the committee's written report within five (5) days of receiving
the committee's report.

E. Further Appeals

If the appellant is dissatisfied with the dean's decision, he/she may appeal the
decision through the dean to the provost and vice president for academic affairs
within twenty (20) days of receipt of the dean's decision. Such an appeal shall be
in writing and shall set forth the reason and basis for further appeal.
Glossary of Terms

Arbitrary--refers to a decision based on preference, notion, or whim; hence unsystematic.

Capricious--refers to decisions changed abruptly and without reason; erratic, flighty, unpredictable.

Discriminatory--refers to decisions reflecting an unfair showing of differences or favoritism in treatment based upon race, religion, color, age, sex, handicaps, or national origin.

Faculty members--refers to all pertinent members of the College of Arts and Sciences faculty as defined by Article V, Section 1 of the University Statutes.

Mediator/Conciliator--an intermediary who, upon the request of all parties involved in a dispute, seeks to reconcile differences, to promote compromise, and to effect the settlement of issues dividing conflicting parties.

Working Days--refers to all days during which faculty and administrators are expected to report for assigned duties--all other time periods refer to calendar days.

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