CLAREMONT GRADUATE UNIVERSITY FACULTY GRIEVANCE PROCEDURES

PURPOSE OF PROCEDURES

1. Claremont Graduate University (CGU) is committed to creating and maintaining a community where students, faculty, administration, and staff can work together in an atmosphere of mutual respect, functioning in accord with CGU policies and procedures, and free from harassment or discrimination on the basis of race, color, religion, gender, sexual orientation, national origin, military veteran status, ancestry, blindness or other physical disability.

2. The intent of the CGU Faculty Grievance Procedures (hereafter referred to as the Procedures) is to facilitate the maintenance of such a community by providing a means for the resolution of grievances.

DEFINITIONS OF TERMS

1. A grievance is defined as an allegation that there has been an infringement, breach, misinterpretation, or misapplication of CGU policy or procedure as set forth in CGU policy documents or of the fundamental principles of academic due process with respect to the rights of that person.

2. A grievant is the person or persons who claim or claims to have suffered as a consequence of the allegations in the grievance.

3. A student grievance is one in which the grievant is a student.

4. A faculty grievance is one in which the grievant is a faculty member.

5. A staff grievance is one in which the grievant is a staff member.

6. A target of a grievance is the person or persons whom the grievant claims to have been responsible for the allegations in the grievance.

7. CGU policy and procedures refer to those operating policies and procedures which guide the activities of employees of Claremont Graduate University.

8. Academic due process refers to the generally accepted principles guiding the behavior of individuals in academic institutions.

9. The Faculty Grievance Committee (FGC) is that group of faculty members charged with overseeing the CGU Faculty Grievance Procedures.

10. Grievance Panels refer to sub-committees of the Faculty Grievance Committee formed for the purpose of dealing with specific grievances.

11. The Committee on Student Grievances is that committee charged with handling most student grievances in accord with CGU policy contained in the documents "Committee on Student Grievances" and "Student Grievance Procedure" (See Appendix A). Student Grievance

12. The Committee on Academic Honesty is that committee charged with handling most student grievances over matters concerned with academic honesty in accord with the CGU "Policy and Procedures for Violations of Standards of Academic Honesty" (See Appendix B). Academic Honesty

13. The Staff/Personnel Grievance Committee is that committee charged with handling most staff grievances in accord with the "Staff Grievance Procedure of The Claremont Colleges." (See Appendix C). Staff Grievance Procedure Oct 2001
MEMBERSHIP OF THE FACULTY GRIEVANCE COMMITTEE

1. All tenured full professors shall serve as members of the Grievance Committee to be empanelled by the FEC.
2. The FEC shall appoint one tenured full professor to serve a three-year term as Chair by May 15 to commence term on June 1.
3. Grievance Panels: When a grievance is submitted, the Chair of the Grievance Committee notifies the FEC and the FEC selects from a stratified (by gender) random sample of tenured full professors at CGU to empanel a grievance committee to serve on an individual grievance in accordance with grievance procedures adopted by the Faculty, and also to serve on related joint committees concerned with academic honesty and student grievances.
4. When a conflict of interest arises, the Provost may recuse a faculty member from serving on a Grievance panel.

PERSONNEL JURISDICTION OF THE FACULTY GRIEVANCE COMMITTEE

5. The jurisdiction of the FGC shall be confined to cases in which the grievant and the target of the grievance are both faculty members, the grievant is a senior administrative staff member and the target of the grievance is a faculty member, or the grievant is a faculty member and the target of the grievance is a senior administrative staff member with two exceptions: (1) where the FGC is required to nominate members for service on the Committee on Student Grievances or the Committee on Academic Honesty; and, (2) where other CGU policies direct a different jurisdiction (as in the case of sexual harassment).
6. Disputes over the interpretation of the jurisdiction specified in this section of the Procedures shall be determined by members of an ad hoc committee consisting of the Provost and Vice President for Academic Affairs, Dean of Students, Director of Personnel and the Chair of the Faculty Executive Committee. If any individual holding one of these positions is a party to the grievance, he/she shall be excused from the committee and the interpretation of the jurisdiction will be made by the remaining member(s).
7. The jurisdiction for all other cases shall be in accord with that designated in “The Claremont Graduate University Policy on Sexual Harassment.”

SUBJECT JURISDICTION OF THE FACULTY GRIEVANCE COMMITTEE

1. If CGU has adopted procedures for dealing with a particular subject of a grievance (as in the case of sexual harassment), that grievance shall be dealt with in accord with the provisions of the CGU policy rather than the provisions of the CGU Faculty Grievance Procedures, when conflict exists between the two.

RESPONSIBILITIES OF THE FACULTY GRIEVANCE COMMITTEE

1. The FGC shall be responsible for the proper functioning of student and faculty grievance procedures.
2. The chair of the FGC shall select from among the members of the FGC a grievance panel consisting of a minimum of two members to deal with each faculty grievance formally presented to it.
3. The chair of the FGC shall assign members as required to the Committee on Student Grievances and to the Committee on Academic Honesty.
REQUIRED STEPS IN THE GRIEVANCE PROCESS

1. All grievances shall be dealt with in three sequential stages. Each stage is a requisite for the succeeding one:
2. Discussion Between/among Parties
3. The person who feels aggrieved and the person who is seen by the aggrieved as the target of the grievance are strongly encouraged to meet informally and seek to resolve the matter within one week of the time of the act(s) producing the aggravation. The purpose is to promote an early recognition of the problem and to initiate early action toward its resolution.
   - Conciliation by a Third Party
4. If the aggrieved person is not satisfied by the results of the face to face discussion between/among the parties involved, he/she shall within a week request the administrator most immediately above the parties involved who is not one of the disputants to arrange a meeting of the disputants and the administrator (usually the school dean). After hearing both sides to the dispute, the administrator will propose within two weeks of the aggrieved person's/persons' request to her/him a solution or a set of solutions to the problem.
   - Meditation by the Faculty Grievance Committee
5. If the aggrieved person is not satisfied by the results of the administrator's conciliation, he/she shall within two weeks initiate a formal grievance with the FGC in accord with the formal grievance process.

FORMAL GRIEVANCE PROCESS

1. The formal grievance processes for student grievances are described in the CGU policy documents "Committee on Student Grievances," “Student Grievance Procedure” and “Policy and Procedures for Violations of Standards of Academic Honesty.”
2. The formal grievance process for faculty/senior administrative staff grievances are as follows:
   - The aggrieved person shall contact the chair of the FGC prior to the formal submission of the grievance who, in consultation with the FGC, shall provide guidance on the preparation of the prospective grievance statement.
   - The grievance statement shall contain: (1) a detailed description of the alleged wrong; (2) the names of the target(s) of the grievance; (3) the relief and/or remedy sought. One copy of all supporting documents that appear to pertain to the matter shall be attached as an appendix to the grievance statement.
   - The grievance statement shall be signed by the grievant and presented to the chair of the FGC.
   - The chair of the FGC shall assign responsibility for dealing with the grievance to a grievance panel which will elect a chair. If the grievance involves sexual harassment, the panel shall consist of an equal number of faculty from each gender.
   - The panel chair shall inform the grievant of the receipt of the grievance statement.
   - The panel chair shall send copies of the statement to the target(s) of the grievance requesting, but not requiring, a written response within a week.
   - The panel chair shall distribute any responses received to the grievant.
   - The panel shall conduct informal discussions with the parties concerned and collect pertinent documents in an effort to determine (i) the facts of the case and (ii) information relevant to possible bases for resolution of the problem.
   - If the panel cannot resolve the grievance by informal discussions within two weeks of its receipt of the grievance, it may decide to conduct a formal grievance hearing. In such a case, the panel will: (I) notify the Provost/Dean and the President of the hearing; (ii) determine the format, time and place of the hearing; (iii) inform all parties of these facts, providing sufficient time for reasonable preparation; (iv) conduct the hearing, allowing all parties to be present when the case is heard, to present evidence, to call a reasonable number of witnesses and to question witnesses. When a witness has made a statement and cannot or will not appear, but the panel determines that the interest of fairness requires admission of that statement, the panel will identify the witness, disclose the statement and, if possible, provide for interrogatories.
REPORT OF THE GRIEVANCE PANEL

1. The grievance panel shall prepare a report to be sent to the CGU President and each party to the dispute either when the grievance has been resolved or when the panel decides it is appropriate. The report will contain two parts: a description of the facts of the grievance as determined by the panel and a description of the bases of the resolution or possible resolution of the grievance. The primary purpose of the report is to provide either advice for the possible future resolution of the conflict or a description of the terms of its resolution.

ARBITRATION

1. If after one month of the panel's report, movement toward a resolution does not take place, the panel may reconvene and arrange for arbitration of the dispute under the auspices of the American Arbitration Association if it deems such arbitration to be appropriate.

GENERAL CONSIDERATION

1. The reports of the FGC and its panels are purely advisory.
2. At all times the FGC and its panels will preserve confidentiality of its proceedings to the extent the law allows.
3. If an individual is a grievant, the target of a grievance, or otherwise a party to a grievance, and a member of the FGC, that person will remove herself/himself from participation in the committee for the part of the work related to the specific grievance in which she/he is a party.
4. The FGC will hear no grievances against the President. Complaints against the President should be lodged with the chair of the Academic Affairs Committee of the Board of Trustees.
5. Should a resolution be reached, it shall not constitute binding precedent as subsequent dispositions of similar grievances.
6. No offer of settlement by either party nor the panel's written report shall be used as evidence of wrongdoing or a false claim in a subsequent legal matter.
7. Members of the FGC will be fully defended by CGU's legal counsel for litigation against them that arises out of the performance of their duties on these committees.
8. If a conflict exists between the procedures for dealing with cases involving sexual harassment specified in (a) the CGU Policy on Sexual Harassment; (b) the sexual harassment procedures appended to the Faculty Grievance Procedure found in the Institutional Handbook and those specified in this document; the procedures outlined in (a) shall take precedence over those outlined in (b) and those in (b) shall take precedence over those outlined in (c).

(Approved by FEC October 27, 1997)