**Notes from discussion of new Grievance Procedure**

**Date:** March 22, 2011

**Attendees:** SN Balakrishnan, Jerry Cohen, Michael Davis, Gary Ebersole, Steve Graham, KM Isaac, Lance Haynes, Leona Rubin, Michael Schulz, Bob Schwartz

Background

* Review process for new grievance procedure started about five years ago.
* The old process was too “legalistic” and dragged out too long, sometimes in excess of one year.
* The 1st pilot was considered for a period of three years.
* The discovery process was too open with the Grievance Officer being mandated to acquire all information with no boundaries.
* Typical number of grievances per year:
	+ UMC 4 – 5
	+ UMKC – 4
	+ UMSL – 0 (typically issues resolved informally by Vice Provost)
	+ S&T 1 – 2

Comments about Old Process

* Difficult to set panel
* Difficult to schedule dates due to size of committee
* Boxes of information to review and identify which information is important/pertinent
* Significant time required for process, then Chancellor would make self-assessment and decision
* Time delays
* Needed to seek assistance in interpretation of the CRR

Comments about Pilot Process

* Both Grievance Board and Oversight Panel
* Rather than a legalistic approach – the ability to make an “umpire’s” call
* Much more faculty driven than the old process (Rubin)
* Better data collection (data must meet criteria for grievance)
* Role of administrator in new process – promotes likelihood of follow-up and bringing resolution to issue
* Process is generally perceived (UMC) as being fair to the faculty and university, more expeditious.
* New process *requires* attempt at informal resolution
* Because of new process, UMKC (Ebersole) expects to see fewer grievances.
* Most grievances (8/9) settled within three months. Much more quickly than old system.
* Committee has three year rotating assignments, so always someone with experience on the committee.
* Oversight Panel
	+ All faculty members.
	+ UMKC uses Senate Officers
	+ Ensures “check and balance” in system
	+ A “watchdog” for the process
	+ Role to report on what is done with findings (in general terms)
	+ Report on whether process is handled fairly
	+ Can intervene if necessary
	+ Can suggested needed policy, procedure and rule changes
* Hopefully increases number of informal resolutions
* Grievance Board
	+ Membership – faculty members with reputations of absolute integrity and backbone
* Administrator Role
	+ Advocate for implementation of the recommendation of the Board
	+ Has “teeth” to get things fixed.
	+ Can bring information
	+ Serving at other campuses on Grievance Boards:
		- Ron MacQuarrie (UMKC)
		- Ken Dean (UMC) (has excused himself in certain cases (reason not noted, at least in my notes, but conflict of interest?)
	+ UMKC and UMC – have seen no problems with administrator on Board.
	+ AAUP has said they really like the new process except for the administrator participation.

Other Discussion at Meeting

* Schulz valued legalistic nature of old process
* Schulz inquired with old system could be a “second” layer. General response was no.
* AAUP wanted option for early out
* Some concern about not pursuing grievance, while pursuing lawsuit. General Counsel’s comment – no point in pursuing grievance concurrently with lawsuit since litigation is the final word.