# **FACULTY SENATE EXECUTIVE COMMITTEE**

# Zoom Meeting ID 920 3685 0196 December 10, 2020 – 2:30pm Approved Minutes

The regular meeting of the Faculty Senate Executive Committee was called to order at 2:30pm on Thursday, December 12, 2020 in Zoom by President Laurie Rice.

Present: Laurie Rice, Jocelyn DeGroot-Brown, E. Duff Wrobbel, Keith Hecht, Jingyi Jia, Stephen Kerber,

Mike Shaw, Ezra Temko Guests: Ann Popkess (UPBC) Excused: Marie Klopfenstein

# **Public Comment:**

There was no public comment.

# **Announcements:**

Tammie Busch from Library and Information Services was appointed as the Faculty Senate representative on the Common Reading Program Committee.

# **Consideration of Minutes:**

The minutes for the November 12, 2020 meeting were approved as written.

# **Action Items:**

There were no action items.

# **Unfinished Business:**

The option for awarding a grade of WR is available for students who stop attending mid-semester is available and does not have an impact on their GPA. Granting a withdrawal for students who receive an F is under consideration, but it has not been implemented and could have an impact on financial aid. There are no extensions for grade submissions, however removing the signature requirement for late submission forms is being worked on to make the process less cumbersome. It is recommended to enter all available grades by December 23 and to file forms for those that cannot be done in time. It was noted that student withdrawal forms could benefit from an online form and a shorter turnaround, and the concern will be brought up at the next constituency meeting.

# **New Business:**

There was a discussion about transparency and accountability of library usage data. It was proposed that the Welfare and Governance Council ask for a library dashboard/LibGuide to show how library tools are used in order to account for the money spent on them. Data is available, and it is a trend in academic libraries to offer the information. There is no regularly scheduled assessment or review of the library despite the fact that it is an academic unit that spends University dollars. It was noted that assessment in general is an issue across campus. The Committee on Assessment will be asked to take a

look at departments that are not being assessed that are academic in nature or that support academics. The issue will also be referred to the Welfare and Governance Council.

Documents relating to the Faculty Grievance Policy work was shared in Teams and is attached. The information was also shared with Tom Jordan, but feedback has not yet been received. The Welfare and Governance Council will follow up with a goal of sending the new policy to the Faculty Senate for a first reading at the February meeting.

The 2019 Ombuds Report was shared for informational purposes and is attached.

# **Reports:**

The University Planning and Budget Committee (UPBC) incorporated language into their operating paper revisions that would allow the appointment of a member of the Graduate Council as they see fit. One Faculty Senate appointment will be eliminated, however a Graduate Council position is being added in its place. The Black Faculty and Staff Association (BFSA) will have 3 appointments, student appointments will remain the same, and the Faculty Association will have an appointment as negotiated. The Committee for Higher Administrator Performance Appraisal (CHAPA) will change from 11 to 9 members, and they had no concerns about the changes.

The Curriculum Council will not meet in December. Program reviews will start in February. The Academic Standards Task Force is on schedule.

The Rules and Procedures Council added a staff and student representative. The Council discussed COVID impacts and concerns about accountability with asynchronous learning. Faculty who are doing well with online learning are doing more teaching than they would normally, but it was noted that staff are not being included in concession language despite being lower paid and bearing more of the onground work load. The Staff Senate is willing to participate in other areas if desired. The reorganization working group is now filled and will start work. The evaluation survey has additional pandemic response questions included. Inconsistencies across University operating papers in regards to non-tenure track faculty were investigated.

The Provost attended the November meeting of the Welfare and Governance Council to discuss a dual career policy that could help with recruitment of faculty.

Yuliang Liu will be returning from sabbatical for Spring and will resume as Chair of the Graduate Council.

The Meridian Committee has started meeting. The number of people being invited for interviews will be increased, and more interviewers will be added to morning and afternoon sessions.

The President reported that the University Quality Council (UQC) met. The next Faculty Senate Executive Committee meeting is scheduled for January 14.

There were no other reports.

# Adjournment:

The meeting adjourned at 3:48 pm.

Submitted by Anne Hunter, University Governance

# **FACULTY SENATE EXECUTIVE COMMITTEE**

# Zoom Meeting ID: 920 3685 0196, Password: chimega

# https://siue.zoom.us/j/92036850196

# RH 3324, Chancellor's Conference Room December 10, 2020 – 2:30PM AGENDA

- I. CALL TO ORDER
- II. PUBLIC COMMENT\*
- III. ANNOUNCEMENTS
  - a. Tammie Busch (LIS) appointed to committee on common reading program
- IV. CONSIDERATION OF MINUTES
  - a. November 12, 2020
- V. ACTION ITEMS
- VI. UNFINISHED BUSINESS
  - a. Grading issues update
- VII. NEW BUSINESS
  - a. Library Research Guide Transparency & Accountability
  - b. Faculty Grievance Policy
  - c. 2019 Faculty Ombuds Report

# VIII. REPORTS FROM COUNCIL CHAIRS

- a. UPBC Ann Popkess
- b. Faculty Development Council Marie Klopfenstein
- c. Curriculum Council Keith Hecht
- d. Rules & Procedures Council Ezra Temko
- e. Welfare and Governance Council Steve Kerber & Jingyi Jia
- f. Graduate Council Mike Shaw
- g. Past-President Jocelyn DeGroot Brown
- h. President-Elect Duff Wrobbel
- i. President Laurie Rice

# IX. ADJOURNMENT

\*Due to Restore Illinois Phase 4 restrictions, the Faculty Senate is accepting public comments via email to encourage social distancing and safety. Submitted comments will be read aloud during the meeting and added to the minutes. Please submit any comments to the University Governance Office at anhunte@siue.edu prior to the start of the meeting. Meetings will be accessible via Zoom, and login information is included in the agenda.

#### Model of Grievance Timeline

Non-represented faculty member has a complaint "alleging violation of policies BOT or SIUE"

Within **90** calendar days of the act or omission having taken place to give rise to complaint. Non-represented faculty appeal subsequent to Department or Unit grievance

Within **30 calendar days**"following the conclusion
of the unit grievance
policy"

**Preliminary Review:** Faculty Grievance Committee (FGC) Chair will schedule meeting of FGC to review statement of grievance

Within 5 working days of "receipt of the statement of grievance"

**FGC** collect "any **additional information deemed relevant**, deliberate, and determine whether complaint is grievable"

Within 5 working days of the possible 30 days noted below

FGC convene and decide

At the earliest available date within 30 calendar days

FGC Chair will notify the Grievant, the Provost, and Chair of Faculty Welfare and Governance Committee of FGC's determination

Within 2 working days of the FGC's determination

FGC determined Not Grievable

**Grievant may appeal determination** within **5 working days,** the written appeal is to be filed with the **Provost office**.

FGC determined Grievable

**FGC Chair** will notify the **Respondent** in writing that a "Statement of Grievance" has been filed.

Within 2 working days of FGC determination

Respondent has 10 days to submit a formal written reply to the FGC chair.

FGC Chair provides a copy of Respondent's reply to the Grievant, the Provost, and the Welfare and Governance Council Chair within 10 working days of receipt of Statement of Grievance. The FGC Chair shall commence forming a Hearing Panel within 5 working days of notifying the Respondent.



FGC Chair will select members of Hearing Panel, and advise Faculty Panel and FGC member of the rules for potential conflicts of interest and disqualify those if conflict exists.

Notify **Grievant** and **Respondent** of the composition of Hearing Panel within **10** working days.

**Members** of **the Hearing panel** must serve unless they can show good cause to be excused within **3 working days** of being notified by FGC Chair of selection.

The **Grievant** and **Respondent** have 2 working days to object to a member selected by the **FGC Chair** from the **FGC** or the **Faculty Panel** for the 3 person **Hearing Panel**.

**FGC Panel Chair** will convene an **organizational meeting within 10 working days** of the members of the **Hearing Panel** to receive procedural training by the **Chair of the FGC** and possibly a member of the **Office of General Council.** 

Hearing Panel selects a date for the Hearing. The Hearing must be held within 30 calendar days subsequent to the organizational meeting. The Panel has the sole discretion to establish the Hearing date. A Hearing Panel Report is submitted to the Provost within 15 working days after completion of the hearing. Copies of the Hearing Panel Report will be sent to Grievant, Respondent(s), Welfare and Governance Council Chair, Chair of the FGC, and head of Grievant's faculty unit.

The Provost, after consultation with Chancellor, shall then inform FGC Chair, members of Hearing Panel, Welfare and Goverance Council Chair, Grievant & Respondent in writing of the decision within 15 working days.

**Provost** can extent time to deliberate.

Extension will not exceed 30 days

FGC Chair will submit a report to the Faculty Senate Executive Committee on
September 15 of each academic year outlining outstanding grievances with date of
grievances with the date grievance was filed and current status (omit names of Grievant
& Respondent in report for confidentiality)

# Southern Illinois University Edwardsville Faculty Grievance Committee (FGC) Operating Papers

# 1. Rules of Procedure and Operating Papers

These Operating Papers are intended as a secondary resource to the Faculty Grievance Procedure. If these operating papers appear to conflict with or be at variance with the Faculty Grievance Procedure in any way, the Faculty Grievance Procedure shall take precedence.

# 11. Definition of Faculty

Throughout this document, the term "faculty" is defined according to the definition provided in the Faculty Grievance Procedure.

#### 111. Membership

A. Composition and

Size

- 1. The Faculty Grievance Committee (FGC) consists of six Members elected as two representative each from the schools of Pharmacy, Dental Medicine, and the non-represented Nursing faculty.
- 2. These Members shall be elected by faculty from their respective units.

#### 3. Alternates

- a) In addition to electing six regular Members to the FGC, the schools shall also elect an Alternate who serves on the FGC only if and when one of the six FGC members is unable to attend a meeting of the FGC.
- ы Each unit shall have one alternate.
- c) Alternates can serve as a temporary substitute for a member during regular meetings of the FGC. Alternates cannot serve as a temporary substitute for a member when that member is serving on a Hearing Panel regarding a grievance matter, as this is disruptive of the grievance hearing process.

# B. Term of Office

- 1. The Members and Alternates shall serve for a term of two years. Members and Alternates can serve no more than two successive terms.
- 2. The fiscal year is the basis of the terms of Members and Alternates of the FGC. Elections for Members and Alternates shall be called for by the Rules and Procedures Council during the Spring Semester.
- 3. Staggered terms will be used, including when initially setting up the committee.
  - a) To establish the committee initially, one of the members from each unit will be chosen by lot to serve a 1-year term; the other member from each unit will serve a 2-year term.

- C. Nomination and Election of Members and Alternates of the FGC
  - 1. Each academic unit will hold elections for the representative(s) and alternate(s) from its unit.
    - a) Each academic unit is responsible for completely filling its representation.
    - b) The Chair of the Rules and Procedures Council of the Faculty Senate will notify each academic unit of the need to hold an election, the procedures to be followed, and the number of vacancies (Members and Alternates) each unit is responsible for filling.
  - 2. Removal of Faculty Grievance Committee members
    - a) A member of the FGC may be removed by a majority vote of the FGC for cause. Majority is defined as four votes or greater.
    - b) Circumstances that meet the definition of "for cause" include but are not limited to:
      - i. when a member is unable or refuses to abide by the required rules and ethical obligations consistent with the Faculty Code of Ethics and Conduct necessary to implement the SIUE Faculty Grievance Procedure, or
      - ii. when a member was absent from a majority of meetings (i.e., more than 50% of FGC meetings) during the prior fiscal year.
    - c) In the event of a removal of a member who was serving on a Hearing Panel, the current Grievant may file a subsequent additional grievance.

#### IV. Powers and Functions

- A. The Faculty Grievance Committee is responsible for:
  - 1. Administering the Faculty Grievance Policy.
  - 2. Receiving and reviewing all complaints from faculty not represented by the SIUE Faculty following Association or any other collective bargaining association received by the Provost and determining the following as stated in the Faculty Grievance Procedure:
    - a) whether a complaint falls within the definition of a grievance,
    - b) whether the complaint is a grievable matter,
    - c) whether a grievable dispute exists,
    - d) whether a Board of Trustees or University policy cited within the Statement of Grievance is applicable to the issue(s) presented in the grievance,
    - e) whether other avenues of resolution are appropriate,
    - f) whether the complaint has met the time requirements,
    - g) whether sufficient evidence exists to move forward to a formal hearing,
    - h) whether the proper respondent(s) has/have been named, and
    - i) whether any other circumstance exists to warrant a conclusion that the complaint is not subject to the Faculty Grievance Policy.
  - 3. Serving as members of a Hearing Panel, if selected, in accordance with the procedure for selection stated in the Faculty Grievance Procedure.
  - 4. The Faculty Grievance Committee shall receive training and advice from the Office of General Counsel.

#### v. Chair

- A. The FGC Chair shall call the first meeting of the FGC by no later than September 15. This meeting is for the express purpose for:
  - 1. the FGC to elect a Chair-Elect for the current fiscal year
  - 2. the FGC Chair to discuss the purpose and processes related to the FGC
  - 3. the Office of General Counsel to provide training. If necessary, this can be done during a separate meeting.
- B. Notification of the election of the Chair and Chair-Elect of the Faculty Grievance Committee shall be provided to the Chair of the Faculty Senate Welfare and Governance Council and the Provost.
- c. The duties and responsibilities of the Chair of the Faculty Grievance Committee (including the selection of members to a Hearing Panel) are stated in the Faculty Grievance Procedure.
- D. The Chair and Chair-Elect shall serve one-year terms, except as provided below.
  - 1. If the Chair resigns from this position, or is separated from the employment by the university, then the Chair-Elect immediately becomes the new Chair.
  - 2. The new Chair shall serve as the Chair of the FGC for the remainder of the fiscal year.
  - 3. The new Chair is required to notify the Chair of the Faculty Senate Welfare and Governance Council and the Provost within five business days of being notified that the previous Chair is no longer able to serve in this capacity.
  - 4. Upon being notified, the Faculty Senate Welfare and Governance Council Chair shall convene a meeting of the FGC as soon as possible. The only purpose of this meeting is to elect a Chair-Elect. The Chair-Elect shall serve in this capacity for the remainder of the current fiscal year. The Welfare and Governance Council Chair shall not vote in the election of the FGC Chair-Elect.
  - s. The Chair shall serve as the confidential channel of communication between each grievant and the corresponding Hearing Panel. The Chair, may at his or her discretion, designate one of the committee members to serve as a committee Secretary to assist in recording the minutes of meetings or in assisting the Chair with matters of communication regarding the activities of the committee regarding grievance matters.

# VI. Chair-Elect

- A. When and as charged by the Chair of the FGC, the Chair-Elect will assist the Chair in managing grievances in cases where there are multiple grievances going on simultaneously.
- B. Upon conclusion of the Chair's term of office, the Chair-Elect shall become the new Chair of the FGC.

# VII. Meetings

- A. Calling of Meetings
  - 1. After the initial meeting of the Faculty Grievance Committee in the Fall semester, the Chairperson of the committee shall call the meetings as needed.
- B. The Conduct of Meetings
  - 1. The Chair of the Faculty Grievance Committee shall preside.
  - 2. In the absence of the Chair of the FGC, the Chair-Elect shall preside.

- 3. The Faculty Grievance Committee shall adopt its own rules of order.
- 4. At least half of the Faculty Grievance Committee membership shall constitute a quorum.
- 5. In accordance with the Illinois Open Meetings Act, the public is allowed to comment at meetings of the Faculty Grievance Committee for a maximum of three minutes per person. A maximum of 20 minutes per meeting will be allotted for public comment.
- 6. Upon a majority vote of a quorum present, the Faculty Grievance Committee may vote to go into closed session. All meetings, however, must be conducted in accordance with the Illinois Open Meetings Act. Final action can be taken only in open meetings.

#### VIII. Amendment and Reapportionment

# A. Amendment of Operating Papers

1. Any amendment of the policy-making or administrative structure of these Operating Papers is subject to approval by the Faculty Senate, in accordance with the Constitution and Bylaws of the Faculty Senate, and by the Provost and Vice Chancellor for Academic Affairs.

a) Such a proposed amendment may be initiated by the Faculty Grievance Committee or the Welfare and Governance Council of the Faculty Senate. Once a proposed amendment is initiated, it shall follow the routine channels of review by the Faculty Senate Executive Committee and then consideration by the Faculty Senate.

B. Reapportionment: The apportionment of membership on the Faculty Grievance Committee shall be subject to changes by amendment of this document and by appropriate Faculty Senate action.

Approved by the Welfare Council: Approved by the Faculty Senate Executive Committee: Approved by the Chancellor:

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# Office of the Provost

Faculty Handbook

FACULTY GRIEVANCE PROCEDURE, SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE PERSONNEL POLICIES, SIUE, II 12-19

Approved by Chancellor Approved by the Welfare Council: Approved by the Faculty Senate Executive Committee:

This Faculty Grievance Policy, as authorized by the Board of Trustees of Southern Illinois University, provides a means for faculty not represented by the SIUE Faculty Association or any other collective bargaining association to resolve disputes between members of the Southern Illinois University Edwardsville community quickly and fairly. Its existence gives assurance that the University will act responsibly toward each member of the nonrepresented faculty. Although the Faculty Grievance Policy's immediate end is the service of justice, it is also conducive to higher institutional morale. Good faith participation is necessary for this Faculty Grievance Policy to serve its important purpose. Therefore, any retaliatory act taken against a participant to a grievance proceeding is prohibited and should be reported immediately to the Provost and Vice Chancellor for Academic Affairs.

Faculty grievances falling within the subject matter of this Faculty Grievance Policy shall not be suspended, including if a complaint concerning the grievance is filed external to the University. All faculty should attempt to resolve complaints informally whenever possible, making use of the formal grievance procedure of their department or faculty unit, if one has been previously enacted, the Faculty Ombuds Service, and/or informal resolution, including mediation, if available. Informal resolution and dismissal of a grievance by the involved parties may occur at any time during the grievance process, including during a formal hearing, if the parties mutually agree to such resolution and dismissal.

If informal dispute resolution is unsuccessful, a formal written grievance may be filed through the Office of the Provost and Vice Chancellor for Academic Affairs or the Provost's designated representative. The Office of the Provost shall supply all necessary and reasonable support for a grievance proceeding exclusive of attorney's fees and expenses of the grievant.

Substantial, good faith compliance with this Faculty Grievance Policy constitutes full compliance. While the time provisions of this Faculty Grievance Policy shall be observed in a fair and equitable manner, such limits may be waived upon agreement in writing of all parties to a grievance or under extenuating circumstances as determined by the Provost.

The Faculty Grievance Policy shall be available to any current non-represented faculty member or former nonrepresented faculty member to resolve disputes involving an alleged violation of the policies of the Board of Trustees or Southern Illinois University Edwardsville.

# II. Grievable Matters

As defined by policy of the Board of Trustees of Southern Illinois University, a grievance is a formalized disagreement between a faculty or staff member and a University officer or officers regarding a decision of such officer(s) which affects the faculty member or staff member individually. Officers shall include, but are not limited to, the Provost, Associate Provost, Assistant Provost, directors, deans, and chairs. Under this Faculty Grievance

Policy, a non-represented faculty member may also file a grievance against another faculty member, whether that individual is a represented or a non-represented faculty or staff member. The Faculty Grievance Policy shall be available to any current non-represented faculty member or former non-represented faculty member to resolve disputes involving an alleged violation of the policies of the Board of Trustees or Southern Illinois University Edwardsville. The subject matter of complaints from former faculty members shall be limited to matters pertaining to their separation from employment. Complaints must be received in the Office of the Provost within ninety calendar days of the act or omission giving rise to the complaint, or the date on which the employee or former employee knew, or reasonably should have known, of the act or omission, whichever is later.

If this Faculty Grievance Policy is being used as an appeal subsequent to departmental or unit grievance procedures, the grievant must file the Statement of Grievance with the Office of the Provost within thirty calendar days following the conclusion of the unit grievance process.

Complaints alleging illegal discrimination (age, color, disability, marital status, national origin, race, religion, sex, sexual orientation, or veteran's status) must be filed in the Office of Equal Opportunity, Access and Title IX Coordination for resolution and are not subject to review under this Faculty Grievance Policy.

A party's dissatisfaction with the outcome of a prior grievance shall not be a grievable matter. Complaints against the Chancellor shall not be grievable under this Faculty Grievance Policy and must be directed to the Office of the President for resolution. The Faculty Grievance Committee (FGC) shall determine whether a dispute is appropriate and grievable under the Faculty Grievance Policy.

#### III. Definitions

- A. Administrator: An SIUE Academic Affairs professional staff employee, including the Provost, Associate Provost, Assistant Provost, directors, deans, chairs or their equivalent, who manages or supervises SIUE policies, procedures and/or personnel.
- B. Advocate: A member of the University faculty who has agreed to advise and/or represent the Grievant or Respondent during the course of the grievance. The identity of the advocate must be made known to the other party and Hearing Panel in writing prior to the hearing. The Hearing Panel may allow a party to name a different Advocate during the course of a grievance upon a showing of good cause.
- c. Burden of Proof: The grievant shall have the burden of proving their case by a preponderance of evidence.
- D. Decision: The final decision by the Provost and Vice Chancellor for Academic Affairs made in response to the Hearing Panel Report.
- ε. Evidence: Any manner of proof presented at a hearing of a grievance by the parties through testimony, records, documents, exhibits, and/or objects for the purpose of showing the truth or falsity of the issues in dispute between the parties to the grievance.
- F. Ex Parte Communication: A communication between a party to a grievance and any member of the Hearing Panel or the Provost prior to issuance of the final report of the Hearing Panel that pertains to the subject matter of a grievance and is conducted in the absence of the opposing party. Ex parte communications are prohibited unless written consent is given by the absent party.
- g. Faculty: All faculty who are not represented by the SIUE Faculty Association or any other collective bargaining association.
- H. Faculty Grievance Committee (FGC): The elected standing committee of faculty representing the School of Pharmacy, School of Dental Medicine, and non-represented faculty from the School of Nursing, with the responsibility to conduct preliminary review of complaints to determine which are grievable and to assemble the Hearing Panel for each grievance. All faculty from the School of Pharmacy and the School of Dental Medicine, as

well as the non-represented faculty from the School of Nursing are eligible for election to the FGC. No administrator, including, but not limited to, deans, associate deans, assistant deans and chairpersons, shall be part of the FGC.

- I. Faculty Ombuds: A tenured faculty member selected by the Welfare and Governance Council of the Faculty Senate for the purpose of providing impartial, confidential and informal conflict resolution of disputes for faculty members and administrators. The Faculty Ombuds shall not participate in the formal grievance procedure.
- 3. Faculty Panel: The pool or group of represented faculty from which two members of the three person Hearing Panel is selected. All full-time faculty are included in the Panel, except for current members of the FGC and the Faculty Ombuds. No administrator, including deans, associate deans, assistant deans and chairpersons, shall be part of a Hearing Panel.
- κ. Faculty Unit: A faculty unit as listed in the Faculty Senate Constitution and Bylaws. These are: College of Arts and Science, School of Business, School of Dental Medicine, School of Education, School of Engineering, School of Nursing, School of Pharmacy, and Lovejoy Library.
- L. Grievant: The person bringing the grievance.
- M. Hearing: The proceedings in which the Hearing Panel is presented with testimony and other evidence, and develops the written record upon which it must base its findings of fact, conclusions, and recommendation.
- N. Hearing Panel: The three-person panel selected to hear testimony and to make findings of fact, conclusions and recommendations. The Hearing Panel shall consist of one member selected from the FGC who serves as Chair of the Hearing Panel and two members selected from the Faculty Panel.
- Hearing Panel Report: The written report of the findings, conclusions and recommendations reached by the Hearing Panel, based upon facts presented in a hearing.
- P. Legal Counsel: A licensed attorney at law representing the legal interest of a party to a grievance.
- Q. Notice: Written communication to the parties, Provost and Vice Chancellor for Academic Affairs, Welfare and Governance Council Chairperson, FGC Chairperson, Hearing Panel Chairperson, or other administrators shall be made by campus mail, U.S. Postal Service, or overnight delivery. Notices may be accompanied or preceded by an e-mail message.
- R. Party to a grievance: Grievant and respondent(s)
- s. Record: The written statements, documentary evidence, and the audio tape of the Hearing of a grievance. Personal notes taken by the parties involved and by members of the Hearing Panel during the Hearing and related deliberations shall not be considered part of the Hearing Record.
- $_{ extsf{T}}$ . Relevancy: That quality of evidence which renders it proper application in determining the truth and/or falsity of the issues in dispute between the parties to the grievance.
- u. Respondent(s): The person(s) against whom the complaint is brought.
- 1. A faculty member wishing to bring a grievance against a committee shall file such a grievance against the chair of the committee in question as a representative of the committee and as someone familiar with the activities, deliberations, and decisions of the committee rather than against multiple individual members.
- v. Return Receipt: A receipt including the signature of the individual receiving materials and the date received.
- w. Statement of Grievance: The notarized written document filed with the Office of the Provost and Vice Chancellor for Academic Affairs. The Statement of Grievance prepared by the grievant shall identify the following in a focused and specific manner:

- 1. Identify the respondent(s) by name and position.
- 2. Cite and quote the policy(ies) allegedly violated by the respondent(s).
- 3. Provide the date(s) of the alleged policy violation(s).
- 4. Prepare a brief, factual, and accurate statement of the reason(s) for the filing, the specific act(s) upon which the grievance is based, and any prior efforts to resolve the disagreement.
- 5. Provide a statement of the relief being sought by the grievant.

The grievant faces the task of presenting a persuasive argument for careful consideration by the FGC, the Hearing Panel, and the Provost and Vice Chancellor for Academic Affairs. The grievant must explain how a decision that allegedly violated a Board of Trustees or Southern Illinois University Edwardsville policy impacted the grievant individually. The grievant shall have the burden of proving their case by a preponderance of evidence.

- x. Testimony: Oral evidence heard by the Hearing Panel and written statements or documents read to the Hearing Panel by any party.
- y. Welfare and Governance Council Chairperson: The Chairperson of the Faculty Senate Welfare and Governance Council.
- z. Witness: A person providing evidence for any party in the grievance.
- AA. Working Day: Any weekday (Monday through Friday) when the University is officially open and conducting business. All reference to "day" as a time to perform under this Faculty Grievance Policy shall be considered a "working day" as defined herein unless otherwise specifically noted to the contrary.
- IV. Initiating a Grievance
- A. A person who wishes to initiate a grievance shall file a notarized Statement of Grievance (as described in Article III (W), Statement of Grievance) with the Office of the Provost and Vice Chancellor for Academic Affairs within ninety calendar days of the act or omission giving rise to the grievance, or the date on which the employee knew, or reasonably should have known, of the act or omission, whichever is later. A grievance naming the Provost or a member of the Provost's Office shall be filed with the Office of the Chancellor. (The Statement of Grievance must include all elements listed in Article III (W), Statement of Grievance.) A grievance naming the Provost or a member of the Provost's Office as a respondent shall return to the Chancellor all grievance responsibilities associated with the Provost.
- B. Statements of grievance must be received in the Office of the Provost within ninety calendar days of the act or omission giving rise to the complaint, or the date on which the employee or former employee knew, or reasonably should have known, of the act or omission, whichever is later. If this Faculty Grievance Policy is being used as an appeal subsequent to departmental or unit grievance procedures, the grievant must file the Statement of Grievance with the Office of the Provost within thirty calendar days following the conclusion of the unit grievance process.
- c. Formal action on a grievance may not be postponed except as allowed under this Policy. The grievant may request in the Statement of Grievance that formal action on the grievance be postponed for a period up to thirty calendar days during which time efforts to resolve the grievance informally shall be made. The grievant may terminate the postponement period at any point by notifying the Provost or the Provost's designated representative in writing. In the case of a hearing which would ordinarily commence during the summer term, the grievant, respondent, or the chair of the FGC, or designated representative, may postpone the grievance until the beginning of the following fall term.
- D. Upon receipt of the Statement of Grievance, the Provost or Provost's designated representative shall

forward the statement of grievance to the chair of the FGC within five working days.

- E. The FGC chair shall, within five working days of the receipt of the Statement of Grievance, forward copies of the Statement of Grievance to the members of the FGC and schedule a meeting of the full FGC at the earliest available date within 30 calendar days. A majority of the FGC membership, and any alternates appointed to this committee, shall constitute a quorum for this meeting.
- 1. The purpose of the FGC meeting shall be to review the Statement of Grievance and to determine whether the issues raised in the statement are grievable.
- 2. The FGC meeting shall be closed to discuss the merits of the Statement of Grievance.
- 3. The participating FGC members shall determine by majority vote whether the matter is grievable. Any vote that is deemed a tie shall fall in the favor of the grievant.
- 4. In cases of multiple respondents, the respondents will be heard by one Hearing Panel. However, a respondent may petition the FGC for a separate hearing if they can show good cause.
- F. The FGC chair shall notify the person filing the Statement of Grievance, the Provost, and the Chair of the Faculty Welfare and Governance Council within two working days of the FGC's determination.
- G. If the matter is deemed not grievable by the FGC and the grievant wishes to appeal, a written appeal of such determination must be filed with the Provost within five working days. The Provost shall render a final written institutional decision within five working days and concurrently notify the person filing the Statement of Grievance, the FGC chair, and the Welfare and Governance Council chair of such decision.
- H. If the matter is deemed grievable by the FGC, or by the Provost subsequent to an appeal, the FGC chair shall notify the respondent in writing within two working days that a Statement of Grievance has been filed and provide the respondent a copy of the Statement of Grievance and a copy of this Faculty Grievance Policy.
- I. The respondent shall have ten working days after receipt of the Statement of Grievance to submit a formal written reply to the FGC chair. The FGC chair shall provide a copy of the respondent's formal reply to the grievant, the Provost, and the Welfare Council chair.
- 3. The FGC chair shall commence forming a Hearing Panel, in accordance with Article VI, within five working days of notification of the respondent.
- v. Faculty Grievance Committee
- A. Purpose, Jurisdiction, and Scope

The Faculty Grievance Committee (FGC) is an elected standing committee responsible for administration of the Faculty Grievance Policy, including receiving and reviewing all complaints received by the Provost and serving as members of a Hearing Panel, if selected. One role of the FGC is to determine whether a complaint falls within the definition of a grievance, whether the complaint is a grievable matter, whether a grievable dispute exists, whether a Board of Trustee or University policy cited within the Statement of Grievance is applicable to the issue(s) presented in the grievance, whether other avenues of resolution are appropriate, whether the complaint has met the time requirements, whether sufficient evidence exists to move forward to a formal hearing, whether the proper respondent(s) has/have been named, and whether any other circumstance exists to warrant a conclusion that the complaint is not subject to this Faculty Grievance Policy.

- B. Membership and Composition
- 1. The FGC shall comprise 6 members elected by the faculty from non-represented units pursuant to the Faculty Grievance Committee Operating Papers, except as provided below.
- A. If the Chair has appointed alternates as members, or has appointed temporary members, then the Chair's

decision to make these appointments must occur in a manner that follows the Faculty Grievance Committee Operating Papers.

- 2. The members shall serve for a term of two years. No member may serve more than two successive terms.
- 3. The FGC shall select a Chair-Elect from its membership at the first meeting of each year. Notification of the election of the Chair and Chair-Elect of the FGC shall be provided to the Faculty Welfare Council and the Provost.
- 4. A member of the FGC shall be excused from all FGC activities and responsibilities during the duration of any grievance filed by or against such member.
- c. The FGC shall receive training and advice from the Office of General Counsel.
- vi. Hearing Panel
- A. The Hearing Panel shall consist of three members, one selected from the membership of the FGC, and who will chair the panel, and two selected from the Faculty Panel.
- s. Faculty employed in the same unit as a party to a grievance shall be deemed to have a potential conflict of interest in that particular grievance and shall not serve on a Hearing Panel for that grievance.
- c. Faculty participants in a prior grievance in any capacity (grievant, respondent, advocate, witness, etc.) involving a party to a current grievance shall be deemed to have a potential conflict of interest and shall not serve on a Hearing Panel for the current grievance.
- p. Faculty with a professional or personal relationship with a party to a grievance that creates an appearance of a conflict of interest shall not serve on a Hearing Panel for that grievance. It shall be the obligation of the faculty member to immediately disclose such a potential conflict of interest.
- E. Faculty selected for a hearing panel must serve unless they can show good cause as to why they should be excused from such service. Faculty must petition the FGC in writing within two working days of notification of selection to be excused for good cause from participation in a particular grievance. Workload issues are typically not grounds for being excused from service on a hearing panel. The FGC shall issue a final decision to such petition within five working days.
- F. The chairperson of the FGC shall be responsible for the selection of members to a Hearing Panel.
- 1. Select five persons by lot from the Faculty Panel and choose two persons by lot from the FGC including any alternate or temporary members. Selection by lot means taking the first five eligible persons from the randomized list that are not in the unit of the grievant.
- 2. Advise the selected persons from the Faculty Panel and the FGC of the rules for potential conflicts of interest and disqualify those persons, if any, with such conflicts. Additional names shall be drawn, as necessary, from the respective pools. Steps (1) and (2) should be completed within ten working days.
- 3. Send the list names from the Faculty Panel and the list of names from FGC (including any alternate or temporary members), to the grievant and respondent who shall, within two working days, notify the Chairperson of any persons they would like to exclude from consideration for the panel.
- 4. The Chairperson will randomly select the final panel members from the remaining lists.
- s. If either party fails to meet the deadlines for selecting the Hearing Panel, or making a response as prescribed herein, the FGC chair shall make the selections for the defaulting party and the grievance procedure shall proceed regardless of the failure.
- 6. Notify the persons selected from the Faculty Panel list and the person selected from the FGC list (including any alternate or temporary members) of their appointment to the Hearing Panel. The person selected from the FGC

shall serve as chair of the Hearing Panel. Provide each member with a copy of the statement of grievance and the formal reply by the respondent to the statement of grievance. Concurrently, notify the grievant and the respondent of the composition of the Hearing Panel and the designation of its chair.

- vп. Formal Hearing Procedure
- A. The chair of the Hearing Panel shall be responsible for conducting the Hearing in conformance with this Faculty Grievance Policy. The chair shall have the authority to allocate hearing responsibilities to the members of the Hearing Panel, decide questions of relevance of evidence, and to seek counsel from the chair of the FGC, the Office of General Counsel, and the Office of Provost on any matter pertaining to the grievance.
- B. The Panel chair shall within ten working days of the notifications of the grievant and the respondent specified above in section VI.(F)(7) convene an organizational meeting of the Hearing Panel to receive procedural training by the Chair of the FGC. A member of the Office of General Counsel may also train and advise the Hearing Panel.
- c. The Hearing Panel shall also schedule the date of the Hearing. The Hearing must be held within 30 calendar days subsequent to the organizational meeting and, if feasible, shall be at a time when participants are free of classroom and other University assignments. When such scheduling proves impossible, departments/units shall make every reasonable effort to assume the responsibilities of the participants at such times as their presence may be required at hearings. It is the responsibility of the grievant and respondent to cooperate with the Hearing Panel to schedule and attend the hearing. Notwithstanding the above, the Hearing Panel, in its sole discretion, shall have authority to establish the Hearing date. The Panel chair shall notify the parties of the hearing date as soon as that date is determined.
  - D. The parties shall deliver to the Panel chair a complete witness list and all exhibits pertaining to the case no less than ten working days prior to the scheduled hearing. Each party must provide materials for distribution to each member of the Panel and to the other party. Exhibits not received and witnesses not identified ten working days prior to the hearing will not be allowed at the hearing.
  - E. At the discretion of the Hearing Panel, and based on the circumstances of a particular grievance, a pre-hearing meeting may be held with the parties, including advocates, to discuss scheduling, proposed time allotments for the hearing, procedural matters, evidentiary matters, issues, confidentiality or any other topics relevant to the hearing.
  - r. The Hearing Panel chair shall convene and preside over the Hearing. The chair shall preliminarily explain the proceedings to the parties and resolve procedural issues, if any. The parties shall be advised of their responsibilities regarding attendance, testimony, honesty, rights, confidentiality, and the maintenance of order and decorum. The grievant and the respondent(s) must be invited to all testimonial hearings. If a party is absent or refuses to participate or cooperate, the hearing shall proceed regardless.
  - G. The Hearing procedural rules to be observed are as follows:
- 1. The Hearing shall be closed except for the parties, advocates, legal counsel, witnesses while giving testimony, and the Hearing Panel.
- 2. Everyone in attendance shall exhibit civil and professional behavior throughout the hearing. It is the duty of the Hearing Panel to ensure that each party receives the same opportunity to be heard in a civil environment. Therefore, it is at the Hearing Panel's discretion to remove from the hearing any individual who is disruptive.
- 3. All witnesses including the parties shall be under oath when testifying.
- 4. The burden of proof remains on the grievant at all times.
- 5. A member of the Hearing Panel shall be responsible for audio recording the entire hearing.

- 6. Strict or formal rules of evidence need not be followed. Evidence deemed by the Hearing Panel to be irrelevant or immaterial may be disallowed. A party may challenge the admission of evidence if the party believes there is a good reason the evidence should not be admitted. The Hearing Panel should generally defer to the parties in allowing reasonable testimony and evidence to be presented at the hearing. However, the Hearing Panel shall make the final decision in all cases regarding the relevance and admissibility of evidence.
- 7. Advocates must be allowed to participate directly in the Hearing including conferring with the relevant party, making opening and closing statements, and questioning witnesses. Legal counsel may not act as an advocate, as that term is used herein, and may not directly address witnesses or the Panel. A client's attorney, however, may confer with his or her client during the course of the hearing so long as the Hearing Panel does not determine that this practice obstructs the proceedings.
- 8. The Hearing Panel shall retain its right to deliberate with neither party present.
- 9. Faculty members are expected to meet their obligations to participate willingly, professionally, and throughout the duration of the faculty grievance process as such obligations arise. If a faculty member wishes to request to be excused from the obligation to serve, for example as a member of the Hearing Panel, that person may submit a written statement of unwillingness to participate to the Provost and Vice Chancellor for Academic Affairs and to the Chair of the FGC. If excused, the faculty member may not choose to re-enter that specific grievance process at a subsequent stage (see section V.(i)(e) for the portion of this section that pertains to service on a Hearing Panel).
- 10. The burden shall be on the grievant and respondent to inform the Hearing Panel as to the existence and probable location of information bearing upon the grievance. A party's refusal to cooperate to provide evidence, or unduly delay providing evidence which the Hearing Panel, grievant or the respondent requests, may be grounds for finding against the uncooperative or dilatory party, if the Panel so decides.
- 11. The parties shall be permitted to present any and all evidence which the Hearing Panel deems to be relevant to the grievance.
- 12. Each party shall be solely responsible for locating, assembling, and delivering all documents and exhibits to support its case to the Panel chair as detailed above. Documentary evidence to be used by a party must have been in existence at the time of the events in dispute.
- 13. Either party shall have the right of access to all evidence presented.
- 14. The Hearing Panel shall make its findings of facts and conclusions based solely on the evidence presented and shall determine recommendations supported by a preponderance of the evidence.
- 15. The Hearing Panel shall report all problems obstructive to the fair and expeditious review of the grievance to the Provost, with a request for such intervention as may lie within the authority of the Provost.
- 16. Any situation, question, rule, point, issue, or matter not directly provided for in this policy but which arises under this policy will be resolved by the Hearing Panel in consultation with the FGC whenever possible. The FGC may consult with the University's Office of the General Counsel and/or the Office of the Provost.
- 17. The Grievance Process should be completed as rapidly as possible while ensuring a fair and equitable hearing of the evidence.
- 18. EX parte communications by the grievant and respondent with members of the Hearing Panel shall be strictly prohibited. Requests by the grievant or respondent to communicate with members of the Hearing Panel outside the formal Hearing shall be directed through the chair of the FGC.
- н. The Hearing shall be conducted as follows:
- 1. An opening statement of a general overview of the case by the grievant or their advocate followed by an

opening statement by the respondent or their advocate. Opening statements shall be limited to thirty minutes for each party. During the opening statements only the hearing panel may ask questions or interrupt the speaker.

- 2. The grievant or their advocate presents his/her case to the Hearing Panel by calling and soliciting testimony from his/her witnesses and presenting the documentary evidence submitted earlier. The Hearing Panel may question the grievant's witnesses at any time during the proceedings.
- 3. The respondent or their advocate presents his/her case to the Hearing Panel by calling and soliciting testimony from his/her witnesses. The Hearing Panel may question the respondent's witnesses at any time during the proceeding.
- 4. After the grievant and respondent have presented their witnesses and evidence, the Panel chair shall ask all parties to present any further information pertaining to the case, if any. The evidentiary phase of the hearing shall be deemed complete by the Panel chair after the taking of all evidence.
- 5. A closing statement shall be made by the grievant summarizing the evidence, followed by a closing statement by the respondent. Closing statements shall be limited to thirty minutes for each party.
- 6. The Hearing Panel shall deem the hearing complete and shall retire to deliberate and prepare a Hearing Panel Report for submission to the Provost.

#### VIII. Hearing Panel Report

- A. The Hearing Panel Report, all exhibits presented at the Hearing, and the audio recording of the Hearing shall be submitted by the Hearing Panel to the Provost within fifteen working days after completion of the hearing. If the Hearing Panel is divided, majority and minority reports may be submitted. Copies of the Hearing Panel Report, without exhibits and audio recordings, shall simultaneously be sent by the Hearing Panel to the grievant, respondent(s), Welfare and Governance Council Chairperson, chair of the FGC, and the head of the faculty unit in which the grievant holds rank. The Hearing Panel may extend the time for making its Report for good cause after consultation with the chair of the FGC and Provost. A final decision on the extension of time shall rest with the Hearing Panel. The grievant and respondent shall be provided notice of any extension.
- B. The Hearing Panel Report shall include the following:
- 1. A summary of the charges and evidence.
- 2. A clear statement of the finding of the facts.
- 3. The conclusions and recommendations of the Hearing Panel.
- 4. The rationale for such recommendations.
- 5. Other pertinent comments.
- IX. Decision and Appeal
- A. Within fifteen working days after receipt of the Hearing Panel report, all exhibits, and the audio recording of the hearing, the Provost shall, after consultation with the Chancellor, inform the FGC chair, members of the Hearing Panel, Welfare and Governance Council chair, grievant, and respondent(s) in writing as to the Provost's decision in the case. The Provost can extend the fifteen day period for a reasonable period of time, but such extension shall not exceed an additional thirty calendar days.
- B. The Provost has the authority to accept or not to accept the Hearing Panel report. If the Provost rejects a Hearing Panel's report, including its recommendations, the Provost shall provide, in writing, a detailed rationale to grievant, respondent, and members of the Hearing Panel.
- c. The Provost's decision on the Hearing Panel Report and the grievance shall constitute the final institutional

decision.

D. In accordance with Bylaw VI.(2) of the Board of Trustees of Southern Illinois University, the grievant may appeal the institutional decision to the Board of Trustees. However, it should be noted that faculty upon faculty grievances may not be subject to appeal to the Board of Trustees.

#### x. Disposition of Records

- A. Once a written recommendation is submitted by the Hearing Panel, the Office of the Provost shall be responsible for the custody, security, and confidentiality of all records, including the audio recording of the hearing, pertaining to grievances under this policy. The grievant and respondent(s) may have access to hearing records in the presence of a representative of the Provost's Office. Upon a final decision by the Provost, access to the record of the case must be approved by and arranged through the Office of the Provost.
- B. Once the official Hearing Panel Report for a grievance, plus all exhibits and the audio recording of the hearing, have been submitted to the Office of the Provost, all members of the FGC and the Hearing Panel will immediately return all other working copies of documentation from the grievance activity in their possession to the Chair of the FGC. The Chair of the FGC will forward all such documents to the Office of the Provost, for placement with the other grievance materials.

## x<sub>I</sub>. Report of Grievances

By no later than September 15 of each academic year, the chair of the FGC shall prepare and submit a report for the Faculty Senate Executive Committee outlining all outstanding grievances with the date the grievance was filed and the current status, but omitting the names of the grievant and respondent for the purpose of confidentiality. With respect to grievances concluded during the past fiscal year, the FGC chair shall prepare a report to the Faculty Senate Executive Committee outlining the date the grievance was filed, the date the hearing was held, the Hearing Panel Report and the decision of the Provost, but omitting the names of the grievant and respondent for the purpose of confidentiality.

# хп. Confidentiality

Confidentiality of all matters pertaining to a grievance under this Faculty Grievance Policy is imperative in order to preserve and protect the privacy interests of the parties. Except as authorized by law or by operation of this Policy, or as granted by the consent of both parties to a grievance, disclosure to third parties of the content or subject matter of a grievance proceeding is not authorized. This restriction applies to the grievant, respondent, advocates, legal counsel for the parties, Hearing Panel, FGC, and Faculty Welfare Council. A breach of confidentiality of a grievance proceeding by a party to a grievance may result in a finding against the breaching party, as determined solely by the Hearing Panel. A breach of confidentiality of a grievance proceeding by a member of a Hearing Panel, FGC, or Faculty Welfare Council may be grounds for removal from the relevant Panel, FGC, and/or Council, or other consequences, as determined by the membership.

Timeline: Grievance Process								
Person(s)  1. Non-represented faculty member has a complaint "alleging violation of policies BOT or SIUE"	Function  Written complaint received by the Office of Provost	Time Within 90 calendar days "of the ac or omission giving rise to complaint"						
Non-represented faculty appeal subsequent to Department or Unit grievance	Written complaint received by the Office of Provost	Within 30 calendar days "following the conclusion of the unit grievance policy"						
3. Preliminary Review	Faculty Grievance Committee (FGC) Chair will schedule meeting of FGC to review statement of grievance	Within 5 working days of "receipt of the statement of grievance"						
4. FGC	FGC collect "any additional information deemed relevant, deliberate, and determine whether complaint is grievable"	Within 5 working days						
5. FGC	FGC convene and decide	At earliest available date within 30 calendar days						
6. FGC Chair	FGC Chair will notify the Grievant, the Provost, and Chair of Faculty Welfare and Governance Council of FGC's determination	Within 2 working days of the FGC's determination						
7. FGC determined Not Grievable	Grievant may appeal determination	Within 5 working days the written appeal is to be filed with the Provost office						
8. FGC determined Grievable	FGC Chair notifies the Respondent in writing that Statement of Grievance has been filed for grievance and provides a copy	Within 2 working days of the FGC determination						
9. Respondent	Respondent submits formal written reply to the FGC chair	Within 10 working days of receipt of Statement of Grievance						
FGC Chair	FGC Chair "supplies a copy of Respondent's reply to the Grievant, the Provost, and the Welfare and Governance Council chair"							
10. FGC Chair	Initiate forming a Hearing Panel in accordance to Article VI	Within 5 working days notification of Respondent						

12. FGC Chair	Select members of Hearing Panel and advise Faculty Panel and FGC of the rules for potential conflicts of interest and disqualify those if conflict exists	Within 10 working days		
	Notify Grievant and Respondent of the composition of Hearing Panel			
13. Hearing Panel Chair	Convene a meeting date of Hearing panel	Within 10 working days of notifying Grievant and Respond of composition of Heating panel		
14. Grievant & Party	Deliver complete witness list and all exhibits pertaining to the case	No less than 10 working days p to schedule hearing		
15. Hearing Panel	Submit the Hearing Panel Report and all exhibits and audio recordings to the Provost	Within 15 working days after completion of hearing		
16. Provost	The Provost will confer with Chancellor then inform FGC, Hearing, Welfare Council Chair, Grievant & Respondent in writing of the decision	Within 15 working days after receipt of Hearing Panel Report provide decision in writing		
Provost	Can extend time to deliberate	Extension will not exceed an additional 30 days		
FG Chair	Submit a report or the Faculty Senate Executive Committee outlining outstanding grievances with date of grievances with the date grievance was filed and current status (omit names of Grievant & Respondent in report for confidentiality)	September 15 of each academic year		

Please note that this Timeline does not take the place of the need to refer to the Faculty Grievance Procedures document for more complete instructions and details regarding the grievance process.



February 24, 2020

To: Stephen Kerber,

Interim Chair, Faculty Welfare Council for AY 2019-20

From: Seran Aktuna and Nicole Klein,

Faculty Ombuds

Re: 2019 Annual Report

The Faculty Ombuds Service operates under the Welfare Council of the Faculty Senate and is tasked with the following duties as described in its operating papers:

The Ombuds Service at SIUE provides impartial, confidential and informal resolution of disputes for faculty members and administrators. The program seeks to help those faculty or administrators with interpersonal misunderstandings as well as those concerned with more administrative or academic issues. These misunderstandings may be between two or more faculty members or between a faculty member and an administrator. The main purpose of the Ombuds Service is to mediate conflict. It will not serve to adjudicate breaches in formal administrative policies (a formal grievance procedure is in place for this purpose). As a result, the Ombuds faculty will listen, offer options and facilitate resolution to those in conflict. This will be done without preference to one party over another. Rather, the goal of the Ombuds faculty will be to mediate disputes and ensure that all party's voices are heard. (https://www.siue.edu/ugov/faculty/ombuds/ombuds-service-policy.shtml)

The Faculty Ombuds adhere to the International Ombudsman Association (IOA) Standards of Practice

(https://www.ombudsassociation.org/assets/docs/IOA Standards of Practice Oct09.pdf) and Code of Ethics

(https://www.ombudsassociation.org/assets/IOA%20Code%20of%20Ethics.pdf) which are the principles of independence, neutrality and impartiality, confidentiality, and informality. As such, the Ombuds service provides an independent, neutral, confidential and informal place for faculty to discuss their concerns and receive guidance on the options available to resolve disputes.

This report covers Spring, Summer, and Fall 2019, the seventeenth full year of operation for the Faculty Ombuds Service. Below we summarize our work with faculty, while maintaining the strictest anonymity/confidentiality for all concerned, and outline activities related to maintaining and strengthening effective Ombuds services.

# **Summary of Work with Faculty**

In adherence to the IOA Standards of Practice and Code of Ethics, we do not keep records. However, we do log the number and types of cases that we see, as reported below.

In 2019, the Office continued to provide services to faculty in a wide range of situations. We had 46 contacts over 25 separate cases (see Table I below). "Contact" refers to any interaction we have had with (or on behalf of) a visitor while "situation/case" refers to each unique concern brought to the office. The number of cases brought to our attention was greater than those observed in previous years, except 2014 and 2016, as shown below.

Table I: Number of cases and number of contacts with visitors.

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
# contacts	27	32	54	68	131	77	77	91	52	41	46
# situations/	19	17	16	21	23	37	20	34	21	16	25
cases											

# Nature of Engagement with Visitors

The Ombuds kept 10 drop-in office hours a week along with 10 more hours for investigation and other appointments. Faculty visit during these times, or schedule an inperson or telephone appointment at a time suitable for them. The Ombuds role typically involves meeting with visitors to listen to their concerns, brainstorming to identify options and resources, guiding visitors to the relevant university resources and policies, and helping them to arrive at their own solutions to problems. On many occasions, we researched relevant policies and/or contacted relevant administrators to obtain information for visitors.

As per our office policy, the two Ombuds consulted about the cases brought to the office. In every case, we asked the visitor's permission to share their situation with the Ombuds who was not present at the initial visit, and this permission was usually granted. This opportunity for the two Ombuds to consult with each other has proven to be very important and effective in responding to our visitors' concerns. This practice ensures that both Ombuds are involved (to varying degrees) in most situations brought to the attention of the office, providing the benefit of two perspectives and two analytical approaches.

# Composition of Visitors

As in past years, tenured, tenure-track and non-tenure-track faculty comprised most Ombuds visitors, although we did work with visitors performing in different roles at SIUE such as Chair or Program Director. As in previous years, individuals from most units sought services from the Ombuds office this year, although the vast majority of visitors were from the main campus. A few students also called/emailed us seeking help with conflict mediation, and they were referred to the appropriate units on campus.

# Working with Represented Faculty

Faculty Ombuds Operating Papers state that: "In those instances where one or more of the individuals involved are represented under a collective bargaining agreement," Ombuds services can only be provided if they do not represent a violation of the covering agreement." The Collective Bargaining Agreements between the University and nontenure track faculty as well as that between the University and the SIUE Faculty Association encourage faculty to utilize informal conflict mediation such as the Ombuds Service. Thus, we offered informal, impartial and confidential services to mediate conflict for all faculty. If a visitor wished to pursue a formal grievance process, they were referred to either their Faculty Association or the SIUE formal grievance procedure, depending on their School/College and status as tenure track or non-tenure track.

## Visitor Concerns

The issues brought to the Ombuds office are often complicated and involve multiple issues. The International Ombudsman Association's list of Uniform Reporting Categories (https://ioa.memberclicks.net/assets/docs/UTFRC-Desk-Reference-v2.pdf) provides a contextualized overview of the types of issues for which Ombuds assistance was sought in the past year. And, while we do not keep detailed or identifying records, we do tally the issues brought to our office. Below are the 9 general categories:

- 1. Compensation and Benefits: Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs
- 2. Evaluative Relationships: Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e., supervisor-employee, faculty-student)
- Peer and Colleague Relationships: Questions, concerns, issues or inquiries involving employee or student-professor relationship (e.g., two staff members within the same department or conflict involving members of a student organization)
- 4. Career Progression and Development: Questions, concerns, issues or inquiries about administrative process regarding entering and leaving a job, what it entails (i.e., recruitment, nature and place of assignments, job security, and separation).

Article VIII of the Collective Bargaining Agreement: Grievance Policy, Section 8.2.1 states that, "... it is usually most desirable for a non-tenure track faculty member and the immediately involved supervisor to resolve problems through free and informal communications." 8.2.1.1 "The non-tenure track faculty member shall have the option, and shall be encouraged, to utilize the Faculty Ombuds Service as a resource to assist in attempting to resolve the problem."

<sup>&</sup>lt;sup>2</sup> Article 17 of the SIUE Faculty Association Agreement, Grievance Procedure, Section 17.04: Informal Process, states that, "... it is desirable for Faculty and the University to resolve problems through free and informal communications. ... Members of the Bargaining Unit may choose to seek informal advice from any University resource. Nothing in this agreement shall prohibit members of the Bargaining Unit from resolving a dispute through this informal resolution process, provided such resolution is consistent with the terms and conditions set forth in this Agreement."

- Legal, Regulatory, Financial, and Compliance: Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction, etc.) for the organization or its members if not addressed, including issues related to waste, fraud or abuse
- 6. Safety, Health, and Physical Environment: Questions, concerns, issue or inquiries about safety, health and infrastructure-related issues
- 7. Services/Administrative issues: Questions, concerns, issues or inquiries arising about services or administrative offices including from external parties
- 8. Organizational, Strategic, and Mission Related: Questions, concerns, issues or inquiries that related to the whole or some part of an organization
- Values, Ethics, and Standards: Questions, concerns, issues or inquiries about the fairness of organizational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards

As has been the case in previous years, the majority of cases in 2019 involved concerns surrounding issues of respect/treatment, performance appraisal and norms of communication in evaluative relationships, followed by concerns regarding priorities, values and beliefs and respect/treatment in peer and colleague relationships. We worked with several visitors to help them understand changes to the grievance processes as per the Collective Bargaining Agreement.

We were also consulted by faculty in supervisory roles for help in addressing issues between two or more individuals they supervised. We offered mediation help in these cases and explained how mediation needed to be voluntary for all parties involved.

# **Ombuds Intervention/Resolution**

In line with our general approach to the resolution of conflicts mentioned on page one above, issues brought to our office were addressed through exploring the visitors' options for dealing with problematic relationships between members of the faculty in the unit, by facilitating communication between the parties when asked by the visitors, and by gathering information on the questions at hand from the Coordinator for Policy, Communication and Issues of Concern at the Provost's Office, the Title IX Coordinator, or Human Resources.

Our commitment to informality and confidentiality prohibit us from keeping formal records or following up with visitors, making it challenging to evaluate the effects of our actions as Ombuds. Informal observation revealed that visitors seem to reach a clearer perspective on their situations during a visit or leave with options for action that they were unaware of prior to their visit. We often heard positive verbal feedback and follow-up emails expressing gratitude for the service. Due to confidentiality concerns, we are unable to initiate contact with past visitors to ask whether a situation improved as a result of the course of action planned during the visit, but in three cases visitors did contact us to update us about the satisfactory resolution of their concerns.

# **Activities Related to Maintaining Effective Ombuds Services**

In addition to our primary activities as outlined above, we have been engaged in numerous activities to maintain and improve the work of the Ombuds Office. These endeavors can be described as follows:

#### Advisory

Guided by discussion in the Ombuds literature and new university hiring initiatives, we met with Tom Jordan, Coordinator for Policy in the Provost's office, to discuss dual appointments for faculty. These can include appointments between two or more departments and/or research centers or institutes. After discussion, we were asked to investigate the best practices for successful joint appointments and present to the Dean's Council. In August, we presented recommendations and options for hiring and evaluating academics in joint appointments, as derived from the relevant literature on joint/interdisciplinary appointments.

We were contacted by the Staff Senate for information about how the Ombuds Service was created and how it functions, as they are gathering information about a possible Staff Ombuds office. We presented information about Ombuds services to seven Staff Senators in February 2019.

# Faculty Development

Throughout the year, we worked with Dr. Lynn Bartels, from the Center for Faculty Development and Innovation, on initiatives related to bullying and incivility. After reviewing Ombuds-related literature and discussion with colleagues at an Academic Ombuds meeting in summer 2019, we helped locate a guest speaker, Michael Bernard-Donals, Vice Provost for Faculty and Staff at the University of Wisconsin, Madison, who will present a workshop on campus in March 2020 on hostile and intimidating behavior in academia.

In addition, we worked with Dr. Bartels to create a Faculty Development Book Club specifically for department Chairs where one former and one current Chair led a discussion of *The College Administrator's Survival Guide* by C.K. Gunsalus over a period of monthly meetings during the fall 2019 semester.

# Outreach

Throughout 2019 we sent reminders about our office to all faculty in the form of an e-mail brochure listing our services. We attended New Faculty Orientation, introducing incoming faculty to the types of services offered through the Ombuds Office. We sent Deans, Chairs and Directors letters reminding them how our office can work with them and their faculty, and inviting them to involve us in issues that fall within our job boundaries. We later followed up with personal emails, asking specific Chairs if we could visit during their next faculty meeting. The outreach efforts met with success. We gave short presentations about the Ombuds Service to 14 different departments, the faculty of the School of Dental Medicine, and the Dean and Chairs of the School of Engineering. We met with the President of the SIUE Faculty Association, Kim Archer, to discuss the role of the Faculty Ombuds and the new Collective Bargaining Agreement. Through

these efforts, we reached 161 SIUE faculty members, almost 23% of the 709 full-time faculty and faculty with partial administrative titles, according to the 2020 SIUE Fact Book found at http://www.siue.edu/inrs/factbook/factbook archives.shtml.

Knowing that many faculty access information about the Ombuds service online, we revised our web page to add links to resources for faculty, copies of annual reports and a chart that explains the process of working with an Ombuds (http://www.siue.edu/ugov/faculty/ombuds/).

# Professional Development

To stay abreast of current issues, each Ombuds receives a regular newsletter and access to Ombuds networks and resources through membership with the International Ombuds Association. In June 2019, we attended the Academic Ombuds Summer Meeting in DePaul University in Chicago, a two-day educational, training, and networking event.

#### **Conclusions, Reflections and Future Plans**

The Ombuds office provides an important service that provides faculty a neutral, confidential setting to discuss the inevitable conflict of the workplace. It is an important informal step where a faculty member can have a place to talk through their conflict or concern. This process can resolve an issue, rectify gaps in knowledge, clarify possible options, plan (and even practice) responses and serve as either an alternative to or a step prior to pursuing a formal grievance.

We believe that the Ombuds office is a necessary resource for faculty and administrators at SIUE, and most faculty who responded to the Ombuds review of 2018 seem to concur. In 2020 we will continue to visit individual departments to meet with faculty and address specific questions regarding the Ombuds role following the institutionalization of the Faculty Association.

In 2020, we are planning for several initiatives to provide outreach to the faculty at large. These include:

- To increase our online footprint, we will move the Ombuds Service website to SIUE's new responsive template. Working with University Marketing and Communication, we will update the website to a more interactive site that is cohesive with other offices on campus.
- To establish greater visibility of the Ombuds and the Ombuds service, we will continue with informational department visits as aforementioned and highlight our services to campus personnel at all levels via visits to meetings, emails, and updated information on the website.
- Following from #2 above, we will explore informational materials and resources that could be provided to faculty to aid with conflict management.
- We will continue our own professional development by keeping up with the International Ombuds Association through readings and trainings, and via discussions with other Ombuds.

We look forward to the coming year.