



**Proposal to Review the Administration of the Adjudication Process for the Faculty Grievance Policy (Senate Document #20-21-06)
Faculty Affairs Committee | Chair: William Reed**

The Senate Executive Committee (SEC) and Senate Chair Dugan request that the Faculty Affairs Committee review the adjudication section of the University of Maryland Policies and Procedures Governing Faculty Grievances ([II-4.00\[A\]](#)).

The Faculty Affairs Committee should:

1. Review the University System of Maryland (USM) Policy on Faculty Grievances ([II-4.00](#)).
2. Review the Proposal to Review the Administration of the Adjudication Process for the Faculty Grievance Policy ([Senate Document #20-21-06](#)).
3. Review the report from the Review of the University of Maryland College Park Policies and Procedures Governing Faculty Grievances ([Senate Document #17-18-13](#)).
4. Review similar adjudication processes in other university policies (i.e. research misconduct and Title IX).
5. Review the adjudication process within faculty grievance policies and procedures at Big Ten and other peer institutions.
6. Consult with the proposer.
7. Consult with the Executive Secretary & Director of the University Senate.
8. Consult with a representative of the Office of Faculty Affairs.
9. Consult with a representative of the Office of the President.
10. Consult with the Faculty Ombudsperson.
11. Consult with the Associate Vice President for Finance and Personnel.
12. Consult with University Human Resources.
13. Consider what administrative unit is best suited to administer the adjudication process defined in the faculty grievance policy.
14. Consider whether the responsibility for administering the adjudication process defined in the faculty grievance policy should remain with the Executive Secretary & Director's role or moved under another administrative role.

15. Consult with a representative of the Office of General Counsel on any proposed revisions to the policy.
16. If appropriate, recommend whether the policy should be revised and submit recommended revisions by **February 5, 2021** for Senate consideration.



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UNIT	Division of Research	CONSTITUENCY	PTK VPR

DESCRIPTION OF ISSUE

The University Of Maryland Policies And Procedures Governing Faculty Grievances (II-4.00[A]) describes the process by which faculty members may grieve actions or inactions that are "Unfair," "Discriminatory," or "Improperly Reached." This process is intended to provide a mechanism through which faculty may seek resolution of conflicts "between the University, as an employer, and its faculty." The policy stipulates that the grievance process be carried out via a Hearing Board comprised of Faculty Senators (T/TT and PTK) appointed by the Chair-Elect of the Senate, and that the Executive Secretary and Director of the Senate ("Director") serves as the Coordinator of the Hearing Board. Specifically, the Director is responsible for record-keeping, initial notifications, scheduling of Hearing Board sessions and witnesses, and final notifications upon decision by the board.

DESCRIPTION OF CHANGE YOU WOULD LIKE TO SEE

This proposal seeks to alter the administrative procedures of the Adjudication phase of the policy; specifically, it seeks to place responsibility for administering the Hearing Board process at the level of the University, rather than with the Director of the Senate and/or the Senate Office. This proposal does not seek to alter the composition of the Hearing Board (T/TT and PTK Faculty Senators) or the role of the Chair-Elect in appointing the Board. The reasons for this change include:

1. The details of logistics and management of the grievance process do not require knowledge or crafting of University policy, nor do they require the expertise and/or depth of institutional knowledge that the Director provides to other Senate functions. The strict timing of the Adjudication process (the Board must be formulated and submitted to the parties within 15 days of submission of the formal grievance and be carried out "as expeditiously as possible") and the time commitment required during peak Senate business requires a degree of administrative involvement that significantly diminishes the Director's ability to carry out other functions of the University Senate for which the Director's expertise and knowledge are required.
2. The involvement of the Director in the process has led to the false impression (by the grievant and other parties) that the Director is representing the University's interests and is directly responsible for any outcome or decision made by the Hearing Board instead of being a neutral facilitator of the process. By incorporating the Director into this process in the manner described, the current policy inadvertently places the Director at risk of potential legal actions that may arise from the outcome of the process. Since the grievance is, per the definition set in the policy, between the University and the grievant, positioning the Director as a potential target

for retaliatory legal action is inappropriate and establishes an undue personal burden on the Director.

A second component of this proposal is to include revisions to the policy that clarify the process of Hearing Board selection, including the process by which the Chair-Elect selects potential Board members and the vetting process associated with the final seating of the Board. The reason for this change is to ensure transparency and to align the policy with current practice.

Under this proposal, *no changes* are recommended regarding the provisions that stipulate the role of the Senate in the selection and appointment of the members of the Hearing Board, including:

1. the role of the Chair-Elect in the selection process
2. support for that process as provided by the Senate Office

SUGGESTION FOR HOW YOUR PROPOSAL WOULD BE PUT INTO PRACTICE

The University of Maryland Policies and Procedures Governing Faculty Grievances (II-4.00[A]) should be revised to remove the Executive Secretary & Director from the Adjudication process as described above. A review should be conducted, in consultation with the Faculty Ombuds Officer, the Office of Faculty Affairs, and the Director of the Senate, to determine the appropriate administrative unit to administer the Adjudication process defined in the policy. The section of the policy on Hearing Board selection should be revised to reflect the complete selection process and align the policy with current practice.

ADDITIONAL INFORMATION

NONE