



Faculty Grievance Procedures

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Adopted December 11, 1992

1. Any Department of Kinesiology faculty member with the rank of professor, associate professor, assistant professor, lecturer, instructor, assistant instructor, research associate, specialist, or librarian may initiate a grievance procedure, alleging violation of existing policies or established practices by an administrator, by filing a complaint with the FGO (Faculty Grievance Officer) pursuant to the procedures set forth in the Faculty Grievance Procedure.
2. Initiation of Grievances and Hearing Procedures
 - 2.1 Initiation of Grievances
 - 2.1.1. A faculty member who feels aggrieved may without delay discuss the matter in a personal conference with the FGO. The FGO shall determine if the grievance falls under the Faculty Grievance Procedure, the University Committee on Faculty Tenure, or the Anti-Discrimination Judicial Board.
 - 2.1.2. In order to establish and retain access to the formal hearing mechanisms at the department level, a faculty member must submit a written grievance statement to the FGO within 30 days of his/her first knowledge of the alleged violation.*

* For good cause shown, any time limits specified in this document may be waived or extended by the FGO or upon mutual agreement of the parties. References to days in this document are to calendar days.
 - 2.1.3. The grievance statement shall set forth the alleged violation of existing policy or established practices, a concise statement of the facts relevant to the grievance, the name(s) or any administrator(s) whose action is at issue, the approximate date on which the alleged action took place, and the redress sought.
 - 2.1.4. The FGO shall forward a copy of the grievance statement to the administrator(s) named within 10 days of the receipt of the grievance.
 - 2.2. Informal Resolution
 - 2.2.1. The FGO shall investigate the grievance and make every reasonable effort to resolve it informally. The FGO may recommend dropping the grievance as lacking in merit or for other just cause. Such a recommendation, however, shall not be binding on the grievant.
 - 2.2.2. Within 30 days of the filing of the grievance statement, the parties and the FGO shall attempt to resolve the grievance informally. If the FGO determines that the grievance cannot be resolved informally, notice shall be provided to the parties. If the faculty member wishes to pursue the grievance, a written request for a formal hearing must be submitted to the FGO within 30 days of such notice. Failure to submit such a request will constitute a waiver of the faculty member's right to pursue the grievance.

2.2.3. The FGO shall determine after consultation with both parties the appropriate hearing level (department/unit, college, university) and shall notify the administrator at the appropriate level of the written request for hearing.

3. Formal Hearing Procedure

3.1. A department hearing panel shall be established by the FGO in the following manner:

3.1.1. A hearing panel shall consist of 3 members, drawn at lot from the unit faculty. All drawing shall be conducted by the FGO.

3.1.2. The FGO shall notify each party of the names drawn for the hearing panel and within 10 days either party may challenge any member for cause. In addition, each party shall have one peremptory challenge. Cause shall be determined by the department advisory council or its designee(s). Challenged members shall be replaced pursuant to the procedures stated in 3.1.1.

3.2. The hearing panel shall conduct a hearing according to the procedures stated below and according to the guidelines in Articles 3 and 6 of the Faculty Grievance Procedure.

3.2.1. A hearing shall commence within 14 days of the establishment of the hearing panel.

3.2.2. The FGO shall assemble the hearing panel and shall supervise selection of the Presiding Officer from among the members of the hearing panel.

3.2.3. The Presiding Officer shall apply the rules of procedure consistent with the guidelines stated in Article 6 of the Faculty Grievance Procedure.

3.2.4. The hearing panel shall decide whether the preponderance of the evidence does or does not support the allegation(s) made by the grievant.

3.2.5. Findings and recommendations of hearing panels shall conform to existing policy and procedures in the department.

3.2.6. Whenever a hearing panel loses a member, the hearing shall be terminated and a new panel selected.

3.2.7. Hearing panels shall report their findings and recommendations in writing within 14 days of the completion of the hearing to the FGO, who shall forward them to the grievant, the respondent, and the administrator who is the respondent's immediate supervisor.

3.3. The chairperson shall provide written notification of his/her decision to the parties to the grievance and to the FGO within 14 days of his/her receipt of the findings and recommendations of the hearing panel. Failure to provide written notification shall result in automatic appeal.

3.4. If the grievance is not satisfactorily resolved, either party may appeal the decision within 14 days of the receipt of the decision of the appropriate administrator, in accordance with the procedures established in Article 5 of the Faculty Grievance Procedure.

3.4.1. Failure to appeal within the prescribed time shall be deemed to be acceptance of the decision.

When this policy was adopted (12/11/92), the Department of Kinesiology was known as the Department of Physical Education and Exercise Science. This policy is based on the "Model Academic Unit Grievance Procedure" approved by the University Committee on Faculty Affairs, 4/30/1991.