I. POLICY STATEMENT

The Grievance Procedures for Institutional Faculty applies to faculty and all employees of equivalent faculty rank and provides for grievance procedures for all grievable matters except suspension, dismissal or termination for cause, which are grievable pursuant to Policy No. 4039.

This Policy and Procedure satisfies two objectives:

a. to affirm a faculty member’s right to be informed of and question personnel recommendations at any level, and

b. to provide a mechanism for grieving a final institutional decision on a grievable matter as defined herein.

This policy applies to academic and College of Technology faculty. The policy and procedures set forth herein do not apply in the case of nontenured faculty members who are notified that they will not be reappointed, or in the case of a reduction in force approved by the State Board of Education and resulting from a declaration of financial exigency; those decisions are not grievable. In a case of suspension, dismissal, or termination for cause, a grievance may be heard under ISUPP No. 4039. In the event a faculty member alleges that an action was taken for illegally discriminatory reasons, the matter should be grieved under the Affirmative Action grievance procedures.

This policy and the procedures set forth herein are internal to the University. If at any time a faculty member seeks resolution of a matter covered by this policy in any forum other than Idaho State University, Idaho State University is not obligated to proceed further with the matter pursuant to the procedures herein.

II. AUTHORITY AND RESPONSIBILITIES

The Office of Academic Affairs has the authority and responsibility to update and review this policy as necessary in consultation with the Office of Human Resources.

III. PROCEDURES TO IMPLEMENT

A. Grievable Matters. The following criteria define which matters are grievable under this policy.

Faculty members may grieve:

1. The violation, misapplication, or misinterpretation of existing laws, policies, procedures, or practices;
2. the use of inadequate or incomplete academic criteria and/or inappropriate non-academic considerations; or
3. factual error,
as a result of which the grievant has been adversely affected by a grievable event, defined as a disciplinary action taken by a supervisor or official of the University; deferral or denial of promotion; the placement of adverse material in the grievant’s personnel files; or abuse of the grievant’s academic rights and privileges, including issues of academic freedom, as defined by the ISU Faculty/Staff Handbook (Part 4, Section I.B.), and the State Board of Education, (Governing Policies and Procedures III.B.)

B. Non-Grievable Matters. Recommendations of denial of tenure (which is a recommendation of nonrenewal) and nonrenewal are not grievable within Idaho State University and are not appealable to the Idaho State Board of Education. An exception is made when the employee alleges that the institutional decision not to recommend renewal of his or her appointment has been made for legally impermissible reasons or that written notice was not received in accordance with the dates specified by the State Board of Education.

C. Grievance Procedures

1. The burden of proof in any grievance proceeding at any level rests with the grievant.

2. Informal Review.

a. The intent of the grievance procedure is to resolve a grievance at the earliest moment possible, using the most informal procedures possible. A faculty member begins the grievance procedure by requesting informal review after the faculty member is notified of a grievable event as defined in Section III.A.

b. To request informal review, the affected faculty member must respond to the notification of the grievable event, in writing, to the next higher level of evaluation, within five (5) working days of receipt of notification. (A timely response delivered in error to the wrong person in the faculty member’s reporting line will be considered properly filed, and will be delivered by the recipient to the appropriate person for further review.) The request for informal review must identify the grievable event, specifically request informal review, and state the grounds for disagreement, limiting them to those reasons specified in Section III.A. If the grievable event is one for which notification is not required, or proper notification was not given for some reason, the affected faculty member must respond within five (5) working days of discovering the grievable event.

c. The person considering the informal grievance shall consider those factors listed in Section III.A and issue a written decision by letter to the affected faculty member copied to the person lower level of the evaluation process. Within five (5) working days of receiving the decision, the affected faculty member may respond to it, in writing, to the next higher level of evaluation, following the requirements of subsection b above.

d. All requests for informal review, and all written decisions issued in response, become a part of the personnel materials considered at higher levels of evaluation.

e. Those procedures defined in Section C.2 shall apply at each evaluation level, including the evaluation by the Provost.
3. Formal Grievance Process

a. Once the Provost has rendered a decision (hereafter, “institutional decision”), regarding matters defined in Section III.A, a faculty member who intends to initiate a further grievance must file a formal grievance as follows:

(i) Grieve the institutional decision by submitting a written notice of grievance to the Provost within fifteen (15) working days of receipt of notice of the institutional decision.

(ii) Specify which criteria defined in III.A forms the basis for the formal grievance.

(iii) Include copies of the recommendation, letter, notification, or other writings establishing the grievable event, together with copies of all requests for informal review and the responses thereto from each level of review.

(iv) Include any additional information that the faculty member deems relevant to the formal grievance.

b. A Faculty Appeals Panel (“Appeals Panel,” or “Panel”) or a hearing office appointed as set forth in ISUPP No. 4039 will hear the formal grievance, limiting its inquiry to the matters and conditions defined in Section III.A. The Panel may at its first meeting make a preliminary decision as to whether the matter set forth by the grievant is grievable as defined by Section III.A.

c. The Appeals Panel will not make judgments about the grievant’s professional competence, or about the appropriateness of any disciplinary action, except to the extent that, in taking the particular disciplinary action imposed, the University violated, misapplied, or misinterpreted existing laws, policies, procedures, or practices. The Appeals Panel will draw conclusions on the matters and conditions set forth in Section III.A, on the basis of the submitted documentation and the testimony of witnesses heard at any hearing, and issue a written opinion advising the President of its findings.

d. The Appeals Panel will otherwise follow the Grievance Procedures set forth in ISUPP No. 4039, Sections D.2 to D.6.

4. President's decision.

a. The President will render a decision on the grievance within ten (10) working days after receiving the Appeals Panel report, and will notify, by certified mail, the grievant and the Chair of the Appeals Panel of his or her decision.

b. In the event the President determines that the original decision, recommendation or other grievable event was in error, the decision will be declared null and void, and the final decision will be documented in the grievant’s personnel file. All documents related to the original decision, recommendation or other grievable event, and the formal and informal grievance proceedings will be retained.

c. A copy of the President’s decision will be included with the summary notes and tape recordings, which will be stored in the Office of Academic Affairs.

D. Board Initiated Discipline. If, under extraordinary circumstances, the State Board of Education itself initiates discipline, up to and including dismissal, against a faculty member, it must, by a majority vote, direct the
President, or any other administrator as may be appropriate, to follow established procedures for discipline of the faculty member.