

From Dean Saitta <dsaitta@du.edu>

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To Tom Farer <tom.farer@du.edu> , "Reichardt, Chip" <creichar@psy.du.edu> , Richard Gartrell <Richard.Gartrell@du.edu> , Paul Chan <phchan@du.edu> , "pburiski@du.edu" <pburiski@du.edu> , Anne McCall <Anne.McCall@du.edu> , "beto.juarez@du.edu" <Beto.Juarez@du.edu> , Don McCubrey <dmccubbr@du.edu> , "shellis@du.edu" <shellis@du.edu> , "creichar@du.edu" <creichar@du.edu> , Angela Duggan <angela.duggan@du.edu> , Kris DeForest <Kris.DeForest@du.edu> , "catherine.kennedy@du.edu" <Catherine.Kennedy@du.edu> , Michael Levine-Clark <michael.levine-clark@du.edu>

Subject RE: Faculty Grievance Policy

Apologies for the delay in responding to Tom's comments of August 20 on draft 13.3 of the Faculty Grievance Policy that was circulated following our June 22 meeting. They have moved us to reconsider some proposed exclusions and inclusions.

Tom suggests further narrowing the policy to exclude workload as well as salary. This exclusion, like the exclusion of salary, is at odds with AAUP recommendations and also at odds with current DU policy. Recall that current policy, as articulated in the Faculty Senate Constitution and approved by the Board of Trustees, authorizes the adjudication of virtually any faculty grievance respecting working conditions, salary, and academic freedom:

"[The Faculty Review]...committee shall consider, for review, investigation, evaluation and report, complaints by faculty members of three kinds:

- a) Grievances respecting faculty status, working conditions, and appointments,*
- b) Grievances respecting salary allocations, providing that a pattern of inequity extending over at least a two-year period is alleged,*
- c) Grievances respecting reappointment, promotion, tenure or dismissal, if the Provost has recommended in the negative (see Faculty Personnel Guidelines, VI.C.II) and the appellant alleges lack of adequate consideration (Faculty Personnel Guidelines, III.C.5) or violation of academic freedom."*

We're convinced the Faculty Senate and the campus AAUP chapter would vote against any proposed changes to the policy that exclude or erode any of the faculty rights that already exist.

We've also had a chance to further reflect on the process for adjudicating grievances, specifically the proposed inclusion of a Unit Level Grievance Committee (ULGC). It has been noted that if a faculty member files a grievance against a dean and if the grievance is sent to a ULGC, the faculty on the ULGC will be asked to make a judgment concerning a dispute involving a dean under whom they are employed. This raises a conflict of interest, at least in appearance. It could also create and/or deepen divisions between participating faculty who otherwise must work together to conduct the unit's business. A better alternative is to have all grievances not settled by direct communication at the lowest appropriate level go directly to the Faculty Review Committee (FRC), as already stipulated by the Senate Constitution. The FRC is susceptible to conflicts of interest and divisions, but to a much lesser extent. It is also much more likely to stay focused on principles rather than personalities.

Work on the Faculty Grievance Policy began with the aim of clarifying procedures for implementing the policy that already exists. We believe it is in the best interests of all parties to have procedures that seek conflict resolution at the lowest level and that are fair to all sides. In keeping with

that spirit we've helped craft some new procedural details. The full committee has mandated an initial step of informal conciliation and mediation, established an appellate review process, and specified reporting requirements and time lines (including a 6-month "statute of limitations" restriction). But it has also considered chipping away at the basic policy itself. As noted, we believe it is neither practical nor wise to eliminate or weaken rights that are already covered by that policy.

We're prepared to continue to work together on procedural details, but it's also possible that we've reached a point where such joint work will not be fruitful. Is it worth continuing?

Sincerely,
Dean Saitta, Chip Reichardt, Don McCubbrey, Sylvia Hall-Ellis