



Operating Policy and Procedure

SOM OP: 20.10, Faculty Grievance PLM However, each
member of the School of Medicine faculty has a right to utilize a structured mediation process and/or to have a hearing and an appeal for redress of a grievance through a procedure, to include the step described within this policy, when informal methods for resolution have failed. No person may file a grievance after he/she has received notification of dismissal for cause, has filed a lawsuit against the Institution or is no longer employed by the

2. Faculty Grievance Committee.

- a. Committee Composition: A standing Faculty Grievance Committee composed of fourteen

attempt to resolve differences between the parties or, if mediation is considered impractical due to unusual circumstances, to move directly to initiate a grievance hearing.

- f. Mediation: The Dean shall provide the Chair of the Faculty Grievance Committee (or Chair-Elect in the absence of the Chair) with the documentation submitted and request that he/she identify a team of two mediators and an alternate team. The Chair may consult with one or more members of the Committee, disclosing only those details of the grievance necessary to make appropriate selections and avoid possible conflicts of interest.
- 1) *Mediation Team*. Members of the mediation teams may be selected from the Committee or from outside of it but may not be members of the same department as the grievant and may not serve on a hearing panel for that grievance. One mediator should be from the same campus as the grievant. Gender and ethnicity representation should be considered in the selection. The Chair shall submit the names of the proposed mediators and alternates to each of the parties who may reject any of the proposed mediators but only for reasonable cause.
 - 2) *Timeframe*. The mediation team should be finalized as rapidly as possible but preferably no later than five (5) business days from the time that the Chair of the Grievance Committee was requested to begin the process. If this is not possible, the Chair may request written permission from the Dean to extend the process by a specified number of days or indicate to the Dean that mediation has failed due to the impossibility of identifying mediators acceptable to one or both parties.
 - 3) *Procedures*. The Chair will provide the two mediators with the documents submitted, noting that the documents together with all discussions held with the parties shall be considered confidential. The mediation team will review the documents and meet with the two parties as soon as possible, either separately or together as circumstances dictate, in an attempt to elicit compromise and forge a resolution of the issues satisfactory to both parties. The mediation process should be completed within ten (10) business days of the appointment of the mediators. The mediation team shall provide the Dean with a written report of the findings and results of the mediation process within three (3) business days of the completion of the mediation process. This should include their recommendations, including possibly a written agreement signed by both parties. The Dean shall have five (5) business days to render his decision to the two parties. Upon completion of the process, all written material shall be returned to the Office of the Dean whereas any notes taken during the process shall be destroyed. Mediators are prohibited from communicating with anyone including members of the Grievance Committee except the Dean about any aspect of the mediation process.
 - 4) *Records Retention*. Copies of any signed agreements together with the Dean's written decision shall be maintained in a confidential file for a period of five (5) years and, thereafter, destroyed, unless court action or other official administrative proceedings legally require access to such material.
- g. Grievance Hearing: If mediation is not successful or feasible, the Dean shall notify the Chair of the Committee and both parties that a Grievance Hearing Panel shall be convened.
- 1) *Grievance Hearing Panel*. The Panel shall consist of five (5) members from the Grievance Committee, two members selected by the faculty member, two by the person against whom the grievance was filed, and a fifth selected by these four members. The Chair of the Grievance Hearing Panel must be tenured and will be selected by those five members from among themselves. Persons from the same

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