Grievance Oversight Committee
Annual Report to the Faculty Council
Academic Year 2009-2010

Pursuant to the CRR Section 370.015: Pilot Academic Grievance Procedure for the University of Missouri-Columbia, the University of Missouri-Kansas City, and the Missouri University of Science and Technology, this is the first required annual report from the Grievance Oversight Committee to the Faculty Council.

Note that the report has been prepared in compliance with the following stipulation in the CRR section cited above:

Confidentiality:

All parties involved (grievant, respondent, GRP and OC) must agree to maintain strict confidentiality regarding any substantive information concerning grievances including but not limited to supporting materials, specific findings, and identifying information about any participant. The substance of the cases shall not be discussed at any time, before or after a final decision is made.

The report will be given in four short sections: Grievance Filings; Grievance Resolution Panel; Grievance Oversight Committee; and, Areas of Concern for Revisions of the Pilot Procedure.

Grievance Filings

During AY 2009-10, four new grievances were filed under the pilot grievance procedures. Of these, three were resolved and one is nearing resolution as of May 1, 2010.

One of the issues which the pilot grievance procedures was intended to address was the extended length of time that grievances continued after the initial filing period. Under previous grievance procedures, this time length could be as much as three years after the first filing. For this report period, the goal of reducing the length of time from filing to findings has been reached.

The Grievance Resolution Panel developed new forms for filing, accepting, and appealing grievances and these have been used successfully during the first year of the pilot procedure.

Grievance Resolution Panel

The Grievance Resolution Panel [GRP] was formed in accordance with the CRR Section 370.015 and consisted of two tenured faculty members and a senior administrator. The panel was able to carry out its intended functions, although the senior administrator officially assigned to the GRP had to request recusal from the panel due to conflict of interest in some cases. With the involvement of the Oversight
Committee and the Chair of Faculty Council, satisfactory alternative administrators were used for those grievances.

The reports of the individual Oversight Committee members to the Chair of the Oversight Committee and the Chair of Faculty Council indicate that the pilot process is working in general as intended but raise several issues of concern that will need attention as the piloting of the new procedure continues. These will be enumerated in the last section of this report.

*Grievance Oversight Committee*

The Oversight Committee was formed in accordance with the CRR Section 370.015 with a membership of three and a chair [the CRR provide for a total member of 3-5 members]. The observational monitoring role for the OC member participating in each grievance was successfully completed. The oversight functions were implemented with relation to procedural monitoring and to special procedural requests [e.g., time extension for a grievance]. Some concerns related to both process and structure of the OC were raised by individual OC members and in meetings with the OC and the GRP. These will be addressed in the last section of the report.

*Areas of Concern*

The following areas of concern were developed through reviews of the individual OC member reports on the specific grievance which they attended and joint discussion by the GRP, the OC, and the Chair of Faculty Council. They reflect areas of concern which are expected in the implementation of a new procedure for such an important process. None of these concerns were considered fatal flaws and there is agreement among GRP and OC members that the overall process was minimally satisfactory for a first-year pilot.

**Cross-communication issues** between the GRP and the OC need to be addressed. Although these were generally timely, accurate, and informative, there needs to be attention to how to ensure that procedural communication lines and expectations are maintained across separate grievances.

**GRP and OC member roles** need further refinement in terms of role description and role expectations. Selection and preparation of members of both committees needs to be examined as part of this issue.

**Administrative member** on the GRP remains a point of discussion for both the OC and the GRP. This was a major change from earlier grievance policies/procedures and, as such, continues to be a focus of the OC in its discussions about the new procedure.

**Conflicts of interest** continue to be a focus of discussion for the OC and the GRP. Further refinement of the meaning of "conflict of interest" as applied to this process is
needed. In particular, issues related to the administrator's role will be a focus of discussion between the two committees.

Time demands on OC and GRP members and the specifications of time buyouts and time management issues will be addressed by the committees. In particular, although the time demands for the OC member in a specific grievance may be high, no provision for buyout or other time management supports are included in the CRR pilot procedure as currently written. This and other time management issues will be addressed by both committees.

Pre-filing processes are not fully addressed in the current CRR procedures. Although there is a provision in the current CRR regarding demonstrating “informal attempts” at issue resolution prior to filing, there is no consideration of possible formal processes which should be completed prior to a grievance filing in some professional discipline areas. The OC and GRP will work with General Counsel’s Office to create language to address this issue.

Language issues have been identified in some parts of CRR Section 370.015 which need to have greater clarity. These are areas where the substance of the process does not need change but the descriptive language in the CRR needs greater precision and clarity.

Post-decision processes will need further attention from the OC in particular. Assessing how these will work was dependent upon having grievances which had reached completion and, while this did happen more quickly under these new procedures, the time period for assessing post-decision process needs has not been long enough to reach formal conclusions.

Systemic concerns which are not specific to the individual grievance but become evident during an individual grievance are addressed briefly in the CRR Section 370.015. The procedure for a formal reporting of these systemic concerns, whether as a separate report or as part of the Annual Report from the OC, needs to be developed and implemented.

It is important to note again that at the end of the first year of the piloting of this new grievance procedure there is general agreement among GRP and OC members that the pilot should continue. The areas of concern are seen as things which would be expected to emerge during the initial phase of a pilot period and the GRP and OC will continue to work on those concerns and keep the Council informed via reports to the Executive Committee.

Finally, the pilot process of the CRR 370.015 grievance process has been going on at University of Missouri-Kansas City and Missouri University of Science and Technology. This report will be shared by the MU-IFC representative with the IFC at its May 2010 meeting and an Addendum regarding the reports from the other campuses will be sent to the Faculty Council representatives after that meeting.
Respectfully submitted for the Oversight Committee by

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Chair, Oversight Committee
HES Faculty Council Representative
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