Appendix A

Collected Rules and Regulations
Grievance Procedures
Chapter 370: Academic Grievances

370.015 Academic Grievance Procedure for the University of Missouri-Columbia

The Board of Curators, the faculty, and the administration of the University of Missouri recognize the importance of providing a prompt and efficient procedure for fair and equitable resolutions of grievances with the University without fear of prejudice or reprisal for initiating a grievance or participating in its settlement. To the extent possible, all grievances should be settled through informal discussions at the lowest administrative level, and disputed matters should be processed as formal grievances only when either party feels that a fair and equitable solution has not been reached in the informal discussions. Accordingly, the members of the faculty as defined in the rules and regulations, Section 310.020 A, including faculty who hold an administrative title or function, are encouraged to use this grievance procedure for grievances relating to their status or activities as faculty members. However, it is not to be used in connection with a matter relating to any administrative title or function which the faculty member may also have had.

The success of this procedure is contingent upon good faith effort of all participants. It is the responsibility of the MU Faculty Council, the MU Chancellor, and the University President that such efforts are encouraged and sustained, and that the procedure is followed in its entirety in its spirit as well as letter. The Chancellor will also be responsible for ensuring that the determination reached in a grievance is implemented.

A. Grievance, Defined
A grievance is defined as an allegation that:

A.1. There has been a violation, a misinterpretation, an arbitrary or discriminatory application of University policy, regulation, or procedure which applies personally to the faculty member, notwithstanding that it may apply to others within or without the grievant's unit, relating to the privileges, responsibilities, or terms and conditions of employment as a member of the faculty, or

A.2. The faculty member has been discriminated against on the basis of race, color, religion, sex, national origin, age, disability, status as a Vietnam era veteran, or by action inconsistent with the Board of Curators' Policy on Maintaining a Positive Work and Learning Environment, or

A.3. There has been an infringement on the academic freedom of the faculty member.
B. Termination of Regular Faculty

Complaints involving termination of regular faculty on continuous appointments, on whatever grounds, are governed by the Academic Tenure Regulations (Section 310.020) rather than this Grievance Procedure. There are some special circumstances as noted in I.5 of this Grievance Procedure however, in which the MU Chancellor may provide interim remedies to a regular faculty member on continuous appointment.

C. Responsibility of Administration

It is understood that this Grievance Procedure in no way diminishes the responsibility of Faculty, Department Chairs, Deans, Directors, Chancellors, and other administrators for the exercise of academic judgment.

D. Policies, Regulations or Procedures

Requests for new or revised policies, regulations, or procedures may be presented through the designated administrative channels, but not as a grievance under these procedures.

E. Grievance Standing Committee

The MU Campus will have a Grievance Standing Committee (referred to as the Standing Committee hereafter). The Standing Committee will maintain records of grievances filed along with their ultimate disposition, facilitate informal resolution of a grievance, dismiss complaints if they do not meet timeliness or do not meet the criteria defining a grievance, and decide to grant a formal hearing. Further the Standing Committee Chair will form the Hearing Panel from the Standing Committee membership. The Standing Committee will also be responsible for seeking interpretation of University policies and clarifying the Grievance Procedure when disputes arise between the parties regarding these matters. In circumstances where the Standing Committee Chair might have a real or perceived conflict of interest, as determined by the Faculty Council Chair (upon the matter being brought to his attention by the grievant, the Standing Committee Chair or anyone else), the Faculty Council Chair in consultation with the Standing Committee will appoint an alternate person from the Standing Committee (who is free of any conflicts with respect to that grievance) to handle matters that would be normally handled by the Standing Committee Chair relating to that particular grievance.

F. The Investigating Officer

The Standing Committee will be supported by an Investigating Officer. Upon receiving the grievance from the Standing Committee Chair, the Investigating Officer will be responsible for identifying the University representative (respondent) most germane to the grievance, obtaining Preliminary Statements from the grievant and respondent, obtaining non-testimonial evidence and documents, holding discussions with the grievant and the respondent regarding testimonial evidence at the hearing, providing copies of non-testimonial evidence and documents to both parties and the Hearing Panel, and assisting the Hearing Panel or the Standing Committee at their request. The Investigating Officer will be appointed for a three year term by the Chancellor with the advice and support of the Faculty Council. This can be a part/full time appointment depending on the nature of the workload. The Chancellor and the Faculty Council will jointly determine the methods of selection, appointment, termination, and reappointment, and review these
annually. In circumstances where the Investigating Officer might have a real or perceived conflict of interest as determined by the Standing Committee Chair, the Standing Committee Chair will, in consultation with the Chancellor and with his/her approval, appoint an alternate Investigating Officer, free of such conflicts, for that particular grievance.

G. Mediation Prior to Filing Grievance

A faculty member who is considering filing a grievance is strongly encouraged to use mediation through the Campus Mediation Service (Section 365.010) prior to filing the grievance.

H. Joint Proceeding

If more than one faculty member is aggrieved by the same action, they may, by mutual agreement between themselves and the Chair of the Standing Committee, pursue their grievances jointly under these procedures. If the number of grievants in such case is so large as to make it impracticable for them to be heard individually in a joint proceeding, the grievants may, by mutual agreement, elect one or more of their number to act on behalf of all.

I. Processing a Grievance

I.1 A faculty member shall initiate a grievance by delivery of a signed letter to the Standing Committee Chair (in care of the Chancellor’s office, which shall promptly forward the grievance to the Chair). This letter (referred to as the grievance hereafter) will describe the nature of the events alleged to constitute the grievance. In the grievance, the faculty member must specify the ground or grounds for the grievance with as much specificity as possible on the basis of evidence or information available to the faculty member when the grievance is filed and describe the remedy that is sought. In the grievance, the faculty member must also explain her or his perspective of the status of any attempts at resolution, including whether the faculty member has been in contact with the Campus Mediation Service (Section 365.010) regarding the matter.

I.2 The faculty member may process a grievance through the several steps of the procedure during normal working hours. In all proceedings governed by the Grievance Procedure, a faculty member may have an adviser whom she or he chooses from the campus community. An adviser may not represent the grievant or the respondent directly in the investigation by the Investigating Officer or the hearing unless accompanying the grievant or the respondent, and permitted to do so by the Investigating Officer or the Hearing Panel for specific purposes.

I.3 The number of days indicated at each step of the procedure shall be considered as the maximum period, unless the time has been extended by mutual agreement and confirmed in writing. Every reasonable effort should be made to expedite
the process. The Standing Committee Chair (and/or the Investigative Officer where so noted in the following) shall be responsible for ensuring compliance with the timelines by all parties, and he/she may advance a grievance to the next appropriate stage in the process should in his/her determination there be undue delays at any particular stage. In such cases the Chair will make appropriate note of the reasons or parties responsible for the delays.

I.4 A faculty member who has a grievance shall initiate action within one hundred and eighty (180) days after the faculty member knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. Where the grievance arises out of a series of events or omissions, the period shall be measured from the last event or omission in the series. A faculty member who does not initiate a grievance in accordance with the 180-day limit specified herein shall be deemed for purposes of these procedures to have accepted the last decision rendered by an appropriate administrative officer.

I.5 The filing or appeal of a grievance shall not prevent any appropriate administrative officer from taking action complained of, unless the Chancellor directs that it not be taken pending consideration of the grievance. In some grievance cases concerning non-reappointment, the Chancellor after discussion with the Standing Committee Chair may reinstate a faculty member who has received a notice of non-reappointment until the completion of the grievance process.

I.6 Costs of the hearing will be borne by the University.

I.7 The entire grievance process should take no longer than three hundred and twenty (50+140+60+70 =320) days from the time the grievance is filed. If the hearing has not taken place within a reasonable timeframe (as determined by the Chair of the Standing Committee), the Investigating Officer and Hearing Panel will provide a written explanation of any delays to the Standing Committee Chair. When delays have resulted from the failure of one party to provide information within a reasonable time frame, the Standing Committee Chairman may explicitly authorize the Hearing Panel to move the proceedings to the next stage. The Chair of the Standing Committee shall duly inform the Chancellor and the Chair of the Faculty Council of any such delays, the reasons for the delays, and the Chair’s decisions in response to such delays.

J. Acceptance of Request
(Not more than 50 days)
J.1 Within thirty (30) days upon receiving the grievance, the Standing Committee Chair shall determine if it meets the timeliness and the defining criteria. This determination will not address the merits of the case. In making this determination, the Chair can seek additional information from the grievant, and should explain to the grievant possible deficiencies with regard to timeliness and the defining criteria as well as other options open to the grievant, including campus mediation. The grievant would have the opportunity to revise the grievance and resubmit it to the Standing Committee Chair. If the Chair decides that the grievance (or the revised grievance) meets the timeliness and the defining criteria, the Chair shall immediately so inform the faculty member and direct the Investigating Officer to begin the investigation, and also begin the process of appointing a faculty Hearing Panel to review the case. If the Chair decides that the grievance does not meet the timeliness or the defining criteria, the Chair will so inform the grievant together with the rationale for the decision. In this case, the grievant will have the option of appealing the decision to the Chancellor within ten (10) days of the receipt of the letter from the Chair. The Chancellor will communicate his determination to the Chair and the grievant within ten (10) days of the filing of the appeal. If the Chancellor decides that the grievance meets the timeliness and the defining criteria, the Standing Committee Chair shall immediately direct the Investigating Officer to begin the investigation, and also begin the process of appointing a faculty Hearing Panel to review the case. The Standing Committee Chair will dismiss the grievance if the Chancellor’s decision is not favorable to the grievant.

J.2 Stay of Proceedings. The Standing Committee Chair shall have the power to suspend the deadlines specified under this Procedure and to stay any proceeding under this Procedure when requested to do so in writing by either or both parties and when, in the judgment of the Chair, the resulting delay would significantly advance the possibility of achieving an agreed-upon settlement by the parties (notwithstanding any conflict associated with Section 365.010(D)). The Chair of the Standing Committee will terminate the proceedings in the case of filing of lawsuits concerning the grievance in the courts of law.

K. Report by the Investigating Officer
(Not more than 140 days)

K.1 Identification of University Representative (Respondent) (Not more than 20 days). Upon receiving the grievance from the Standing Committee Chair, the Investigating Officer will identify the University representative (respondent)
most germane to the grievance. During this period and for the purposes of the identification of the respondent, the Investigating Officer may meet with any apparent parties to the grievance.

K.2 Informal Conference with the Grievant and the Respondent (Not more than 10 days). The Investigating Officer will hold a joint informal conference with the grievant and the respondent to review the grievance, the nature of agreements and disagreements, and the nature of non-testimonial evidence that is needed.

K.3 Submission of Preliminary Statements (Not more than 20 days). The Investigating Officer shall request the grievant and the respondent provide to her/him, within twenty (20) days of the request, a Preliminary Statement which shall include the following:

- a statement of the issues of fact or judgment, that identify any point or points of disagreement between the grievant and the respondent;
- a list of the relevant non-testimonial evidence which each party seeks from the opposing party or from others not party to the dispute;
- copies of any relevant non-testimonial evidence in the party's possession, custody or control; and
- the identity and location of witnesses each party plans to call.

K.4 Obtaining the Evidence (Not more than 30 days).

- Based on the information received under paragraph K.3, the Investigating Officer working on behalf of the Chancellor and the Faculty, has the responsibility to obtain the relevant non-testimonial evidence requested by the parties in their Preliminary Statements. The Investigating Officer shall receive the cooperation of the Provost, the collegiate dean, the department Chair, the grieving faculty member, other faculty members, and other University employees. It is the duty of such individuals to provide, in a timely fashion, all requested non-testimonial evidence relevant to the case. In the event the Investigating Officer cannot obtain in a timely fashion the requested information, the Officer must report this event immediately to the Standing Committee Chair and the Chancellor for joint resolution.
- If the parties dispute the relevance of any document or part of a document, then the Investigating Officer shall discuss with the parties the possible resolution of the dispute and try to reach an agreement. If no agreement can be reached, then the document or part thereof in question shall be provided to the hearing panel at the time of the hearing pursuant to these procedures and in consistence with University policies, together with each party's brief statement regarding its relevance.
K.5 Distribution of Materials to the Parties (not more than 5 days). The Investigating Officer shall provide each party with a copy of the opposing party's Preliminary Statement. The Investigating Officer also shall provide the parties with a copy of all the relevant non-testimonial evidence that the Investigating Officer has obtained.

K.6 Confidentiality. During the investigation, all non-testimonial evidence obtained for a case shall be presumed to be confidential with respect to all persons who do not need to have access to the evidence in performing their duties or exercising their rights under these regulations. Prior to the beginning of a hearing or the termination of the hearing panel's responsibilities, whichever occurs first, each party shall be afforded an opportunity to designate evidence or portions of evidence that should continue to be regarded as confidential, and this evidence shall be so marked. Neither party may disseminate or allow to be disseminated any evidence presumed or marked as confidential under this paragraph while a case is pending or after the case has been completed. Documents that were written with an explicit or implied expectation that they were confidential or would not be revealed to the faculty member shall be made available to the parties only after the name of the author or authors of the document is excised and only, to the maximum extent possible consistent with providing the substance of the contents of the document to the parties, after identifying aspects or portions of the documents have been excised.

K.7 Final Statements and Rebuttal (Not more than 40 days).

- The parties shall submit to the Investigating Officer and to the opposing party their respective Final Statements in writing according to the schedule set forth below. In their Final Statements, the parties shall set forth their respective positions on the opposing party's Preliminary Statement and on the evidence provided by the Investigating Officer.
- The faculty member shall submit his or her Final Statement first, within fifteen (15) days following his or her receipt of the non-testimonial evidence. Within fifteen (15) days following the respondent's receipt of the grievant's Final Statement, the respondent shall submit their Final Statement, which may respond to the arguments raised in the faculty member's Final Statement.
- The faculty member may submit a written Rebuttal to the University's Final Statement, provided that the faculty member does so within ten (10) days following the faculty member's receipt of the respondent’s Final Statement. If submitted, the Rebuttal shall be limited to the arguments raised in the University's Final Statement.
- The parties may submit any additional evidence with their Final Statements or Rebuttal.
K.8 Assistance to the Parties. Throughout the investigation, the Investigating Officer may meet with the parties together or separately and may assist them in complying with the requirements of paragraph (K.4) above, as seems appropriate to the Investigating Officer. The Investigating Officer may extend deadlines for submissions by the parties when doing so, in the Investigating Officer's judgment, will expedite the case and/or improve the quality of the material eventually presented to the panel.

K.9 Report to the Panel. The Investigating Officer shall report to the panel in writing, with copies to the parties and advisers, any failure, delay or other obstruction by a party in any part of these procedures and shall indicate to the panel whether the failure, delay or obstruction appears to be justifiable. Taking into account the Investigating Officer's report concerning the failure, delay or obstruction, the panel may draw negative inferences and take appropriate action on the basis of a failure of a party to provide relevant documents or other materials or information. Excessive delays or other obstruction to providing documents or other materials or information may be treated by the panel as a failure to provide the document. The parties shall not submit any response to the report to the panel.

K.10 Conference Regarding the Hearing (Not more than 10 days). After Final Statements and the Rebuttal, if any, have been submitted, the parties and their advisers shall meet with the Investigating Officer to discuss (the results of these discussions will not be binding on either party or the Hearing Panel):

- the factual issues to be addressed by oral testimony at the hearing; and
- the desirability of oral argument by advisers or the parties to the Hearing Panel regarding the issues presented under one or more of the grounds and the time constraints reasonably to be imposed on such argument.

K.11 Distribution of Materials to the Panel (5 days). Within 5 days after the conference (K.10), the Investigating Officer shall provide each member of the Hearing Panel with:

- a copy of the Preliminary Statements submitted by each party;
- a copy of the Final Statements and Rebuttal, if any, submitted under provisions above;
- a copy of any item of the relevant non-testimonial evidence the Investigating Officer has obtained which either party has referenced in its Final Statement or Rebuttal; and
• access to a complete copy of all the relevant non-testimonial evidence the Investigating Officer has obtained.

L. Report of the Faculty Hearing Panel
(Not more than 60 days)

L.1 The Hearing Panel shall hold a hearing, entertaining oral arguments if the panel or either party desires it, within thirty (30) days following the conclusion of investigation by the Investigating Officer.

L.2 A copy of all communication regarding the matter in dispute by the Hearing Panel or any of its members to either party shall be given to the opposing party and all advisers and the Investigating Officer. The hearing shall be closed to all except the panel, the parties and their advisers, the Investigating Officer, the testifying witness and the recorder of the hearing.

L.3 The hearing shall be recorded on audiotape. The Investigating Officer shall ensure that the recording process maintains the confidentiality of the evidence, and that the resulting audiotape is maintained in a secure manner, protecting its confidentiality. The record of the hearing may, at the discretion of the panel, exclude the discussion of procedural matters. Either party or the panel may request that the proceedings also be recorded by a stenographic reporter. The party requesting such additional recording shall bear its cost; if the panel requests it, then the Investigating Officer shall bear its cost. If either party requests a transcript, that party shall bear its cost. If the panel requests a transcript, the office of the Investigating Officer shall bear its cost.

L.4 Subject to the Hearing Panel’s power to control the hearing, each party shall have the following rights:

• to decide which witnesses to call to testify on behalf of that party;
• to present evidence through the testimony of a party's own witnesses;
• to present any other relevant evidence;
• to cross-examine any witness called by the other party;
• to make an opening statement before and a closing statement after the presentation of evidence;
• to submit a written argument at the conclusion of the presentation of evidence; and
• to be consulted and to present oral and/or written argument for the purpose of influencing any decision made by the Hearing Panel in the exercise of the Panel’s power's to control the hearing.
L.5 The Hearing Panel shall have the power to control the hearings, including but not limited to the power:

- to ask questions of any witness, the grievant, the respondent, and the Investigating Officer;
- to limit the presentation of evidence on grounds of irrelevancy or redundancy when necessary to avoid an excessively long hearing;
- to limit the length of opening and closing statements;
- to limit the length of any written arguments submitted;
- to limit the time after the conclusion of the presentation of evidence for submission of written arguments to the panel;
- to set the date, time, and place for conducting the hearing, including the beginning, ending, adjournments, and any reopening, in the interest of achieving an expeditious proceeding and accommodating the convenience of the parties;
- to take such action as seems appropriate to preserve the confidentiality of marked documents or other confidential matters to the maximum extent possible consistent with a full opportunity of each party to present and hear relevant evidence.

L.6 Findings and the Report. The Hearing Panel shall make findings of fact, shall draw conclusions based on those findings, and recommend remedies it deems appropriate. The burden of proof shall be on the grievant. The level of proof shall be that the grievant's claim is "more believable than not." All records made and all data gathered by the Hearing Panel shall be confidential and shall be maintained by the Panel for the duration of the Hearing. When the Panel submits its report, it shall at the same time deliver all hearing materials to the Chancellor's Office.

L.7 Upon completion of its hearing, the Hearing Panel shall immediately notify the grievant, the respondent, the Investigating Officer, and the Chair of the Standing Committee of that fact. Such notification shall include a designation of all witnesses, documents, and other evidential material considered by the Hearing Panel and shall inform the parties that they will be given an opportunity to review the evidentiary material, and within seven (7) days, upon good cause shown, to present additional evidence.

L.8 Although the Hearing Panel will attempt to work expeditiously, principals should be aware that difficulties in scheduling may sometimes result in frustrating delays. Nonetheless, every effort will be made to ensure a thorough and fair hearing. The findings of the Hearing Panel need not be unanimous. In
such instances, the final report of the committee should explain the varying views of the committee members regarding the case.

L.9  Within twenty one (21) days after the seven day period specified in L.7, the Hearing Panel shall meet to deliberate, prepare and complete a written report of its findings and recommendations, including suggested actions and remedies as appropriate. The findings and recommendation shall be sent immediately to the Chancellor, the grievant, the respondent, the Investigating Officer, and the Chair of the Standing Committee.

L.10 All communication between members of the Hearing Panel and either the grievant or the respondent shall be made through the Chair of the Hearing Panel. Neither the grievant, nor the respondent, nor their advisors, shall discuss the case with any member of the Hearing Panel prior to the hearing. Once the hearing is underway, the only appropriate communication with an individual member of the Hearing Panel regarding the grievance is through the Chair of the Hearing Panel. Any other communication with members of the Hearing Panel outside of the formal hearing sessions shall be regarded as a breach of ethics and shall be reported to the Chair of the Standing Committee.

In cases in which a majority of the Standing Committee finds there was unethical conduct by either the grievant or the respondent, or by a member of the Hearing Panel, the Standing Committee may take whatever action it judges appropriate as to the disposition of the case. This action includes but is not limited to resolving the case against the principal committing the unethical conduct, removal and replacement of a panel member, or dissolving the Hearing Panel and appointing a new Panel in accordance with the procedure.

M. The Chancellor
(Not more than 70 days)

The Chancellor, after having received the report of the Hearing Panel, will notify the grievant and the respondent of the date of the receipt. In making a decision, the Chancellor shall rely upon the information contained in the record, and there should be no communication concerning the subject matter of the grievance between the Chancellor and the grievant, the respondent, or witnesses.

The Chancellor shall make a determination of the matter and shall advise the grievant and the respondent, as well as the Hearing Panel members, the Investigating Officer and the Chair of the Standing Committee in writing of that determination within a reasonable time. If it is not practical for the determination to be made within thirty (30) days, the
The Chancellor should meet with the Hearing Panel when a tentative decision is inconsistent with the recommendations of the Hearing Panel before reaching a final decision. If any information becomes available to the Chancellor preceding or during the decision phase that is not contained in the report of the Hearing Panel, and the Chancellor believes that this information is germane to her/his final determination, the Chancellor must inform the grievant and the respondent of this information and give them an opportunity to respond. It is the responsibility of the Chancellor to discuss the new information and the responses of the parties with the Hearing Panel prior to making the final decision.

The decision on the substance of a grievance by the Chancellor shall be final. A grievant or respondent may appeal the decision on procedural grounds to the President.

N. Grievance Against Actions of a UM System Administrator

This procedure shall apply to a grievance by a MU faculty member concerning an action by a UM System administrator.

O. Information to the Faculty Council

In August of each year, the Standing Committee Chair shall report to the MU Faculty Council the status of all grievances filed during the preceding year and any grievances from prior years where the process has not been completed. This report shall not include names of the parties or the nature of the grievance but shall include the date the grievance was filed and its current status. The status report will indicate the current stage of the grievance: informal resolution stage, before Hearing Panel, Hearing Panel report filed with Chancellor and determination made by Chancellor. The report may include an explanation of an unusual delay that has occurred, or any other matter that the Standing Committee Chair believes would be helpful.

* All days referred to in this document are to be interpreted as calendar days.

* For communications, e-mail can substitute for letters.

* In the phrase “Not more than x days”, x is to be interpreted as starting from the day of the completion of the immediately preceding required action.
Appendix A: Appointments of the Standing Committee, the Standing Committee Chair, and the Hearing Panels

1. The Faculty Grievance Standing Committee shall consist of thirty (30) members. One-half of the members shall be appointed by the Chancellor and one-half shall be appointed by the Faculty Council. The Faculty Council shall appoint a Chair who is not one of the thirty members of the Standing Committee appointed by the Chancellor or the Faculty Council.

2. Any faculty member who is eligible for election to the Faculty Council and is on continuous appointment is eligible for appointment to the Committee. These appointments will be made by September 1 of each year, and will be rotational (After the initial thirty appointments, ten members will be replaced each year. No member will serve more than six consecutive years, and the chair will not serve more than two consecutive terms). The Standing Committee and its Chair will have the responsibility of overseeing the Grievance Process, and providing a report each August to the Faculty Council on the implementation and effectiveness of the process. This report shall exclude information of a personnel nature, but it should include information with respect to timelines associated with grievances filed, lessons learned, and any desired changes in the procedure. The Investigating Officer will report to the Chair of the Standing Committee. The Standing Committee Chair will convene a meeting of the Committee once every three months (and more often if needed) to review progress on grievances, and to advise the Chair on any actions that may be needed.

3. Hearing Panels shall be drawn from the Standing Committee. A member's term shall expire on August 31 of the third year unless he/she is serving at that time on a Hearing Panel still in the process of reviewing an unresolved grievance. In such a case, the member's term shall expire as soon as the grievance has been completed.

4. The Faculty Council may decrease/increase the size of the Standing Committee as needed, but such changes will be effective only with from the date of rotation, September 1, of the Standing Committee. The Council will appoint replacement members/chair as appropriate or needed.

5. From the Standing Committee a Grievance Hearing Panel shall be drawn for each case, according to the following procedures:
   a. At the beginning of each academic year, the Standing Committee will construct six subcommittees of five such that (after year one), they contain a mix of new and veteran members of the committee. Five of these will be assigned, in random order, to the first five grievances filed that year. The grievant and the respondent will each have the opportunity to strike names of committee members who may have a conflict of interest. These members will be replaced by faculty on the sixth group of five, drawn at random. In addition, a faculty person can choose not to serve if s/he perceives a conflict of interest in hearing the grievance.
   b. After five grievance hearing panels have been assigned, the Standing Committee will remix members to draw up another six sets of five faculty with each group containing a mix of new and veteran committee members.
The first five will be assigned to constitute hearing panels as needed with the six serving to provide alternates.

c. When a subcommittee is chosen to hear a grievance, members of that subcommittee will be notified by the Chair of the Standing Committee. They will be asked to acknowledge their appointment.

d. The Standing Committee Chair will call the first meeting of the panel, charge them with the tasks, and facilitate election of the chair of the panel.

e. Avoidance of Conflict of Interest: No person may be selected to serve on the Hearing Panel who has participated directly in the decision complained of or who has supervisory responsibility over the respondent. In such instances, the faculty member will remove him/herself from the subcommittee assigned to hear the grievance and an alternate will be assigned.

Occasionally, a member of the Hearing Pool may have been a principal (grievant or respondent) in a case against one of the principals in the current case. In such instances, the Standing Committee Chair will exclude the person’s name from the pool for Hearing Panels for that particular grievance.

Similarly, a member of the Hearing Pool may have been a former principal in a grievance proceeding in which a Hearing Panel member in that former case is a principal in the current case. In such instances, the Standing Committee Chair will exclude the person’s name from the pool for Hearing Panels for the current case.

6. Any person selected to a Hearing Panel will be expected to serve on such Panel and to be present at all sessions. If a member is absent from a single session, he/she shall review all tapes or transcribed proceedings of that session prior to the next meeting of the Panel. A member who is absent from two sessions or who requests to be excused from service for reasons of illness, necessary absence from the campus or other hardship, or a member who is removed for unethical conduct shall be replaced in the same manner used in the original selection. The replacement shall review all tapes or written transcripts and all submitted evidence prior to service on the Panel.

Appendix B: Timelines

(summarized from the Procedure)

1. Filing and Acceptance of a Grievance (Not more than 50 Days)
   a. A faculty member initiates a grievance by delivery of a signed letter to the Chair of the Standing Committee.
   b. Within thirty (30) days of the filing of the Grievance, the Standing Committee will determine if the request meets the timeliness or the defining criteria. The Standing Committee Chair will immediately inform the grievant of the determination.
c. The grievant will have the option of appealing the decision to the Chancellor with in ten (10) days of the receipt of the letter from the Chair.
d. The Chancellor will communicate his determination to the Standing Committee Chair and the grievant within ten (10) days of the filing of the appeal. The grievance will not be processed further if the Chancellor’s decision is not favorable to the grievant.

2. Investigation by the Investigating Officer (Not more than 140 days)
   a. Identification of the Respondent (Not more than 20 days).
   b. Informal Conference with the Grievant and the Respondent (Not more than 10 days).
   c. Submission of Preliminary Statements (Not more than 20 days).
   d. Obtaining the Evidence (Not more than 30 days).
   e. Distribution of Materials to the Parties (Not more than 5 days).
   f. Final Statements and Rebuttal (Not more than 40 days).
   g. Distribution of Materials to the Panel (Not more than 5 days).
   h. Conference Regarding a Hearing (Not more than 10 days).

3. Report of the Faculty Hearing Panel (Not more than 60 days)
   a. Hold (and complete) hearing within 30 days (following the conclusion of investigation by the Investing Officer).
   b. Immediately notify all involved, and give them seven (7) days, upon good cause shown, to present additional evidence.
   c. Within twenty one (21) days after the seven day (7) period, the Hearing Panel shall meet to deliberate, prepare and complete a written report of its findings and recommendations, including suggested actions for remedies as appropriate. The report shall be sent immediately to the Chancellor, the grievant, the respondent, the Investigating Officer, and the Chair of the Standing Committee.

4. Determination by the MU Chancellor (Not more than 70 days)
   a. The Chancellor after having received the report of the Hearing Panel, will immediately notify the grievant and the respondent of the receipt.
   b. A seven (7) day period for additional information to the Chancellor in writing with copies to all involved by the grievant or the respondent.