

Proposal to Amend WKU Faculty Handbook

Section(s) to be amended: VIII.A.
Corresponding page number(s): 56
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1. Type of Change:

☐ Editorial (non-substantive)

☒ Substantive

Editorial revisions include updates to the organizational structure, web addresses and names/titles, as well as other similar non-substantive changes. Substantive change is defined as addition, deletion, or revision of policy or procedure.

☐ Addition: Where possible, identify the section of the handbook to which addition is proposed:

☐ Deletion: Identify the section of the handbook from which deletion is proposed:

☒ Revision: Identify the section of the handbook to which revision is proposed:

2. Proposals should be made in the form of text intended as an addition to or a replacement of, in whole or in part, some current section of the Faculty Handbook.

Current:

VIII.A. Faculty Grievance Generally:

VIII.A.1. Purpose: To provide an individual faculty member with a procedure for presenting a grievance without fear of reprisal and having it considered in an expeditious, unbiased and orderly process. The procedure is advisory and not adjudicatory.

VIII.A.2. Definition of Grievance: An allegation that there has been a violation, misrepresentation, or improper application of existing policies, rules, regulations, practices, and/or procedures or a complaint that a faculty member has been treated unfairly or inequitably or has been unreasonably hindered in the performance of duties.

VIII.A.3. Eligibility of Faculty: Full and part-time faculty, current adjunct faculty, and transitionally retired faculty are eligible to file grievances using this procedure. Eligible faculty include those associated with any University campus.

VIII.B. Appeal through Administrative Channels:

VIII.B.1. Informal Review: Every effort should first be made to resolve the matter informally by conversation with the department chair/school director, college dean, or Provost.

VIII.B.2. Formal Grievance: If the matter cannot be resolved informally, the faculty member may file a formal grievance in writing with the department chair/school director within ninety (90) days of the most recent alleged violation. If the department chair/school director cannot resolve the grievance within fourteen (14) days of receipt of the grievance, a faculty member may request review by the college dean. If the college dean cannot resolve the grievance within fourteen (14) days of receipt of the grievance, a faculty member may request further review by the Provost. The Provost shall have fourteen (14) days from receipt of the grievance to issue a recommendation to the President as to whether the matter should be referred to the Advisory Committee on Faculty Grievance. At any time during the grievance process, the faculty member may seek the counsel and advice of the University Ombuds Officer. The Ombuds Officer is available to offer an objective perspective on the issue of concern, to assist the faculty member with interpretation of University policies and procedures, and to refer the faculty member to the appropriate person or office to best address the concern.

VIII.C. Appeal through Advisory Committee on Faculty Grievance:

VIII.C.1. Establishment of Committee: The committee shall be drawn from the same pool chosen for the Advisory Committee on Faculty Continuance, Promotion and Tenure. The Committee shall consist of five (5) tenured faculty members selected by the Faculty Senate by lot annually by the Faculty Senate Chair during a meeting of the Senate Executive Committee from a list of elected faculty members. A faculty member shall not participate in a case involving a faculty member from the same department/school. Faculty members chosen to serve on the Committee shall remove themselves, either at the request of one of the parties, or on their own initiative, if they deem themselves disqualified because of bias or interest. Each party shall have a maximum of two (2) challenges with or without stated cause. The Committee shall select its own chair.

VIII.C.2. Procedures: Faculty members who have been unable to achieve satisfactory resolution of a formal grievance through administrative channels may request a review by the Advisory Committee on Faculty Grievance through the President.

The request for a review must be submitted in writing, together with a statement of the grievance. Upon receipt of the grievance, the President shall have the committee convene through the procedures described above. The committee will not review in this way matters for which other formal procedures have been specifically outlined in this Handbook. The committee after a preliminary investigation, and upon a vote of a majority of its members, may rule that a particular grievance does not merit review by the committee. If it determines that the grievance lies within the scope of the committee, the chair shall initiate a committee review by notifying all appropriate parties of the review procedure to be followed. The committee shall be empowered to request any and all parties to submit evidence related to the grievance. This review shall be completed within 45 days, excluding official holidays and vacations. At the conclusion of the review, the committee will forward a written report of its findings to the President and to the faculty member. The written decision of the President shall be forwarded to the chair of the committee and to the faculty member. If the President does not accept all or part of the findings and recommendations of the committee, the President will include in the decision the reasons for not doing so. The decision of the President is final.

VIII.D. Annual Report:

At the end of each academic year, the President shall provide a written report to the Board of Regents regarding the number and type of cases presented in the preceding year. The report shall include the committee's recommendations for each case and its final disposition.

Proposed Revision:

VIII.A. Faculty Grievance Generally:

VIII.A.1. Purpose: To provide an individual faculty member with a procedure for presenting a grievance without fear of reprisal and having it considered in an expeditious, unbiased and orderly process. ~~The procedure is advisory and not adjudicatory.~~

VIII.A.2. Definition of Grievance: A [grievance is an allegation that there has been a violation, misrepresentation, or improper application of existing policies, rules, regulations, practices, and/or procedures or a complaint that a faculty member has been treated unfairly or inequitably or has been unreasonably hindered in the performance of duties. Matters for which other formal complaint procedures have been specifically outlined in this Handbook shall not be considered a grievance, including but not limited to continuance, promotion and/or tenure.](#)

VIII.A.3. University Ombuds Officer: [At any time during the grievance process, the faculty member may seek the counsel and advice of the University Ombuds Officer. The Ombuds Officer is available to offer an objective perspective on the issue of concern, to assist the faculty member with interpretation of University policies and procedures, and to refer the faculty member to the appropriate person or office to best address the concern.](#)

VIII.A.4 Eligibility of Faculty: Full and part-time faculty, current adjunct faculty, and transitionally retired faculty are eligible to file grievances using this procedure. [Eligible faculty include those associated with any University campus.](#)

VIII.A.5 Informal Review: [Before a formal grievance can be filed, every good faith effort should be made to resolve the matter informally by individual conversations with the department chair/school director, college dean, and Provost, if necessary.](#)

VIII.B. ~~Appeal through Administrative Channels~~Administrative Review of Formal Grievance:

~~VIII.B.1. Informal Review:~~ ~~Every effort should first be made to resolve the matter informally by individual conversations with the department chair/school director, college dean, and Provost, if necessary.~~

~~VIII.B.2. Formal Grievance:~~ ~~If the matter cannot be resolved informally as required in VIII.A.5. above, upon written notice by the Provost, the faculty member may file a formal grievance in writing with the department chair/school director within ninety (90) days of the most recent alleged violation. If the department chair/school director cannot resolve the grievance within fourteen (14) days of receipt of the grievance, a faculty member may request review by the college dean. If the college dean cannot resolve the grievance within fourteen (14) days of receipt of the grievance, a faculty member may request further review by the Provost. If the Provost cannot resolve the grievance within The Provost shall have fourteen (14) days from receipt of the grievance, they will inform the President and faculty member that Administrative Review of the formal grievance has closed and that the faculty member has~~

~~the right to request in writing to issue a recommendation to that the President as to whether the matter should be referred to the grievance to the~~ Advisory Committee on Faculty Grievance. ~~At any time during the grievance process, the faculty member may seek the counsel and advice of the University Ombuds Officer. The Ombuds Officer is available to offer an objective perspective on the issue of concern, to assist the faculty member with interpretation of University policies and procedures, and to refer the faculty member to the appropriate person or office to best address the concern.~~

VIII.C. ~~Appeal through~~ Advisory Committee on Faculty Grievance:

VIII.C.1. Establishment of Advisory Committee on Faculty Grievance: The Advisory Committee on Faculty Grievance will be formed following the protocols and procedures as outlined in Section V.C.2. of the Faculty Handbook.

~~committee shall be drawn from the same pool chosen for the Advisory Committee on Faculty Continuance, Promotion and Tenure. The Committee shall consist of five (5) tenured faculty members selected by the Faculty Senate by lot annually by the Faculty Senate Chair during a meeting of the Senate Executive Committee from a list of elected faculty members. A faculty member shall not participate in a case involving a faculty member from the same department/school. Faculty members chosen to serve on the Committee shall remove themselves, either at the request of one of the parties, or on their own initiative, if they deem themselves disqualified because of bias or interest. Each party shall have a maximum of two (2) challenges with or without stated cause. The Committee shall select its own chair.~~

VIII.C.2. Procedures:

a) Within fourteen (14) days of the Provost's notice as required in Section VIII.B. above, ~~F~~Faculty members who have been unable to achieve satisfactory resolution of a formal grievance through administrative channels as outlined in VIII.B.1 and 2. above may request in writing to the President a review by the Advisory Committee on Faculty Grievance. ~~through the President.~~

b) The President will designate a Process Manager, usually an associate/vice provost, to oversee the review process on their behalf, to facilitate committee formation with Faculty Senate, to gather information for committee, to liaise with relevant parties, and to manage logistics.

c) When a review is requested by the Advisory Committee on Faculty Grievance, the Process Manager calls the first Advisory Committee meeting to brief committee members regarding the faculty grievance.

d) The Committee shall make a genuine effort to resolve the entire matter by informal methods of preliminary inquiry, consultation, discussion, and confidential mediation. The Advisory Committee shall:

i) Consult the Faculty Handbook and University Policies regarding Grievance;

ii) Review the grievance and all supporting documents;

iii) Analyze the presented arguments and determine if any outstanding questions remain;

iv) Conduct informal interviews as necessary with the aim of negotiating a mutually agreeable resolution; and/or

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v) Determine if further interviews or document analysis are needed.

e) If the matter is unresolved informally within the two weeks after receipt of request for review, the Advisory Committee shall notify the President in writing that the grievance be referred to an Ad Hoc Committee on Faculty Grievance. A copy of the notice shall be sent to the faculty member. If the matter is resolved by the Advisory Committee on Faculty Grievance, informally, the Committee will provide the President and grievant the faculty member with a memo briefly stating the resolution. If the difficulty is unresolved informally within three weeks from the Committee's receipt of the formal grievance complaint, the Committee shall furnish the President and the faculty member complainant with a written report containing its reasoned advice and recommendation as to whether or not the President should cause the matter-grievance to be set for formal evidentiary hearings by an Ad Hoc Committee. The report shall include a statement of the Committee's specific reasons in support of its advice and recommendation. Note: the three weeks will exclude weeks when the University is closed. If the Advisory Committee advises that matter not be sent forward for an evidentiary hearing and the President agrees, then the President notifies the grievant faculty member and the relevant University personnel of their decision. The matter is then closed.

VIII.D. Ad Hoc Committee on Faculty Grievance:

VIII.D.1. President Referral: In any case in which the President decides that procedures for a formal grievance grievance should be sent forward, the President shall forward the Advisory Committee's referral memo and the formal grievance to an Ad Hoc Committee on Grievance within two weeks of the Advisory Committee's notice. A copy of the referral shall be sent to the faculty member, and the President shall advise the faculty member of the following:

- a) That the grievance has been referred to the Ad Hoc Committee on Faculty Grievance; and
- b) That the faculty member has a right to be heard by the Ad Hoc Committee on Grievance and to present testimony and other evidence.

VIII.D.2. Establishment of the Ad Hoc Committee on Faculty Grievance: The Ad Hoc Committee will be formed following the protocols used to form the Ad Hoc Committee on Continuance Tenure and Promotion described in Section V.C.3. of the Faculty Handbook.

VIII.D.3. Procedure:

- a) The President will designate a Process Manager, usually an associate/vice provost, to oversee the hearing process on their behalf, to facilitate committee formation with Faculty Senate, to gather information for committee, to liaise with relevant parties, and to manage logistics.
- b) The Process Manager shall set a hearing by the Ad Hoc Committee on Faculty Grievance at a designated place, time, and date, but not sooner than two weeks after written referral of the grievance from the President.
- c) The following procedure will be followed at the hearing:
 - i) The faculty person will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence; and the Process Manager will, insofar as it is possible

for them to do so, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.

ii) The Committee will develop a draft agenda in advance of the hearing, the Process Manager and Chair will share it with the faculty member and a University representative responding to the grievance for feedback, and the Committee will approve the final agenda based on the feedback.

iii) The faculty member and the representative of the University responding to the grievance will have the right to confront and cross-examine all witnesses. Where the witness cannot or will not appear, but the committee determines that the interests of justice require admission of their statement, the committee will identify the witness, disclose their statement and, if possible, provide for written interrogatories.

iv) The Ad Hoc Committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

v) Although both parties may seek outside advice as needed, neither will be formally represented by legal counsel in these hearings. Only the committee, the Process Manager, the faculty member, and the University representative will be present for the entire hearing.

vi) The Ad Hoc Committee will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

vii) The findings of fact and the decision of the Ad Hoc Committee on Faculty Grievance will be based on the documentary evidence submitted by the faculty member and the University as well as testimony by witnesses during the Committee's proceedings. No transcript or recordings of the hearing will be made. When the Committee begins deliberations, they may seek clarification of information presented during the hearing, but they may not seek additional information not part of the record. All deliberations, evidence, and testimony will remain confidential.

d) The Ad Hoc Committee on Faculty Grievance shall report its decision and vote to the President.

i) If the Ad Hoc Committee reports that a majority of the Committee finds that adequate basis for the grievance has been established, the Committee shall recommend action to the President.

ii) If the Ad Hoc Committee reports that a majority of the Committee does not find that adequate basis for the grievance has been established, the Committee shall recommend dismissal of the grievance.

e) The President may accept or reject the report of Ad Hoc Committee on Faculty Grievance. Within two weeks, the written decision of the President shall be forwarded to the chair of the Ad Hoc Committee, and to the faculty member and to the University representative. If the President does not

accept all or part of the findings and recommendations of the [Ad Hoc Committee](#), the President will include in the decision the reasons for not doing so. The decision of the President is final.

~~The request for a review must be submitted in writing, together with a statement of the grievance. Upon receipt of the grievance, the President shall have the committee convene through the procedures described above. The committee will not review in this way matters for which other formal procedures have been specifically outlined in this Handbook, including but not limited to continuance, promotion and/or tenure. The committee after a preliminary investigation, and upon a vote of a majority of its members, may rule that a particular grievance does not merit review by the committee. If it determines that the grievance lies within the scope of the committee, the chair shall initiate a committee review by notifying all appropriate parties of the review procedure to be followed. The committee shall be empowered to request any and all parties to submit evidence related to the grievance. This review shall be completed within 45 days, excluding official holidays and vacations. At the conclusion of the review, the committee will forward a written report of its findings to the President and to the faculty member. The written decision of the President shall be forwarded to the chair of the committee and to the faculty member. If the President does not accept all or part of the findings and recommendations of the committee, the President will include in the decision the reasons for not doing so. The decision of the President is final.~~

VIII.D. Annual Report:

At the end of each academic year, the President shall provide a written report to the Board of Regents regarding the number and type of [grievance](#) cases presented in the preceding year. ~~The report shall include the [Ad Hoc Committee on Faculty Grievance](#)'s recommendations for each case and its final disposition.~~

3. Rationale for revision:

Revisions made to clarify process and timeline and to mirror the continuance/tenure/promotion appeals process more closely.