

XVI. FACULTY GRIEVANCE PROCEDURE (Faculty Meeting November 5, 2003)

A. Introduction

Whitman College is committed to providing the best possible environment for faculty members to work as teachers and scholars. An essential component of this environment is a strong ethic and practice of collegiality among the faculty. The College considers directly counter to such collegiality any conduct by which a faculty member treats another faculty member in a harmful way that impinges on the latter's ability to do his or her work. The College therefore condemns all such conduct. This Chapter specifies the procedures to follow when a faculty member believes that he or she has experienced such adverse treatment by a colleague.

B. Eligible Grievants and Grievances

1. The grievance procedure applies to all faculty members of Whitman College, including full-time and part-time faculty.
2. A faculty grievance is an allegation of conduct that treats the grievant in a way that harms his/her ability to do his/her work. This procedure does not cover grievances related to appointments, promotions, tenure decisions, salary, dismissals for cause, or sexual harassment.

C. Informal Resolution of Grievances

A faculty member who asserts a grievance is expected to make timely and good-faith efforts to resolve the grievance through consultation before resorting to the faculty grievance procedure. Steps that may be appropriate are discussing the grievance with the Department Chair, the Division Chair, the Chair of the Faculty, the Provost and Dean of the Faculty, and/or the President. In the event that a) these conversations fail to resolve the problem, or b) either party believes these conversations might be harmful, the College will hire a trained mediator from outside the College to work with both parties to resolve the dispute.

D. Grievance Procedure

1. A faculty member who concludes that he or she has a grievance and has been unable to resolve that with informal conversations and/or required mediation, as outlined in Section C, may invoke the faculty grievance procedure. The grievant begins this process by filing a written statement describing the grievance with the Chair of the Faculty or, in a case where the Chair of the Faculty is the person against whom a grievance is brought, with the Chair of the Policy Committee.

2. After receiving the grievant's statement, the Chair of the Faculty (or the Chair of the Policy Committee) shall carefully consider the prima facie merits of the grievance, shall assess whether or not the grievant has made timely and good-faith efforts to resolve the dispute informally, and shall advise the grievant on whether, in her or his judgment, it would be appropriate to pursue the formal grievance procedure. This consultation shall not preclude the grievant from taking further action in accordance with the formal grievance procedures. The Chair of the Faculty (or the Chair of the Policy Committee) shall keep confidential her or his advice about the appropriateness of the grievant's decision to proceed or not to proceed with the formal grievance process.
3. After receiving notification that the grievant intends to proceed with the formal grievance procedures, the Chair of the Faculty (or the Chair of the Policy Committee) shall promptly forward individual copies of the statement to each member of the Faculty Grievance Panel, and to the person(s) against whom the grievance is brought. The Panel members shall be chosen according to the following criteria:
 - a. All three members of the Grievance Panel must be tenured or tenure-track faculty members who have completed at least four years of service to the College;
 - b. Among the three members shall be the most junior active faculty member from the grievant's division who has completed a term on the Academic Council within the past five years;
 - c. Among the three members shall be the most senior active faculty member from the accused's division who has completed a term on the Academic Council within the past five years;
 - d. Among the three members shall be the active faculty member who has most recently completed a term on the Academic Council, and who is not from the division of either the grievant or the accused.
4. After receiving copies of the grievance statement, the Grievance Panel shall conduct a preliminary meeting with the grievant to clarify issues relevant to the dispute. The Grievance Panel shall also conduct a separate preliminary meeting with the accused person(s) to clarify issues relevant to the dispute. The Grievance Panel shall request that both the grievant and the accused submit the names of specific persons who may have additional information about the dispute, and shall solicit additional written information from these persons to be reviewed at the hearing, and/or shall request that these persons be present as witnesses at the hearing. All of these proceedings of the Grievance Panel shall be confidential.
5. Any party to the grievance may have a non-attorney adviser drawn from the college community to assist in following the procedures set out under

this policy. The adviser's role may include helping the party prepare his or her case, advising on the procedural aspects of the matter, and being a nonparticipating supporter at the hearing and preliminary meetings conducted by the Grievance Panel. While it is the legal right of anyone involved in the process to consult an attorney independently and/or to have an attorney assist in preparations for the process, the academic and non-judicial setting of this process dictates that attorneys shall not be present at any meeting or hearing that occurs. Because attorneys for the College may advise the President and the Grievance Panel, these attorneys shall not be available to advise any party to the grievance.

6. Within 60 days after receiving the grievance statement, the Grievance Panel shall conduct a formal hearing on the dispute.
 - a. The purpose of the hearing is to ask questions of the grievant and the accused person(s) which the Grievance Panel has determined, through its initial interviews and investigations, to be relevant to its final decision on the matter.
 - b. Those who shall be present during the hearing are the three members of the Grievance Panel, the grievant, and the accused person(s). One non-attorney adviser for each party to the grievance may also attend. The Grievance Panel may also request the attendance of witnesses and may question these witnesses during the hearing. The Grievance Panel has the discretion to determine whether any witness who agrees to appear before the panel, appears in the presence or the absence of any or all of the parties to the grievance. Any evidence presented in the absence of any party shall be communicated to that party, in such a way as to preserve anonymity, and that party shall have the opportunity to respond.
 - c. Parties to the conflict shall not ask questions of each other during the hearing.
 - d. While non-attorney advisers may attend the hearing and advise the parties to the grievance during the hearing, each party to the grievance is expected to speak for himself or herself.
 - e. Each party to the grievance is allowed to make an opening statement and/or a closing statement.
 - f. At any point it deems appropriate during the hearing, the Grievance Panel may deliberate in private.

the original grievance statement, and, in case of an appeal, the report of the Provost and Dean of the Faculty.

- b. The Chair of the Faculty shall, upon receiving the final report for this grievance proceeding, include within the minutes of the next general faculty meeting a statement informing the faculty that the accused has been found responsible for treating a faculty colleague in a harmful way that impinged on the latter's ability to do his or her work, in accordance with the procedures specified in this Chapter.
- c. The Provost and Dean of the Faculty shall place a copy of the Grievance Panel's report, the original grievance statement, and, in case of an appeal, the report of the Provost and Dean of the Faculty, in the accused's personnel file for potential consideration with respect to employment-related decisions. At the request of the grievant, the Provost and Dean of the Faculty shall also place a copy of any or all of these documents in the personnel file of the grievant.