

**Grievances Committee
Vanderbilt University Faculty Senate
Report for Academic Year (2015-2016)
Chair: Thomas L. Christenbery
April 13, 2016**

Committee Members:

Tom Christenbery, Chair, Nursing
Richard F. Haglund, Arts & Science
Terry Maroney, Law
Geri Reeves, Nursing
Graham Bradley Reside, Divinity
William F. Walsh, Medicine
David Weintraub, Arts & Science
Richard H. Willis, Owen, EC Liaison

Charges Assigned for 2015-2016:

1. Hear Grievances
2. Review Faculty Manual Part IV

Work accomplished:

1. Unfiled Grievances (2):

During 2015-2016 two unfiled grievances were brought to the Chair. The first case reached successful resolution at the School level and was not filed with the Grievances Committee. As of the date of this report, the second case remains in process with the Grievances Committee while the grievant makes a determination regarding whether he or she will formally file a grievance.

2. Filed Grievance (1):

This was a challenging grievance in which consultation and guidance of both General Counsel and EAD were sought on several occasions. Over the course of multiple meetings the Committee completed the following: (1) an initial assessment to determine if the grievance reasonably represented a non-spurious claim when viewing the claim in the best possible light for the grievant, (2) sought additional documentation from the grievant, the party charged by the grievant, General Counsel, and the Equal Opportunity, Affirmative Action, and Disability Services (EAD) Department, (3) in follow-up meetings the Committee considered all information and interviews from previous mentioned parties, (4) the Grievance Committee concluded the case should be dismissed, (5) a final report was sent to the Chancellor. As part of its report the Committee expressed concern regarding the timeliness of EAD investigations for faculty who are subject to interim accommodation measures while awaiting the EAD report to the faculty member's Dean. The Committee also expressed concern regarding the permissible scope of such interim measures. The Committee also sought clarification from General Counsel regarding access to EAD reports for faculty who are subject to an EAD investigation.

3. Faculty Manual:

Per request from the University Provost, the Faculty Manual Committee (FMC) requested to work jointly with the Grievances Committee regarding sections of the Faculty Manual, which deal with grievances. Specifically, Part IV, Chapter 2, Part A, which deals with grievances *related* to reappointment, promotion and tenure, and Part IV, Chapter 2, Part B, which deals with grievances *unrelated* to reappointment, promotion and tenure. The FMC was especially interested in clarity of language and process on issues related to conflict of interest (COI) in the grievance process. The FMC and the Grievances Committee met in September 2015 to review the language and process relating to COI. The Faculty Manual Committee will present final recommendations for Chapter 2 Parts A and B at the May 5th Faculty Senate meeting.

Recommendations for Next Year and Beyond

1. Continue to hear grievances.
2. Review confidentiality policy for Equal Opportunity and Employment Commission (EEOC) and EAD reports with General Counsel and EAD, specifically with regard to whether and under what circumstances faculty subject to EAD investigations may be permitted to have access to portions of the EAD final report.
3. Review with EAD and General Counsel the interim measures that may be imposed on faculty during the pendency of an EAD investigation specifically related to both timeline and scope.
4. Review peer schools' policies regarding such interim measures designed to safeguard the integrity of internal investigations and protect complainants against retaliation while also respecting the rights of faculty members who are subject to such investigations.
5. Suggest changes to relevant portions of the Faculty Manual that touch on the rights of faculty members during the pendency of internal investigations but who are not the subjects of a disciplinary proceeding under Part IV, Chapter, Part B.