

Guidelines for Grievance Committee Hearings Involving Tenure and Promotion Decisions

Guidelines for Grievance Committee Hearings Involving Faculty Tenure/Promotion Decisions

1. These guidelines are established by Converse University in conjunction with and as a supplement to the grievance process established in the *Converse University Faculty Handbook*. They are meant to be used for Grievance Committee hearings involving faculty tenure or promotion decisions.
2. Converse University strives to insure fundamental fairness in its grievance procedures. The grievance hearing is not a legal proceeding; however, and the Chairperson of the Grievance Committee is not bound by legal rules of evidence or procedure.
3. The grievance process is neither a duplication of nor a substitute for the tenure and promotion review process. The grievance process is limited to an examination of the procedural fairness of the application of the tenure and review process to the case in question.
4. The grievance hearing is closed to all persons except the members of the Grievance Committee, the complainant, and all parties subject to the complaint, a representative of the Human Resources Office acting as minute-taker, and witnesses during and only during their testimony.
5. All evidence offered and testimony given during the hearing is confidential to the fullest extent allowed by the law.
6. All parties subject to the complaint must submit their separate lists of witnesses to the Chairperson of the Grievance Committee at least seven (7) working days prior to the hearing.
7. The Chairperson will make the final ruling on all issues of procedure during the hearing.
8. The Chairperson will make the final ruling on all issues of the admissibility of evidence and testimony.
9. The Chairperson will establish an agenda for the hearing. The agenda will be in accordance with the rules established for the grievance process (see *Faculty Handbook*). The agenda will provide for:
 - a. The announcement of the case and the issue(s) being grieved in the case
 - b. Identification of the complainant and all parties subject to the complaint
 - c. Presentation of the complainant, including any evidence to be submitted and any witnesses to be heard:

The Chairperson may limit the number of witnesses and the testimony offered by the witnesses called by the complainant, for reasons of time limitations or relevance, the final judgment of which is the sole purview of the Chairperson.

The members of the Grievance Committee may question any witness, subject to limitations of relevance, the final judgment of which is the sole purview of the Chairperson.
 - d. Presentation by other parties subject to the complaint, including any evidence to be submitted and any witnesses to be heard:

The Chairperson may limit the number of witnesses and the testimony offered by the witnesses for reasons of time limitations or relevance, the final judgment of which is the sole purview of the Chairperson. The complainant may question any witness subject to limitations of relevance, the final judgment of which is the sole purview of the Chairperson. The members of the Grievance Committee may question any witness, subject to limitations of relevance, the final judgment of which is the sole purview of the Chairperson.

10. At the conclusion of the hearing, the Chairperson will adjourn the hearing. The Grievance Committee will retire to deliberate the grievance. The Grievance Committee deliberations are closed and confidential. No record of the deliberations will be kept.
11. The standard of proof to be used by the Grievance Committee is a preponderance of the evidence presented. The Committee's decision shall be by a majority vote of the Committee.
12. At the conclusion of the deliberations, the Chairperson will submit a written report of the Grievance Committee's decision to the President of the University, unless the President is the subject of the grievance. If the President is the subject of the grievance, the Chairperson will submit the Committee's report to the Chairman of the Converse University Board of Trustees. In either case, the Chairperson of the Committee will submit the report within one month after receiving the case.
13. The President and/or the Chairman of the Converse University Board of Trustees, whichever is applicable, will take action on the Grievance Committee's report within fifteen (15) working days after receiving it. This action will be the final authority on all grievances.