

Employee Handbook 2013-2014

Wisconsin Administrative Code

COMPLAINTS AND GRIEVANCES

UWS 6.01 COMPLAINTS. The faculty of each institution, with the approval of the chancellor, shall establish rules and procedures to deal with allegations by the administration, students, academic staff members, other faculty members, classified staff members, or members of the public concerning conduct by a faculty member which violates university rules or policies, or which adversely affects the faculty member's performance of his/her obligation to the university but which allegations are not serious enough to warrant dismissal proceedings under ch. UWS 4. Such rules and procedures shall include, but not necessarily be limited to, the following:

(1) Review of and administrative action on the complaint by the chancellor. Administrative action may include dismissing the complaint, invoking an appropriate disciplinary action, or referring the complaint to the standing faculty committee created under sub. (2).

(2) Provision for a hearing before a standing faculty committee selected by the faculty of each institution in such manner as they shall determine. Such hearing shall be held at the request of the chancellor or, if the chancellor invokes a disciplinary action, at the request of the faculty member concerned.

UWP. The standing faculty committee designated to conduct hearings on complaints shall be the Complaints and Grievances Commission. See Faculty Bylaws, Part II, Article XIII.

(3) Guarantee of adequate due process to include, but not limited to, written notification of the complaint, fair and complete hearing procedures, written statement of findings, transmittal of findings to the faculty member involved and appropriate administrative officials within a reasonable period of time, and prohibition of further jeopardy for the same alleged misconduct after a final decision.

UWP. The complainant shall state his or her complaint in writing to the Chancellor, who shall review the complaint and take administrative action. The Chancellor's administrative action may be to dismiss the complaint, invoke appropriate disciplinary action, or refer the complaint to the Complaints and Grievances Commission. A hearing by the commission shall take place at the request of the Chancellor, or, if the Chancellor invokes a disciplinary action, at the request of the faculty member involved.

The Chancellor and the commission shall insure that the faculty member involved receives:

- i. a written statement of the complaint,
- ii. at least 10 days to prepare an appropriate response,
- iii. a written statement of the commission's findings within 5 days of its decision, and
- iv. a prohibition of further jeopardy for the same alleged misconduct after a final decision. The Chancellor shall also insure that appropriate university officials are apprised of the commission's findings and the chancellor's decision. See Faculty Bylaws, Part III, Article IX, Section 1.

(4) Delineation of the powers of the faculty committee to make recommendations to the chancellor concerning disciplinary action, to recommend dismissal of the complaint, or to recommend referral of the complaint to the appropriate department or administrative officer.

UWP. After hearing and investigating a complaint, the commission may make a recommendation to the Chancellor concerning disciplinary action, recommend to the Chancellor that the complaint be dismissed, or recommend referral of the complaint to the appropriate department or administrator. See Faculty Bylaws, Part II, Article XIII, Section 3.

(5) The decision by the chancellor on the recommendations of the committee, or on the complaint in the absence of committee recommendation, shall be final except that the board at its option might grant a review on the record.

UWP. The Chancellor's decision on the recommendations of the Commission, or on the complaint in the absence of the commission recommendation, shall be final except that the Board of Regents, at its option, might grant a review on the record. See Faculty Bylaws, Part III, Article IX, Section 1.

UWS 6.02 GRIEVANCES. The faculty of each institution shall designate a committee or other appropriate faculty body to hear faculty grievances under rules and procedures established by the faculty of the institution in

conjunction with the chancellor. The committee or faculty body shall have the power to conduct hearings and fact finding related to the grievance and to recommend solutions to the grievance to the chancellor. If the committee or other body makes recommendations to the chancellor, the chancellor shall act on the recommendations within 30 days. The decision by the chancellor on the recommendation of the committee, or on the grievance in the absence of committee recommendation, shall be final except that the board, upon petition of a grievant or the committee or other faculty body, may grant a review on the record.

UWP. A grievance is a personnel problem involving an employee's expressed feeling of unfair treatment or dissatisfaction with aspects of his/her working conditions within the University which are outside his/her control. Grievants are encouraged to exercise all existing means of informal review within the University.

The standing faculty committee designated to conduct hearings on grievances shall be the Complaints and Grievances Commission. The following procedure shall be followed:

A faculty member with a grievance must submit his or her grievance to the Complaints and Grievances Commission within 300 days of when he/she knew or should have known of the most recent incident or incidents that he or she is grieving. The aggrieved faculty member is entitled to a hearing before the Commission within 20 working days of the written submission of the grievance to the Commission chairman. This deadline may be extended upon the consent of the grievant or by order of the Commission. A colleague named as a party to the grievance is entitled to at least a ten-day (10) notice of all hearings related to the case. The Commission is authorized to establish its own procedures to investigate a grievance that it is hearing. All parties are due as prompt a resolution of the matter as practicable.

After hearing and investigating a grievance, the Commission may recommend a way of resolving the matter to the Chancellor, in which case, the Chancellor shall act on the recommendations within thirty (30) days. The Chancellor's decision on the recommendations shall be final except that the Board of Regents at its option may grant a review on the report upon the petition of the grievant or the Commission. See Faculty Bylaws, Part III, Article XIII, Section 3.

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