

Fall 2020 Dept. Chair Workshop #3 How to Handle Complaints & Grievances

VICE PROVOST FOR ACADEMIC PERSONNEL
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Chair Duties, APM 245 (A)

- ▶ As leader of the department, the chair has the following duties:
 - ▶ 1. The appointee is in charge of planning the programs of the department in teaching, research, and other functions. The chair is expected to keep the curriculum of the department under review, **and to maintain a climate that is hospitable to creativity, diversity, and innovation.**
 - ▶ 2. [AP matters]
 - ▶ 3. **The appointee should be receptive to questions, complaints, and suggestions** from members of the department, both faculty and staff personnel, and from students, and **should take appropriate action on them.**

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Relevant Offices

- ▶ Office of the Vice Provost for Academic Personnel
- ▶ Office for the Prevention of Harassment and Discrimination (OPHD)
 - ▶ Title VII and Title IX – Discrimination & SVSH Cases
- ▶ Student Affairs & Student Rights and Responsibilities (Le'Trice Curl)
- ▶ Graduate Division (Maria Nishanian)
- ▶ Whistleblower/Locally Designated Official (LDO, Viola Kinsman)
- ▶ Office of the Ombuds (Callale Concon)
- ▶ Campus Advocacy, Resources & Education (CARE, Yesenia Curiel)
- ▶ Academic Senate, Committees on Privilege & Tenure (Fatima Paul)
- ▶ HR (Luke Wiesner, conflict resolution coach)

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VP-AP Relevant Policies

- ▶ Merced Academic Personnel Policies & Procedures (MAPP)
 - ▶ MAPP 2016 – OUTLINES PROCEDURE for faculty complaints
- ▶ APM-015 Faculty Code of Conduct
- ▶ APM-016 Administration of Discipline
- ▶ *UC Merced Policy on Prohibition of Abusive Conduct and Acts of Violence by University of Employees and Non-Affiliates*

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Informal Complaints

- ▶ Most faculty concerns/conflicts, if addressed early, could be resolved informally
- ▶ Informal attempt to resolve complaint is necessary before formal complaint is filed
- ▶ Informal resolution might include
 - ▶ Chair meeting with complainant/respondent
 - ▶ Mediation (ombuds)
 - ▶ Outreach to relevant offices for support
- ▶ Bring in dean
 - ▶ outreach to VP-AP for additional support
 - ▶ UCOP mediator brought in
- ▶ If all fails, formal complaint process is available

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Formal Complaint (APM 015; MAPP 2016; Bylaw 336)

- ▶ When faculty member (COMPLAINANT) alleges misconduct by a faculty member
 - ▶ Focus and discipline on the RESPONDENT
 - ▶ Part II of APM-015 Faculty Code of Conduct
 - ▶ Other relevant policies include UCM Abusive Conduct Policy

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Formal Complaint (APM 015; MAPP 2016; Bylaw 336)

- ▶ Complaint procedure is outlined in MAPP 2016
- ▶ Filed w/ Provost, sent to VP-AP as designee
 - ▶ Signed memo must include:
 - ▶ A written explanation of any attempts made to resolve the matter prior to the filing of the formal complaint
 - ▶ Identify the section(s) of the Faculty Code of Conduct (or other policy) alleged to have been violated
 - ▶ Submit supporting documentation sufficient to substantiate the allegations of misconduct
- ▶ Initial inquiry > investigation > probable cause > resolution w/ sanctions or hearing (Bylaw 336)

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Grievance

- ▶ When a faculty is alleging a violation of rights and privileges as a faculty member (focus and remedy on the COMPLAINANT)
- ▶ Senate ByLaw 335 & 336
 - ▶ 335 – Grievance Cases
 - ▶ 336 – Disciplinary Cases (hearing)
- ▶ List of faculty rights can be found in Part I of APM-015.
- ▶ What the process looks like:
 - ▶ Individual files grievance w/ P&T.
 - ▶ P&T Chair provides an advisor – assists w/ sorting out claims & direct elsewhere if appropriate.
 - ▶ Informal resolution, inquiry/investigation and eventually a hearing

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Questions?

THANK YOU!

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Questions/Concerns

- ▶ If you have a concern or questions regarding a faculty complaint, feel free to contact AVPF Valdez or the Faculty Case Manager.
 - ▶ Zulema Valdez, Associate Vice Provost for the Faculty
Email: zvaldez@ucmerced.edu
 - ▶ Annie Saetern, Faculty Case Manager
Email: asaetern@ucmerced.edu

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Links

- ▶ MAPP 2016
 - ▶ https://academicpersonnel.ucmerced.edu/sites/academicpersonnel.ucmerced.edu/files/page/documents/mapp_2016_2.pdf
- ▶ APM-015
 - ▶ https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf
- ▶ APM-016
 - ▶ https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-016.pdf
- ▶ P&T – Senate Bylaws 335 & 336
 - ▶ <https://senate.ucmerced.edu/policies/policies-and-procedures/faculty-interests-rights>
- ▶ UCM Abusive Conduct Policy
 - ▶ https://policies.ucmerced.edu/sites/policies.ucmerced.edu/files/page/documents/policy_on_prohibition_of_abusive_conduct_and Acts_of_Violence.pdf

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