

Annual JRB Report

December 9, 2008

This report has been **unanimously approved** by the JRB.

JRB Membership

- 1- William Banz (AG)
- 2- Jon Davey (ASA)
- 3- Paula Davis (COEHS)
- 4- Lisabeth DiLalla (MED)
- 5- George Feldhamer (SCI)
- 6- Leonard Gross (LAW)
- 7- Philip Howze (LIB)
- 8- Allan Karnes (COBA)
- 9- Marybelle Keim (COEHS), (on sick leave)
- 10- Mary Ellen Lamb (COLA)
- 11- Farzad Pourboghraat (ENGR), JRB Chair
- 12- Vijay Puri (ENGR)

Hearings

This year four grievances were filed with the JRB. Three of these were tenure/promotion related cases. All four cases were accepted by the JRB for hearing. For each case, according to the new Grievance Procedure for Faculty, a hearing panel consisting of five JRB members was randomly picked. Despite all efforts to expedite the scheduling of the hearings, none of the hearings could be scheduled until fall semester 2008. Also, a fifth possible case (not tenure/promotion related) has been brought to the attention of the JRB Chair. This case, however, has not yet been filed with the JRB.

Results of the Hearings

All four cases filed with the JRB have been heard. In three of the four cases, the panel decisions were unanimous. In the remaining case, the decision was 4-1. The JRB panel reports for all four cases have been sent to the Chancellor's office. So far, Interim Chancellor Goldman has responded to only one of the grievances. Deadlines on two of the remaining responses have been extended per Interim Chancellor Goldman's request, due to his busy schedule.

Concerns and Recommendations

How Important Are the JRB Panel Decisions?

The one grievance response the Interim Chancellor made was to a promotion/tenure case. The corresponding JRB hearing report was unanimous (5-0) in its decision and recommendation. In his response, the Interim Chancellor did not accept the panel's decision in its entirety. He did accept the panel's recommendation to reset the tenure clock, but modified the recommended timeline for re-evaluation from two years to one year, based only on personal belief.

The newly approved "Grievance Procedure for Faculty" was put into place to improve the grievance process and to strengthen the position of the JRB. In particular, the JRB expects that, in general, the Chancellor should accept the JRB panel's decision in its entirety, especially when the decision is unanimous. The Grievance Procedure for Faculty, Article VIII D.16, clearly states:

- “A decision by a 5-member JRB panel shall **replace** the decision of the administrator that is being appealed.”

Moreover, in Article IV B, it states:

- “In the event that the chancellor overturns the recommendations of the JRB Panel, he/she shall submit a complete report to the JRB and the principal parties to the grievance **citing evidence and/or procedural grounds** upon which the decision was based.”

The JRB believes that these new rules were not followed in Interim Chancellor Goldman’s response in the first case.

Also, Articles VI and VIII D.8 in the “Grievance Procedures for Faculty” state the right to counsel. However, Article VIII D.16 clearly states:

- “The Chancellor shall **refrain from consulting** with either party to the grievance prior to making a decision on the JRB’s recommendation.”

Hence, no further communication from the grievant, respondent, or their lawyers or other outside counsels are allowed after the hearing is over and before the Chancellor’s decision is made. The JRB expects that the Chancellor would not accept such communications.

Scheduling Problem

With the increased number of people involved in a grievance hearing process, the task of scheduling a hearing has become highly problematic. To reduce the difficulties with the scheduling, a decision was made by the JRB that **two alternates**, in addition to the five panel members, be picked randomly, to form the panel for each case.

Workload Problem

In the new Grievance Procedure for Faculty, it states: “Released time for members of the JRB equivalent to one three-hour course each semester of service is strongly suggested.” This is a strong recommendation, which unfortunately the JRB cannot enforce. Hence, the JRB requests that due to its highly demanding workload an equivalent workload release or one month summer compensation be **required and implemented** (not just recommended) for all the JRB members. However, to avoid any conflict of interest, the JRB also requests that any money allocated for this purpose not be directly tied to any administrative offices that deal with grievances.

Brief Guideline for Grievance Procedure

The JRB feels that the steps in a grievance process and what goes on in the hearing are not clear to the majority of the faculty. The JRB has created a **brief unofficial JRB hearing procedure** and plans to create a **brief outline of the steps for the grievance process**. The JRB believes that making these summaries available to the faculty could be very beneficial. The JRB recommends that these summaries be placed on the JRB website for faculty access.