



Faculty Adjudication Committee

Definitions

1. The adjudication process provides for actions to address disputes through formal clarification and evaluation of the issues surrounding the complaint and information obtained during any investigations of the complaint for those disputes that have not been resolved through reasoned discussions and decisions of the involved parties and/or the University Ombudsperson.
2. A "complaint" is any action or decision that a faculty member feels has adversely affected his or her professional capacity as an LSU employee that appears to have occurred or been decided unfairly, improperly, or in violation of University policy or has caused hostile or intolerable work conditions. The complaint will be considered a grievance when the Adjudication Committee agrees to accept the complaint as a grievance and begin committee activities on the complaint. Misapplications of University policies, but not dissatisfaction with existing University policies, may be considered as grievances. Violations of academic freedom, negative evaluations not based on objective criteria, salary decisions indicative of a pattern of poor administrative judgments, uncorrected inappropriate or unsuitable work environments, continuing intolerable conditions, and continuing behavior or conduct unbecoming a faculty member may be considered as grievances. Actions or decisions that may not be considered grievances are those that are encompassed by specific University policies, including, but not limited to sexual harassment; discrimination based on race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, disability or status as a disabled veteran or a veteran of the Vietnam era; or policies and procedures for appointment, tenure or promotion decisions. The committee shall not hear appeals arising from the dismissal for cause of a tenured faculty member, after due process as outlined in PS-104.
3. The definition of the term, "faculty member," as used by this committee, shall be the definition provided in Section 1-2.2 A, Bylaws and Regulations of the Board of Supervisors.

Charges

1. To adhere to the Faculty Adjudication Committee guidelines established by the FSEC and the Vice President and Provost.
2. To hear all complaints of faculty members relating to the outcomes of salary, promotion, non-reappointment, and tenure decisions that are believed to be unfair or due to inappropriately applied procedures, and allegations of other unfair treatment, unsuitable environments (unsafe, hostile, inappropriate), or improper implementation of University policy. Any allegation of unfair treatment can become a grievance, but the Adjudication Committee cannot substitute its judgment for an

academic judgment made in a fair and reasonable manner, according to University policies and evaluative procedures. The Adjudication Committee can advise administrators on redress and alterations of decisions when it is judged that it may determine, however, that such an academic judgment has been unfairly made or hopelessly sufficiently corrupted by bad practices or procedures and is, therefore, improper or invalid.

3. To decide whether or not the facts of a faculty petition merit a detailed investigation.
4. To accept a complaint as a grievance and conduct an investigation when it appears to be warranted based upon the information on the situation provided to the committee.
5. To seek to bring about a settlement, if this appears to be possible, among the involved parties with or without a formal investigation of the situation.
6. To report its findings and recommendations, if the case is found to have merit, but a settlement cannot be affected by the committee. Copies of these findings will be sent to all parties involved in the investigation, and in a case, which requires administrative assistance, copies will be sent to the LSU administration and to the Faculty Senate Executive Committee. If the findings indicate that the grievance complaint does not merit an investigation, the committee's report shall only be communicated to the petitioner and Faculty Senate President. When the case has been considered by the committee, the committee's report of findings and recommendations shall be communicated to all parties, and to all levels of administration which have been involved in the case. In all cases the distribution of information in reports will comply with all applicable statutes and University regulations and policies, particularly if students are involved in the complaint or grievance.
7. To keep confidential all complaints, grievances, and findings of the committee relative to complaint and grievance petitions. Parties to a complaint or grievance will be protected from retaliation of any form.

Membership

Nine tenured faculty members; three members elected each year by the Senate to serve a three-year term. Nominations may be made from the floor of the Senate. The three persons who receive the largest number of votes shall be elected. The fourth person shall be an alternate. If a replacement is needed for a member unable to serve a full term, the alternate shall serve. Chairs or heads of departments and higher administration personnel are ineligible to serve on this committee. The Committee at the beginning of each academic year will elect a Chair-elect who will succeed the Chair the next academic year, and the Chair will become the Past Chair, who will not serve on the Committee if the term has expired. Committee members may only be elected and serve for two consecutive 3-year terms. The committee will meet within the first month of each semester to review the operating guidelines and on a regular basis to discuss pending complaints or accepted grievances.

Operating Procedures

Faculty dissatisfaction should be resolved as quickly and as simply as possible at the lowest possible administrative level, with Ombudsperson consultation recommended. Frequently the complainant will have already sought redress at one or more administrative levels, and written records of those attempts or conversations with the Ombudsperson will appropriately become information for consideration in the case. The Chair of the Adjudication Committee or Committee member designated by the Chair may advise the complainant to seek administrative remedy before filing the complaint, and the failure of the complainant to do so may result in a decision by the Committee to decline to hear the complaint. The Committee Chair may assist, or request a Committee member to assist, the complainant in assembling the desired documents and description for consideration by the Committee.

A complaint is usually filed with the Committee after the complainant has initially contacted and consulted with the Chair or a member of the Committee and the situation has not been satisfactorily resolved by the University Ombudsperson. It would be expected in most cases that the complainant would make initial contact within 60 to 90 days, if not sooner, upon notification or knowledge of the action or activities necessitating the complaint. The complaint must be a written, signed, and dated statement of the allegations and provide the charges/unfair treatments, supporting information, and requested action for redress. It is then the responsibility of the Committee to decide whether the allegation of unfair treatment seems to warrant a more detailed investigation and accept the complaint as a grievance. The Committee will follow the procedures below approved by the Faculty Senate Executive Committee and Executive Vice President and Provost. Committee members from the same department, school, or program as the complainant normally will be expected to recuse themselves from any activity involving the complaint. Committee members are expected to discuss any other possible conflicts of interest within a committee meeting before the committee initiates activity on the complaint or accepts the complaint as a grievance. If any parties to the complaint allege that the Chair has a perceived or actual conflict of interest, then the Adjudication Committee will determine in closed session without the Committee Chair if there is any potential or perceived conflict of interest by the Chair. If it is determined that there is any potential conflict of interest, the Chair will be recused from any participation in Committee activities involving this specific grievance and the Chair-elect or Past-Chair will assume the role of Chair for the investigation and reporting of this specific complaint.

The Committee Chair will determine if the assembled materials are sufficient for Committee review and if the complainant should themselves present the materials to the Committee at its meeting to deliberate the merit of the complaint for further consideration. The Committee, based upon the information presented in the meeting, may decide that the information is insufficient to form the basis for further investigation or that further investigation is warranted. After the initial decision by the Committee to investigate the complaint as a grievance, the chair may assign the case to a subcommittee of two or more members of the Committee and appoint a subcommittee chair. The subcommittee develops the facts of the case and takes it through its necessary stages under the direction of the Committee. The process usually includes asking people to meet with the Committee.

All Committee and subcommittee meetings are closed. Since the process is not an adversarial proceeding, legal counsel is not appropriate. If legal representation is required as a condition of participation of an individual in committee inquiries, the legal representative will serve only as an advisor to the individual and will not directly participate in committee activities. The Chair or a Committee member designated by the Chair may act in the role of mediator at any time in an attempt to affect a solution agreeable to all parties. At any time, the Committee may decide not to further pursue the investigation, and to formulate and issue its findings in a report.

Protections

1. After having used the adjudication procedure in the prescribed manner, the complainant/grievant will be protected from reprisal for such use. The protection is the joint responsibility of the University administrative offices, Faculty Senate, and Faculty Senate Adjudication Committee.
2. When a complaint is initially accepted and made the subject of an investigation by the Committee, any individual named adversely in the complaint will be given a copy of the complaint and afforded the opportunity to respond. In this process anyone who makes defamatory statements about another person is not exempt from the consequences under law of making such statements.
3. While the Committee should always strive for discretion and tact in performing its duties, no promise of confidentiality will be made in the process of eliciting information or in exchange for such information.
4. Once the investigation of a grievance is in process, the Committee will not enlarge the charge stated in the original complaint. The findings of the Committee must respond to the specifics of the grievance and deal only with issues relevant to the charge. The complainant, however, may subsequently file a new complaint with new charges and specifications, in which case the process must be re-initiated, and all information discovered by committee activity must be newly and independently developed.
5. Allegations or discoveries that under law or university policy require disclosure to an appropriate office will be reported immediately and the concerned parties will be notified of this action. Important reporting includes, but is not restricted to, threat of physical harm, commission of crimes, racial incidences, sexual harassment, misuse of state funds and property, academic misconduct, and scientific misconduct.
6. Committee members will be protected by university legal counsel for their participation and appropriate actions in the grievance process and may seek legal advice from the University General Counsel upon approval by the Faculty Senate President.

Records

The Committee will keep written minutes as a record of its actions and investigation, including summaries of oral statements made by persons and documents submitted for consideration. People adversely named in the complaint should always be given a copy of the complaint before being asked to respond. Written responses and comments should be solicited whenever possible.

The records of investigation are confidential and the property of the Faculty Senate. After the committee report is filed with the appropriate administrator and Faculty Senate President, individual committee members will hold their records on the case for six months before returning the records to the current Committee Chair for disposal by shredding. Documents retained by the Chair as official committee records for each case after the closure of the case will be deposited in a sealed file in the Faculty Senate office and marked with the last name of the complainant, date of report, and date of disposal that is 6 years from the date of the report. Access to sealed files by persons or agencies beyond the Committee will be gained after approval of the current Committee Chair and Faculty Senate Executive Committee.

Reporting and Resolution of Complaints and Grievances

Unless a complaint or grievance is settled through mediation in a manner satisfactory to the parties involved before the Committee has a formal investigation, a written statement of findings and, if appropriate, recommendations will be formulated and adopted by the Committee. If the findings indicate that the complaint is not within the purview of the Committee, or lacks merit, the report will be communicated only to the complainant and Faculty Senate President. If an investigation has been initiated, a final written report will be given to the Provost, to the grievant, to the Faculty Senate President, to involved individuals named in the grievance, and to every level of University administrators involved in the investigation. If the implementation of the recommendations requires administrative assistance, the statement of findings will also be sent to the appropriate University administrative officer and overseen by the Provost and Faculty Senate Executive Committee.

The Adjudication Committee is an investigatory and advisory body authorized by and acting for the Faculty Senate. Responsibility for the final resolution of complaints and grievances is jointly among University administrators and Faculty Senate. The Committee reports its activities in summary form at the end of the academic year to the Faculty Senate, but it may request advice or assistance from the Faculty Senate Executive Committee at any time.

Procedures to Address Faculty Complaints and Potential Grievances

1. Complainant makes contact with the Chair or a member of the Faculty Adjudication Committee and is advised to schedule a meeting with the Chair.

2. Chair or Chair Committee member designee and complainant meet and determine if the complaint has or should be first discussed with the Ombudsperson. If the complaint has not been resolved by the Ombudsperson to the complainant's satisfaction and the complainant wants to proceed with the complaint to the Committee, the Chair or Chair member designee and complainant review the complaint or allegations and the committee procedures. The complainant may request that the Chair-elect or Past Chair meet to review the complaint or allegations if it is alleged or perceived that there is a potential or actual conflict of interest by the Chair.
 - a. Responsibilities of committee and complainant are presented.
 - b. Confidentiality and procedures of process are explained.
 - c. Format of complaint for presentation to the committee is discussed.

3. Once a complaint is formally presented to the Chair as a written, dated, and signed document, the Chair distributes the complaint to committee members and calls a committee meeting to decide upon further action.
 - a. Chair will assist complainant, or request a Committee member to assist the complainant, in preparing materials for committee use. Complaint should provide specific details of allegations or complaints and requested action for redress. Supplementary materials supporting the complaint should be attached to the complaint as appendices and referenced in the complaint with the specific appendix notations.
 - b. A complaint (or grievance) may be withdrawn at any time by the complainant through written, signed, and dated notification, with accumulated findings of the committee to that point coordinated and communicated with individuals involved in the complaint or grievance.

4. If the complaint is deemed by the committee to fall within the scope of committee responsibility, the Chair will call a committee meeting at which the complainant will personally appear to present allegations of the complaint.

5. The Committee will dismiss the complainant and discuss the complaint as presented and determine the appropriate procedure to follow: to reject the validity of the complaint, to accept the complaint as a grievance, or to seek additional information.
 - a. If complaint is found to lack sufficient evidence or lack cause for further action by the Committee, the findings are communicated only to the complainant and Faculty Senate President.
 - b. If the complaint is accepted as a grievance or more information is desired, the Chair will coordinate Committee activities, including assignment of a subcommittee, if necessary.

6. The committee will normally obtain written information and interview individuals to gain knowledge of the circumstances of the grievance allegations.
 - a. Individuals named adversely in a grievance will be provided a copy of the allegations and be given an opportunity to meet with the committee and to comment upon the accuracy of the involvement, contributions, and allegations.
 - b. Additional information may be accepted or sought.

7. Chair will coordinate a written committee report to be communicated with the grievant, Faculty Senate President, and Provost.
 - a. If possible administrative action is determined, suggested, or recommended, the report will include pertinent information to substantiate committee findings and suggestions and/or recommendations, the specific action(s), and the administrator(s) who should conduct the action(s).
 - b. Grievant is given the opportunity to review the report.
 - c. Report is sent to Faculty Senate President, Provost, complainant, and other individuals and administrators with involvement in the adjudication process, including the next higher-level administrator.
 - d. Report copy to Faculty Senate President will be marked with the last name of complainant/grievant, date of report, and date of disposal 6 years from date of the report, and deposited in a controlled access file in the Faculty Senate Office. Access to sealed files by persons or agencies beyond the Committee will be gained after approval of the current Committee Chair and FSEC.