June 29, 2012

MEMORANDUM

TO: University Committee on Faculty Affairs
FROM: John L. Revitte, Interim Faculty Grievance Official
SUBJECT: End of SPRING SEMESTER 2012 Report

Article IX.G of the Faculty Grievance Policy requires the Faculty Grievance Official to report to the University Committee on Faculty Affairs once each semester. This report covers the activities of the FGO from January 9, 2012 to May 15, 2012.
1. GRIEVANCE CASES SETTLED

<table>
<thead>
<tr>
<th>Type</th>
<th>Subtype</th>
<th>Subject</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informal</td>
<td></td>
<td>Discipline</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Harassment</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Promotion/Tenure</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reappointment</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Teaching</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Termination</td>
<td>1</td>
</tr>
<tr>
<td>Formal Hearing</td>
<td></td>
<td>Award/Grant</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Discipline</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Promotion/Tenure</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reappointment</td>
<td>1</td>
</tr>
<tr>
<td>Ruled Invalid &amp; Dismissed by a University Jurisdictional Appeals Panel</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Annual Review/Salary</td>
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</tr>
</tbody>
</table>

**TOTAL CASES SETTLED** 11
2. RESULTS OF SETTLED GRIEVANCES

<table>
<thead>
<tr>
<th>Type</th>
<th>Informal</th>
<th>Formal</th>
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</thead>
<tbody>
<tr>
<td>Grievant Won</td>
<td>3</td>
<td>2</td>
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<tr>
<td>Grievant Lost</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Grievant Satisfied</td>
<td>1</td>
<td>0</td>
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<tr>
<td>Grievance Dropped</td>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

3. GRIEVANCE CASES PENDING

<table>
<thead>
<tr>
<th>Type</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informal Resolution</td>
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</tr>
<tr>
<td>3.1.1 Subject: Annual Review/Salary</td>
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</tr>
<tr>
<td>Discrimination &amp; ADP</td>
<td>1</td>
</tr>
<tr>
<td>Outside Work for Pay</td>
<td>1</td>
</tr>
<tr>
<td>Formal Hearing</td>
<td>3</td>
</tr>
<tr>
<td>3.2.1 Subject: Discipline</td>
<td>2</td>
</tr>
<tr>
<td>Teaching Assignment</td>
<td>1</td>
</tr>
</tbody>
</table>

TOTAL CASES PENDING         6
# 4. INQUIRIES

### 4.1 Subject:
- Discipline: 30
- Reappointment: 18
- Settlement: 16
- Teaching Assignment/Load: 14
- Promotion: 12
- Promotion/Tenure: 9
- Faculty Grievance Policy: 7
- Discrimination & ADP: 6
- Grants/Awards: 6
- Termination: 4
- Administrative Review: 3
- Annual Evaluation/Salary: 3
- Assignment: 3
- Bylaws: 3
- Harassment: 3
- Confidentiality: 2
- Information Request - FGP: 2
- Appointment: 1
- Consultancy/Retirement: 1
- Post Tenure Review: 1

### 4.2 Source:
- Faculty: 82
- Administrators: 50
- Others: 12

### 4.3 Number of Discrete Faculty
- Faculty: 29
  - Administrators: 19
  - Other: 4

### 4.4 Type:
- E-mail: 104
- Telephone: 40
- Other (in person, letter or fax): 0

**TOTAL INQUIRIES**

144
5. CONFERENCES

5.1 Subject:
- Reappointment 23
- Faculty Grievance Policy 14
- Settlement 14
- Promotion/Tenure 12
- Discipline 10
- Promotion 9
- Awards & Grants 8
- Teaching Assignment/Load 8
- Termination 6
- Consultancy/Retirement 5
- Discrimination & ADP 5
- Harassment 5
- Administrative Review 4
- Student & Ombudsman Concerns 3
- Annual Evaluation/Salary 2
- Salary 2
- Appointment 1
- Assignment 1

5.2 Participants:
- Faculty 59
- Administrators 58
- Others 13

5.3 Number of Discrete Faculty:
- Faculty 50
- Administrators 29
- Others 7

5.4 Type:
- One-Person 111
- Two or More Persons 19

TOTAL CONFERENCES 130
There were numerous areas of significant increases in the workload of the Faculty Grievance Office during the Spring 2012 semester as compared to the previous Spring of 2011. A total of 17 cases were processed during the Spring 2012 semester, which was 11 more than the 6 cases in the equivalent reporting period last spring. The number of cases settled went up from 3 to 11 while those pending went up from 3 to 6. The number of inquiries went up from 119 to 144, and the number of conferences held by the FGO increased very significantly from 51 to 130 meetings. I also made a total of 30 decisions on jurisdictional and procedural grounds in five separate cases, which was a slight increase from the prior spring’s 24 decisions involving four different cases.

Of the eleven cases that were settled, six cases were resolved informally without the use of formal hearings during the Spring semester of 2012, compared to three during the previous spring. Three Grievants were satisfied with negotiated settlement agreements concerning harassment, reappointment with continuing appointment status, and teaching assignments. Three Grievants dropped their grievances concerning discrimination, promotion/tenure, and termination without achieving their desired redresses. In one case, concerning annual review and salary, the FGO jurisdictional ruling was appealed thus dismissing the grievance.

The other settled cases (regarding an award/grant, discipline, promotion/tenure and reappointment in the tenure system) went to formal grievance hearings during Spring 2012, whereas one was settled through a hearing and Provost decision in Spring 2011. One University Hearing Panel’s unanimous Findings and Recommendations regarding promotion and tenure went for the Respondent and against the Grievant. A different University Hearing Panel unanimously found for the Grievant on two consolidated cases regarding an award/grant and discipline. Both were forwarded to the Provost for his decision. In the other case, a divided Findings and Recommendations for a Grievant regarding reappointment was overturned by the Provost and has been appealed.

Six cases were pending resolution at the end of the Spring 2012 semester, which was more than the three cases that were pending at the end of Spring 2011. Three cases are in the informal resolution stage and hopefully can still be resolved, and they involve annual review/salary, discrimination/ADP, and outside work for pay. Meanwhile three cases (which concern discipline
and teaching assignments) are in the formal phase and are awaiting for the scheduling of a formal grievance hearing.

Overall I handled 144 inquiries, which was a noticeable increase from the 119 inquiries during the previous spring semester. Eighty-two (82) of the inquiries came from faculty, 50 were from administrators, and 12 were from outside attorneys and relatives. Of these 144 inquiries, 29 different faculty, 19 different administrators, and four others were the source. One hundred and four (104) of the inquiries were in the form of e-mails, while 40 were phone calls. While a wide range of subjects were covered through these inquiries, as is noted in the tables above, reappointment, teaching assignment/load, discipline, promotion and tenure were the most common inquiry subjects, along with communications about settlements during the Spring 2012 semester.

To facilitate the informal resolution of disputes, I held a total of 130 conferences, which was over twice as many as the 51 meetings I held during the Spring semester of the prior year. Of these 130 meetings, 111 involved one person each, and the remaining 19 meetings were held with two or more persons. At these meetings, 59 of the participants were faculty, 58 were administrators and 11 were outside attorneys or relatives. Some of the meetings were held with the same individuals, often in the pursuit of an informal settlement resolution. Therefore, during Spring 2012, the FGO held one or more meetings with 50 different faculty, 29 different administrators and 7 different other persons. The most common subjects involved reappointment, promotion/tenure, discipline and settlement terms, as well as the variety of other topics noted above in the tables.

Pursuant to Article III.D of the FGP, I made a total of 30 decisions on jurisdictional and procedural grounds in five separate cases. This was a slight increase from the prior spring’s 24 decisions involving four cases. There were two appeals filed by a grievant and one by a respondent of my decisions. Three separate jurisdictional appeals panels were convened to review the FGO’s decisions. Two panels upheld the FGO’s decisions while the other panel overturned an FGO decision.

During the Spring of 2012, I attended the regular meetings of the UCFA and the MSU University Council. I also assisted UCFA and their personnel subcommittee as they and the Provost’s Office reviewed various MSU personnel policies and conducted their search for the next FGO.
In the Spring of 2012, Dr. Sheila Teahan was selected as the next FGO. She was formally appointed by the MSU Board of Trustees on Friday, April 12, 2012. Subsequently, Interim FGO Revitte and Ms. Deb Bennett provided mentoring assistance to FGO Designate Teahan who will have FGO signing authority effective July 1, 2012. The mentoring and transition to a new FGO has gone quite well. Dr. Teahan will be a fine FGO and I wish her all the best.

I take this opportunity to acknowledge the significant cooperation and assistance that I received from faculty and from deans, directors and chairs, and their associates, who worked with me to attempt to informally resolve complaints and grievances. I also thank faculty members who volunteered as panel members, presiding officers and counsels for formal hearings and for jurisdictional appeals panels. I want to acknowledge the assistance of UCFA and the Office of the Provost in administering the Faculty Grievance Policy (FGP) especially during another transition semester. I want to especially acknowledge and thank the UCFA Personnel Sub-Committee and Associate Provost Curry, Ms. Zischke of Academic HR, and Ms. Zayko of the General Counsel’s Office, for their assistance concerning the mediation of numerous grievances and FGO transition matters. The helpful assistance and dedication to MSU and the Faculty Grievance Office of my secretary, Ms. Deb Bennett, is also deeply appreciated.

Respectfully submitted,

John L. Revitte
Interim Faculty Grievance Official and
Professor, School of Human Resources and Labor Relations

JLR/dkb