TJU Faculty Grievance Procedure

I. Purpose and Scope

Thomas Jefferson University ("TJU") is committed to promoting and maintaining the highest standards of excellence in education, research and associated clinical programs. TJU also is committed to strong principles of self-governance and peer resolution of internal disputes. The below grievance procedure is provided to advance those principles first, by permitting members of the Jefferson community to resolve their own disputes in a fair and orderly manner and second, by conserving TJU resources for education and research purposes rather than diverting resources to litigation.

This policy is intended to provide a fair and comprehensive procedure whereby a faculty member may be heard and obtain resolution of a grievance or dispute. This policy covers all faculty complaints, except as restricted below, arising from or related to employed faculty status with TJU, Sidney Kimmel Medical College at Thomas Jefferson University (SKMC), Jefferson Graduate School of Biomedical Sciences (JGSBS), Jefferson School of Health Professions (JSHP), Jefferson School of Nursing (JSN), Jefferson School of Pharmacy (JSP) or Jefferson School of Population Health (JSPH) (JGSBS, JSHP, JSN, JSP, and JSPH may be referred to herein as individual “Schools” or collectively herein as “the Schools”). This policy supersedes all prior faculty grievance procedures.

This policy does not cover complaints against faculty members by non-faculty (i.e., administrators, staff employees, or students). This policy also does not cover complaints related to research misconduct, Institutional Review Board noncompliance, or corporate compliance, nor appeals on such issues. Those types of complaints are the subjects of separate complaint procedures described in "TJU Policies and Procedures", available on-line at Jefferson Blackboard Learn. See, e.g., TJU Policies 107.15, 110.15 and 110.02. Also, this policy does not cover disciplinary actions taken against faculty members. Special procedures are applicable to disciplinary actions and “for cause” termination of faculty members. Those procedures are contained in the Bylaws of SKMC and the Schools.

This policy also does not cover complaints related to equal employment opportunity, discrimination, sexual harassment and other forms of harassment, reasonable accommodations, and retaliation, as those types of complaints are governed by TJU’s anti-discrimination and equal employment opportunity policy. See TJU Policy 200.79. Further, this policy does not apply to disputes or disagreements over compensation or the non-renewal of faculty contracts.1

1 SKMC or JGSBS faculty should bring such complaints directly to the Dean of SKMC. Faculty of JSHP, JSN, JSP and JSPH should bring such complaints to their supervisor, department chair, or School dean. If the matter remains unresolved, faculty of JSHP, JSN, JSP and JSPH should bring the complaint to the Provost and Executive Vice President of Academic Affairs.
Nor does this policy apply to policies or administrative decisions affecting the faculty at large or classes of faculty, although a faculty member may grieve the implementation of such a policy or administrative decision as it affects him or her personally.

In the event that a grievance filed under this policy results in a recommendation or decision to terminate a faculty member’s employment for cause, special procedures are applicable to the just cause termination of faculty members of SKMC and the Schools. Those procedures are contained in the SKMC or School Bylaws and will be applied after the proceedings under this Grievance Procedure are completed.

II. Procedure

Level I – Informal Resolution

Faculty members are encouraged to attempt to resolve matters promptly. Grievances are waived if filed more than one (1) year after the grievant receives notice of the event on which the grievance is based. A grievance is considered “filed” for purposes of this waiver rule if the steps in paragraphs A and B below are completed and the grievance is submitted in writing pursuant to paragraph C below.

A. An aggrieved faculty member must first attempt informally to resolve a dispute by discussing it with his or her relevant supervisor, department chair, dean, or designated official.

B. If the dispute cannot be resolved by discussion with the supervisor, department chairperson, dean, or designated official, the matter may be raised with the Faculty Ombudsperson, who shall proceed promptly to review and attempt to resolve the grievance collegially, informally and amicably. The TJU Office of University Counsel may assist the Faculty Ombudsperson to resolve the grievance informally. If the dispute is with the Faculty Ombudsperson, or another clear conflict exists with the Faculty Ombudsperson, the grievant may omit this paragraph “B” and proceed under paragraph “C” below.

C. If the Faculty Ombudsperson is unable to resolve the dispute, if the dispute is with the Faculty Ombudsperson or if another clear conflict exists with the Faculty Ombudsperson, the grievance may be filed in writing with the Vice Dean for Faculty Affairs in the case of a SKMC or JGSBS faculty member, or with the Assistant Provost for Faculty Affairs, in the case of a JSHP, JSN, JSP, or JSPH faculty member. The appropriate recipient of the grievance shall proceed promptly to review and attempt to resolve the grievance collegially, informally and amicably.
Level II – Hearing

A. If the grievance is not resolved at Level I within thirty (30) days of filing, the grievant may request in writing that the grievance proceed to hearing. The request for hearing shall be addressed and shall proceed as follows:

For faculty members of SKMC or JGSBS: The request for hearing shall be addressed to the SKMC Vice Dean for Faculty Affairs, who shall direct the grievance to hearing. The hearing shall be conducted by a special three (3) member Ad Hoc Committee of the SKMC Faculty Affairs Committee, of which two (2) members shall be selected by the Chair of the SKMC Faculty Affairs Committee. The Chair of the SKMC Faculty Affairs Committee shall serve as the Chair of the grievance hearing committee, unless the Chair disqualifies himself/herself or is disqualified due to a conflict of interest, in which case another member of the SKMC Faculty Affairs Committee will be selected to Chair the grievance hearing committee. This substitute Chair will be selected by the Chair of the SKMC Committee on Committees. If a member of the Ad Hoc Committee disqualifies himself/herself or is disqualified due to a conflict of interest, another member of the SKMC Faculty Affairs Committee will be selected as a substitute to the grievance hearing committee by the Chair of the SKMC Faculty Affairs Committee.

For faculty members of JSHP, JSN, JSP, and JSPH: The request for hearing shall be addressed to the Assistant Provost, Faculty Affairs, who shall direct the grievance to hearing. The hearing shall be conducted by a special three (3) member Ad Hoc Committee consisting of the Chair of the Faculty Affairs Committee of the grievant’s School and the Chairs of the Faculty Affairs Committees of two (2) of JSHP, JSN, JSP and JSPH. The Chair of the Ad Hoc Committee shall be elected by the members of the Ad Hoc Committee. If a member of the Ad Hoc Committee disqualifies himself/herself or is disqualified due to a conflict of interest, the Chair of the Faculty Affairs Committee of the fourth School shall serve on the Ad Hoc Committee.

B. A hearing at Level II shall be scheduled and held as promptly as practicable. The grievance hearing is the process of an academic institution and is not a legal proceeding. Accordingly, it is not governed by strict judicial, procedural or evidentiary rules. Minutes of the hearing shall be prepared, but no verbatim transcript is required. A lawyer from the Office of University Counsel, or an independent counsel appointed by the Office of University Counsel, shall assist and provide guidance to the hearing panel. Evidence, including witness testimony, documents and demonstrative evidence, will be considered and admitted based on its probative value to the grievance hearing panel at its sole discretion. The Chair of the hearing panel shall communicate all rulings of the hearing panel with respect to procedure and the presentation and admission of evidence. The grievant has the right to one legal or academic
advisor of his or her own choice to serve in an advisory capacity only. Such advisor may not participate in any way in the actual hearing.

C. For faculty members of SKMC or JGSBS: The hearing panel shall send a written report of its findings and recommendations to the Dean of SKMC within twenty-one (21) days after completion of the hearing process. If the Dean of SKMC chooses to be recused due to a conflict, the report of the hearing shall be sent to the Dean of JGSBS. The Dean shall review the written report and record from the hearing, may take oral argument from the parties if he or she chooses, and shall make a final and binding decision on the grievance in writing within 14 days, which TJU will implement.

For faculty members of JSHP, JSN, JSP, and JSPH: The hearing panel shall send a written report of its findings and recommendations to the Dean of the corresponding School within twenty-one (21) days after completion of the hearing process. If the Dean of the corresponding School chooses to be recused due to a conflict, the report of the hearing shall be sent to the Dean of JSHP, JSN, JSP or JSPH. The Dean shall review the written report and record from the hearing, may take oral argument from the parties if he or she chooses, and will render within fourteen (14) days a decision in writing to confirm or take exception to the decision of the grievance committee. The grievant will then have seven (7) days to file a written appeal of the Dean’s decision to the Provost and Executive Vice President for Academic Affairs (P/EVPAA), Thomas Jefferson University. The appeal must be based on either a lack of due process or new information not available at the time of the hearing. A report of the hearing, with the findings and recommendations of the grievance hearing committee and the School Dean, will be sent to the EVPAA within seven (7) days of the request of the grievant. Within fourteen (14) days thereafter, the EVPAA will render a decision in writing to confirm or take exception to the decision of the Dean. The decision of the EVPAA shall be final.

The Grievance Procedure for Faculty of JSHP, JSN, JSP, and JSPH was initially approved at the October 19, 2010 meeting of the Deans’ Council.

Proposed revisions to the University Policy were reviewed and approved by the Deans’ Council on January 22, 2014. The revisions to the University Policy were reviewed by the TJU Faculty Senate in April 2014.

Office of the Provost, Faculty Affairs