Annual Report of the FGO:

August 16, 2007 through August 15, 2008

To: ACADEMIC COUNCIL of MSU
From: FACULTY GRIEVANCE OFFICIAL
Date: September 11, 2008
Subject: Annual Report of the FGO

In compliance with Article 2.2.9 of the Faculty Grievance Procedure, I submit to the MSU Academic Council this annual report of the activities of the Faculty Grievance Office. This report covers the grievances, inquiries and conferences handled by the Faculty Grievance Office from August 16, 2007 through August 15, 2008.
### 1. GRIEVANCE CASES SETTLED

<table>
<thead>
<tr>
<th>Type</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Informal</td>
<td>9</td>
</tr>
<tr>
<td>1.1.1 Subject:</td>
<td></td>
</tr>
<tr>
<td>Promotion/Tenure</td>
<td>3</td>
</tr>
<tr>
<td>Discipline</td>
<td>2</td>
</tr>
<tr>
<td>Termination</td>
<td>2</td>
</tr>
<tr>
<td>Promotion to Full</td>
<td>1</td>
</tr>
<tr>
<td>Sabbatical</td>
<td>1</td>
</tr>
<tr>
<td>1.2 Formal Hearing</td>
<td>7</td>
</tr>
<tr>
<td>1.2.1 Subject:</td>
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</tr>
<tr>
<td>Promotion/Tenure</td>
<td>3</td>
</tr>
<tr>
<td>Promotion to Full</td>
<td>2</td>
</tr>
<tr>
<td>Evaluation/Salary</td>
<td>1</td>
</tr>
<tr>
<td>Termination</td>
<td>1</td>
</tr>
<tr>
<td>1.3 Ruled by Standing Appeals Panel as Moot</td>
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</tr>
</tbody>
</table>

**TOTAL CASES SETTLED** 18
## 2. RESULTS OF SETTLED GRIEVANCES

<table>
<thead>
<tr>
<th>Category</th>
<th>Informal</th>
<th>Formal</th>
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</thead>
<tbody>
<tr>
<td>2.1 Grievant Won</td>
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<tr>
<td>2.2 Grievant Lost</td>
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<td>7</td>
</tr>
<tr>
<td>2.3 Grievant Satisfied</td>
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<td>0</td>
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<tr>
<td>2.4 Grievance Dropped</td>
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<td></td>
</tr>
<tr>
<td>2.5 Ruled by Standing Appeals Panel as Moot</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>GRIEVANCE CASES PENDING</td>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td>-------</td>
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</tr>
<tr>
<td>3.1 Informal Resolution</td>
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<tr>
<td>3.1.1 Subject: Promotion/Tenure</td>
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<tr>
<td>3.2 Formal Hearing</td>
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<tr>
<td>3.2.1 Subject: Appointment</td>
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<tr>
<td>Assignment</td>
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<tr>
<td>Discrimination</td>
<td>2</td>
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<tr>
<td>Discipline</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Promotion/Tenure</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Promotion to Full</td>
<td>1</td>
<td></td>
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<tr>
<td><strong>TOTAL CASES PENDING</strong></td>
<td><strong>9</strong></td>
<td></td>
</tr>
</tbody>
</table>
4. INQUIRIES

4.1 Subject: Faculty Grievance Procedure 56
   Settlement 31
   Promotion/Tenure 24
   Administrative Review 18
   Bylaws 18
   Information Request/Access 15
   Discipline 14
   Salary 14
   Promotion to Full 11
   Reappointment 9
   Harassment 6
   Discrimination and ADP 4
   Assignment 3
   Teaching Assignment/Load 3
   Termination 3
   Appointment 2
   Evaluation/Salary 2
   Annual Review Letter 1
   Conflict of Interest in Employment 1
   IRB and FGP 1
   Office/Lab Space 1
   Parking 1
   Resignation 1
   Student Complaints 1
4.2 Source:  Faculty  174
   Administrators  63
   Other  3
4.3 Number of Discrete Faculty  74
   Administrators  32
   Others (e.g., attorneys)  2
4.4 Type:  E-mail  168
   Telephone  67
   Other (in person, letter or fax)  5

**TOTAL INQUIRIES**  240

5. Conferences
5.1 Subject:  Faculty Grievance Procedure  65
   Settlement  48
   Promotion/Tenure  31
   Salary  16
   Information Request/Access  14
   Promotion to Full  14
   Bylaws  12
   Administrative Review  8
   Assignment  8
   Evaluation/Salary  8
   Discrimination and ADP  8
   Termination  8
   Discipline  7
Harassment 6
Reappointment 6
Sabbatical 4
Office/Lab Space 2
Resignation 2
Teaching Load 2
Academic Freedom 1
Conflict of Interest 1
Joint Appointment 1
Libel/Slander 1

5.2 Participants: Faculty 158
Administrators 146
Others 5

5.3 Number of Discrete Faculty 121
Administrators 73
Others 5

5.4 Type: One-Person 236
Two or More Persons 37

TOTAL CONFERENCES 273
PROCESSING AND DISPOSITION OF GRIEVANCES

This report covers the period from August 16, 2007 through August 15, 2008. For purposes of comparison, references will be made to last year’s annual report to Academic Council, which covered the period from August 28, 2006 through August 26, 2007. We have now shifted the FGO reporting period to the standard MSU academic year.

There were some shifts in the workload of the Faculty Grievance Office during the 2007-2008 academic year, as compared to the previous year, while other aspects of the workload remained constant. A total of 27 cases were processed which is just one less than the 28 cases last year. The number of cases settled went down from 20 to 18 while those pending went up from eight to nine. Meanwhile, the number of inquiries went down just slightly from 251 to 240 while the number of conferences held by the FGO increased significantly from 192 to 273. I also made a total of 106 decisions on jurisdictional and procedural grounds in 17 separate cases, which was a substantial increase from the prior year’s 63 decisions involving ten separate cases.

Nine cases were resolved informally and they involved promotion and/or tenure, discipline, termination, and a sabbatical. The Grievant won or was satisfied by a compromise outcome in seven of these cases. Two of these grievances were lost and/or dropped. In two other cases the University Standing Appeals Panel overruled the FGO and declared those two grievances moot and dismissed them on jurisdictional grounds.

Seven cases were resolved through a formal hearing. In three separate cases, Provost Kim Wilcox upheld the University Hearing Panel’s unanimous findings and recommendations against the Grievant and for the Respondent. In two other cases, Provost Wilcox overruled a University Hearing Panel’s majority findings and recommendations for the Grievant and therefore found for the Respondent. In one appeals’ case, President Lou Anna K. Simon upheld the University Appeals Panel’s unanimous findings and recommendations which found for the Respondent/Appellee, and thereby she ruled against the Appellant/Grievant. In the other appeals’ case, President Simon overruled a University Appeals Panel’s unanimous findings and recommendations for the Grievant/Appellant, and thus she found for the Respondent/Appellee. Five of these cases concerned promotion and/or tenure, one involved annual evaluation and salary and the other was a termination.

Only nine cases are currently unresolved and considered pending, which is almost the same number as the eight cases last year. Two cases, both involving the subject of promotion tenure, are in the informal resolution stage, and an informal resolution may still be possible to achieve. Meanwhile, seven cases are in the formal phase waiting for the scheduling of a hearing. Those grievances concern tenure, promotion, discrimination, discipline, appointment or assignment.
To facilitate informal resolution of disputes, I held a total of 273 conferences, which was a substantial increase from the 192 meetings held during last academic year. Of these, 236 involved meetings with one person each, and the remaining 37 were held with two or more persons. At these meetings, 158 of the participants were faculty, 146 were administrators and there were five other persons involved. Some of the meetings were with the same individuals, often in the pursuit of an informal resolution. Therefore, one might say, during 2007-08, the FGO held one or more meetings with 121 different faculty, 73 administrators and five other individuals who were usually outside attorneys.

In addition, I handled 240 inquiries, which was just slightly less than the 251 inquiries during the previous academic year. One hundred and seventy-four (174) of the inquiries were from faculty, 63 were from administrators, and three were from other persons. Of these 240 inquiries, 74 different faculty, 32 administrators and two other persons were involved. One hundred and sixty-eight (168) of the inquiries were e-mails, 67 were phone calls, and five were either made in person, by letter or fax. An interesting variety of subjects were covered through these inquiries and conferences, as is noted in the tables above, although the most common questions involved settlement terms or the FGP.

Pursuant to Article 3.1.5 of the Faculty Grievance Procedure (FGP), I rendered a total of 106 decisions on jurisdictional and procedural grounds in 17 separate cases, which was a substantial increase from the prior year’s 63 decisions involving ten separate cases. Sixteen (16) of these decisions were challenged by a Respondent. The University Standing Appeals Panel upheld the FGO in 11 instances, overturned the FGO in two of the appealed decisions, and three are waiting for a Standing Appeals Panel determination.

At the beginning of Fall 2007, Dr. Michael Boivin, Associate Professor, International Neurologic and Psychiatric Epidemiology Program, was selected by the University Committee on Faculty Affairs (UCFA) from the membership of the University Appeals Board to serve a two-year term on the University Standing Appeals Panel. He joined Dr. Julia Grant, Associate Professor, James Madison College, and Dr. Gwen Wyatt, Professor in the College of Nursing, whose two-year terms of service on the Standing Appeals Panel expired at the end of Summer 2008. I thank them all for their excellent service this past academic year, which was a busy one for the Standing Appeals Panel.

**OTHER ACTIVITIES OF THE FGO**

In my capacity as FGO, during the Fall and Spring semesters, I attended and participated in the weekly meetings of the University Committee on Faculty Affairs (UCFA) and those of its Personnel Subcommittee. I also attended the monthly meetings of Academic Council and occasionally those of Faculty Council.

During late fall and early spring, I worked with the Provost Office, UCFA and a staff person from IPPSR to revise the decade old paper-and-pencil annual evaluation by “users” of the FGP. We
changed it into an on-line survey instrument, and some new questions were added and others were revised. Although the faculty and administrators who responded to the survey, regarding their interactions with the FGP and FGO during the 2007 calendar year, seemed to note fairly similar opinions to those from prior recent years, the response rate did increase significantly from approximately one-third to one-half.

During the 2007-08 academic year, I worked with Associate Provost Terry Curry, Ms. Donna Zischke of his office, and Ms. Kristine Zayko of the General Counsel’s Office, on a comprehensive review of the FGP and the User’s Manual. This review should soon result in a detailed set of recommendations going forward to UCFA recommending their review and recommendations to Academic Governance regarding the potential revision of the thirty-five year old MSU Faculty Grievance Procedure.

In my capacity as the MSU Faculty Grievance Official, I also undertook the following additional activities:

1. **October 1, 2007**  Conducted an orientation and training session for the two new members of the University Standing Appeals Panel.

2. **October 2007**  Conducted three two-hour orientation/training sessions for nine new counsels and presiding officers who were subsequently approved by the UCFA.

3. **May 2008**  Attended training programs for MSU faculty and administrators on administrative data on-line and others on Angel and Access systems conducted by the MSU Libraries, Computing and Technology Office.

4. **July 10, 2008**  Participated in the annual review of the FGO by the Provost, Associate Provost for HR, and UCFA and its personnel subcommittee chairs, which included a discussion of the FGO 5-year review and the ongoing review of the FGP.

5. **August 5, 2008**  Explained the *Faculty Grievance Procedure* in a workshop on “Conflict Resolution Resources” for New Administrators, sponsored by the Office of the Provost at the Kellogg Center.

6. **August 2008**  Recruited returning and new faculty and administrator counsels and presiding officers for forthcoming fall semester training and designation by UCFA.
I take this opportunity to acknowledge the significant cooperation and assistance that I again received from faculty and administrators who worked with me to informally resolve grievances and from others who volunteered as panel members, presiding officers and counsels for formal hearings. I want to acknowledge the good work of our three-member Standing Appeals Panel and the assistance of the members of the UCFA and the Office of the Provost in administering the faculty grievance procedure. I want to also acknowledge the support of Associate Provost Terry Curry, Ms. Donna Zischke and Ms. Kristine Zayko for their assistance regarding individual grievance cases and concerning our ongoing review of the *FGP* and *User’s Manual*. The helpful assistance of my secretary, Ms. Deb Bennett, is also deeply appreciated with gratitude.

Respectfully submitted,

John L. Revitte  
Faculty Grievance Official  
Professor, School of Labor and Industrial Relations and  
Residential College in the Arts and Humanities  

JLR/dkb