Annual Report of the FGO:
August 16, 2010 through August 16, 2011

To: UNIVERSITY COUNCIL of MSU
From: FACULTY GRIEVANCE OFFICIAL
Date: September 13, 2011
Subject: Annual Report of the FGO
        Covering August 16, 2010 - August 16, 2011

In compliance with Article IX.G of the Faculty Grievance Policy, I submit to the MSU University 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, 2010 through August 16, 2011.
## 1. GRIEVANCE CASES SETTLED

<table>
<thead>
<tr>
<th>Subsection</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Informal</td>
<td>4</td>
</tr>
<tr>
<td>1.1.1 Subject:</td>
<td></td>
</tr>
<tr>
<td>Discipline</td>
<td>3</td>
</tr>
<tr>
<td>Promotion/Tenure</td>
<td>1</td>
</tr>
<tr>
<td>1.2 Formal Hearing</td>
<td>3</td>
</tr>
<tr>
<td>1.2.1 Subject:</td>
<td></td>
</tr>
<tr>
<td>Annual Review/Salary</td>
<td>1</td>
</tr>
<tr>
<td>Assignment and Discipline</td>
<td>1</td>
</tr>
<tr>
<td>Salary</td>
<td>1</td>
</tr>
<tr>
<td>1.3 Ruled Invalid and Dismissed by FGO</td>
<td>5</td>
</tr>
<tr>
<td>1.3.1 Subject:</td>
<td></td>
</tr>
<tr>
<td>Promotion</td>
<td>2</td>
</tr>
<tr>
<td>Assignment</td>
<td>1</td>
</tr>
<tr>
<td>Discipline</td>
<td>1</td>
</tr>
<tr>
<td>Salary</td>
<td>1</td>
</tr>
<tr>
<td>1.3.2 Not Appealed</td>
<td>2</td>
</tr>
<tr>
<td>1.3.3 FGO Upheld by Jurisdictional Appeals Panel</td>
<td>3</td>
</tr>
</tbody>
</table>

**TOTAL CASES SETTLED** 12
2. RESULTS OF SETTLED GRIEVANCES

2.1 Grievant Won
   Informal 2
   Formal 0

2.2 Grievant Lost
   Informal 0
   Formal 3

2.3 Grievant Satisfied
   Informal 2
   Formal 0

2.4 Grievance Dismissed by FGO 5

3. GRIEVANCE CASES PENDING

3.1 Informal Resolution 1
   3.1.1 Subject: Promotion/Tenure 1

3.2 Formal Hearing 3
   3.2.1 Subject: Promotion/Tenure 1
       Reappointment 1
       Salary 1

TOTAL CASES PENDING 4
4. INQUIRIES

4.1 Subject:

- Discipline 64
- Promotion/Tenure 40
- Promotion 23
- Annual Evaluation/Salary 22
- Settlement 21
- Faculty Grievance Policy 17
- Reappointment 16
- Teaching Assignment/Load 16
- Salary 13
- Information Request/FGP 12
- Administrative Review 11
- Termination/Dismissal 9
- Discrimination and ADP 8
- Post-tenure Review 6
- Consultancy/Retirement 4
- Office/Lab Space 4
- Outside Work for Pay 4
- Bylaws 2
- Confidentiality 2
- Study Abroad 2
- Appointment 1
- Assignment 1
- Conflict of Interest 1
- Sabbatical 1

4.2 Source: Faculty 209

- Administrators 80
- Others 10

4.3 Number of Discrete Faculty

- Administrators 76
- Others (e.g., attorneys) 31

4.4 Type: E-mail 177

- Telephone 122
- Other (in person, letter or fax) 0

TOTAL INQUIRIES 299
5. CONFERENCES

5.1 Subject:
- Reappointment 23
- Discipline 22
- Promotion/Tenure 20
- Faculty Grievance Policy 11
- Salary 10
- Annual Evaluation/Salary 9
- Teaching Load/Assignment 7
- Promotion 5
- Settlement 5
- Appointment 2
- Bylaws 2
- Consultancy/Retirement 2
- Harassment 2
- Post Tenure Review 2
- Termination/Dismissal 2
- Administrative Review 1
- Assignment 1
- Discrimination and ADP 1
- Student Concerns 1

5.2 Participants:
- Faculty 119
- Administrators 36
- Others 3

5.3 Number of Discrete Faculty:
- Faculty 89
- Administrators 27
- Others 3

5.4 Type:
- One-Person 104
- Two or More Persons 24

TOTAL CONFERENCES 128
PROCESSING AND DISPOSITION OF GRIEVANCES

This report covers the period from August 16, 2010 through August 16, 2011. For purposes of comparison, references will be made to last year’s annual report to Academic Council, which covered the period from August 24, 2009 through August 15, 2010.

There were some modest reductions in the workload of the Faculty Grievance Office during the 2010-2011 academic year, as compared to the previous year, but most aspects of the work remained fairly similar. A total of 16 cases were processed which is nine less than the 25 cases the prior year. The number of cases settled equaled 12 rather than 22 while those pending went from three to four. Meanwhile, the number of inquiries went down from 388 to 299 while the number of conferences held by the FGO decreased from 160 to 128. I also made a total of 72 decisions on jurisdictional and procedural grounds in 12 separate cases, which was a decrease from the prior year’s 87 decisions involving 14 separate cases.

Four (4) cases were resolved informally (compared to 17 the previous year) and they involved discipline and promotion and tenure. The grievant “won” or was satisfied by a compromise outcome in all of these cases. In five other cases the FGO ruled the grievance invalid and dismissed it on jurisdictional grounds. Two of the jurisdictional decisions were not appealed and in the other three cases a Jurisdictional Appeals Panel upheld the FGO’s decisions including twice to dismiss the case.

Three cases were resolved through formal hearings compared to three the previous year. They concerned annual review/salary, assignment/discipline and salary. In all three cases Provost Wilcox agreed with a University Hearing Panel’s unanimous findings and recommendations against the grievant and in favor of the respondent.

Four cases were pending resolution at the end of the summer 2011 semester, which is more than the three cases pending at the end of summer 2010. Three cases are in the formal phase waiting for the scheduling of a formal grievance hearing and concern promotion/tenure, reappointment and salary. The other pending case involves promotion/tenure and hopefully can still be informally resolved.

In addition, I handled 299 inquiries, which was less than the 338 inquiries during the previous academic year. Two hundred and nine (209) of the inquiries were from faculty, 80 were from administrators, and ten were from other persons. Of these 299 inquiries, 76 different faculty, 31 different administrators and six other persons were involved. One hundred and seventy-seven (177) of the inquiries were in the form of e-mails and 122 were phone calls. An interesting variety of subjects were covered through these conferences, as is noted in the tables above, although the most common questions involved discipline, promotion/tenure, annual evaluation/ salary and reappointment.

To provide information, answer questions and facilitate informal resolution of disputes, I held a total of 128 conferences, which was a decrease from the 160 meetings held during last
academic year. Of these, 104 involved meetings with one person each, and the remaining 24 were held with two or more persons. At these meetings, 119 of the participants were faculty, 36 were administrators and there were three 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 2010-2011, the FGO held one or more meetings with 89 different faculty, 27 different administrators and three other individuals who were spouses or outside attorneys. The most common subjects involved questions about the FGP and settlement terms, as well as reappointment, discipline, promotion/tenure and annual evaluation/salary, and the variety of other topics noted above in the tables.

Pursuant to the *Faculty Grievance Policy's* Article III.D, I rendered a total of 72 decisions on jurisdictional and procedural grounds in 12 separate cases, which was a decrease from the prior year's 87 decisions involving 14 separate cases. In three (3) of these cases, the FGO decisions were challenged, one by a respondent, and two by a grievant. A University Jurisdictional Appeals Panel was convened and upheld the FGO's decisions in all the cases they heard. I thank these panelists for their service.

**OTHER ACTIVITIES OF THE FGO**

In my capacity as FGO, during the Fall and Spring semesters I attended and participated in the meetings of the University Committee on Faculty Affairs (UCFA) and those of its Personnel Subcommittee. During the Spring of 2011, I assisted UCFA and their personnel subcommittee as they conducted the annual review of the FGO and began their search for the next FGO. I also attended the meetings of Academic Council and occasionally those of Faculty Council.

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

1. August 24, 2010  Staffed an FGO information table at the annual orientation session for new faculty members sponsored by the Provost Office.

2. September 8, 2010  Conducted an orientation session for three the members of the University Jurisdictional Appeals Panels.

3. September 17, 2010  Scheduled and conducted the hearing, chaired the three-person appeals panel deliberations, and drafted the findings and recommendations report for an MSU Extension continuing employment system dismissal appeal hearing of an extension educator. (This hearing is not included in the tables on FGP settled cases but several e-mails and phone calls are included in the inquiries table.)
4. September 24, 2010  Staffed an FGO information table at the MSU post-doc and research associates orientation session sponsored by the Grad School.

5. April 1, 2011  Conducted an orientation session for three members of a University Jurisdictional Appeals Panels.

6. June 1, 2011  Conducted an orientation session for three members of a University Jurisdictional Appeals Panels.

7. August 9, 2011  Made a short presentation and answered questions regarding the FGP for the new administrators workshop sponsored by the Office of the Provost.

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 assistance of the members of the UCFA and the Office of the Provost in administering the faculty grievance procedure and selecting a new FGO, and I sincerely wish Professor Linda Anne Jackson all the best as she begins her career as the new FGO. The helpful assistance of my secretary, Ms. Deb Bennett, is also deeply appreciated with gratitude.

Respectfully submitted,

[Signature]

John L. Reville
Faculty Grievance Official Emeritus
Professor, School of Human Resources and Labor Relations

JLR/dkb