

College of Arts & Sciences Faculty Complaint Policy*

Purpose and Applicability

This College of Arts & Sciences policy addresses complaints that arise between faculty members within the College.

Nothing contained in this policy shall be construed to prevent the informal resolution of any complaint. As such processes are adversarial in nature, a prospective complainant is encouraged to resolve a complaint which might give rise to a formal petition for redress by whatever appropriate and legal means prior to initiating proceedings under this policy. Furthermore the parties encourage open communications so that resort to the formal complaint procedure shall not be necessary.

The policy is not designed to address those complaints or disciplinary actions that fall under the Collective Bargaining Agreement¹ (Articles 12 and 13 on Disciplinary Action and Grievance and Arbitration, respectively), the existing provisions of the Division of Diversity Belonging, the Equity, Opportunity and Compliance division of the Office of Human Resources (EEO/C), or the University Ethics Policy as administered by the Ethics Officer.

Faculty members considering whether to initiate a complaint should therefore consider the type of complaint and identify the appropriate procedural venue. Cases that encompass multiple issues listed below should first be directed to parties identified in the topmost relevant list item.

1. Firstly, if the complaint alleges discriminatory treatment on the basis of a federally protected category, including an allegation of a hostile work environment, it should be directed to the Division of Diversity and Belonging or the Equity, Opportunity, and Compliance team in the Office of Human Resources. Colleagues in those areas can provide policy-related and procedural guidance to complainants.
2. If the complaint alleges a violation of the CBA by the Chair or Director, it is a prospective grievance and should be directed to the BGSU – FA. The applicable policy is the CBA, and the BGSU – FA can provide guidance to complainants.
3. If the complaint alleges ethical misconduct by the Chair or Director that does not constitute a violation of the CBA, it should be directed to the University Ethics Officer (currently the General Counsel). The Ethics Officer will determine procedural next steps, including possible referral of the matter to an appropriate area in Academic Affairs.
4. Otherwise, if the complaint alleges misconduct by a fellow faculty member that does not involve discrimination based on a federally protected category, then the Arts and Sciences Faculty Complaint Policy applies and the complainant should proceed as specified below. The applicable conduct standards are found in CBA Article 9, Section 2.9.

¹ <https://www.bgsu.edu/provost/faculty-affairs/collective-bargaining-agreement.html>

Administrative Responsibility

The policy shall be administered by an Associate Dean who has been designated by the Dean to serve as a co-ombudsperson within the College of Arts & Sciences. Another co-ombudsperson will be appointed from the College of Arts & Sciences Council by the Council Chair. The faculty co-ombudsperson should not be from the same unit as the respondent or complainant, and the service of said co-ombudsperson will not extend beyond the academic year. The complainant should direct appeals regarding the appointed ombudspersons to the Dean. Failing conciliation at the unit level, the ombudspersons, in consultation with the Chair of Arts & Sciences Council, will make recommendations to the Dean of the College geared towards the resolution of the complaint.

Covered Parties

Any full-time or part-time faculty member who is currently under contract in the College of Arts and Sciences.

Defined Terms

1. “Complaint” means any complaint between full-time or part-time faculty member who is currently under contract in the College of Arts and Sciences concerning professional practices, including alleged denial or curtailment of academic freedom (as defined under Article 9, Section 2.7 of the CBA), inadequate or inequitable consideration of professional competence, qualifications or credentials, and/or violation of applicable policies, procedures, rules, regulations or laws, relating to the operation of the University.
2. “Complainant” means any full-time or part-time faculty member who is currently under contract in the College of Arts and Sciences, who pursues a complaint under this policy.
3. “Respondent” means any full-time or part-time faculty member who is currently under contract in the College of Arts and Sciences, who is the subject of a complaint under this policy.

Complaint Process

The complaint process shall be initiated by reducing the complaint to writing, signed and dated by the complainant, and presented to the respective Chair or Director of the complainant’s unit. The written complaint should describe the alleged misconduct in precise terms, explain how the described conduct violates CBA Article 9, Section 2.9, and specify a remedy.

The Chair or Director is charged to meet and work with the parties to resolve the complaint informally or, if warranted, to impose discipline, up to and including a written reprimand. Should the Chair or Director impose discipline, the Grievance Officer of the BGSU Faculty Association and the Vice Provost for Faculty Affairs will be notified. If the complaint involves faculty

members from different academic units, the Dean will assign an appropriate substitute to act as Chair/Director or refer the matter directly to the College.

The Chair or Director is advised to keep a record of documentation that relates to the complaint. When scheduling a meeting with a respondent while pursuing informal resolution at the unit level, the Chair or Director shall remind the respondent of a bargaining unit faculty member's right to union representation at such a meeting. The Chair or Director is the first point-of-contact for initiating a formal, College-level resolution of the complaint.

If the effort to resolve the complaint informally is unsuccessful, the complainant wishes to pursue the complaint, and the Chair or Director does not opt to pursue disciplinary action under Article 12 of the 2019 Collective Bargaining Agreement, the Chair or Director will contact the ombudspersons, communicating all relevant written and oral communications pertaining to the case.

Initiation of Formal Complaint: The Chair or Director's contact with the Associate Dean designated as co-ombudsperson shall be considered an initiation of a formal complaint process. At this point, the Chair of Arts & Sciences Council will appoint a faculty co-ombudsperson. The ombudspersons, in consultation with the Dean, determine whether the complaint has merit and warrants continuation of this complaint process.

The ombudspersons will take reasonable steps to hear the complaint, adjudicate the facts of the complaint, and draft a report of findings and recommendations.

The ombudspersons will share the draft report with the Chair of Arts & Sciences Council, and the ombudspersons and Council Chair will consult. Based on that consultation, the ombudspersons will update the report as needed.

At the discretion of the Chair of Arts & Sciences Council, the updated report will then either be

1. Deemed final and distributed to the complainant, the respondent, the chair or director, and the Dean, or
2. Referred for joint consultation, for example, in cases when anything more than oral reprimand is being recommended, or if the co-ombudspersons have not reached consensus on the findings or recommendations:
 - a. Joint consultation will include the Dean, the voting faculty members of Council, and the ombudspersons.
 - b. Joint consultation may provide feedback on the report and shall provide advisory input to the Dean for the Dean to consider.
 - c. If joint consultation is held, then the ombudspersons will subsequently finalize the report, review it with the Council Chair for accuracy, and distribute it to the complainant, the respondent, the Chair or Director, and the Dean.

The Dean will provide a written response to the final report. The Dean's response will outline steps for resolution of the complaint. If warranted, the Dean may also impose discipline under Article 12 of the Collective Bargaining Agreement. A BUFM who disagrees with any

disciplinary action that has been imposed may seek recourse through the Grievance and Arbitration Procedure (Article 13). Should the Dean impose discipline, a copy of the Dean's written response will be forwarded to the Grievance Officer of the BGSU Faculty Association and to the Vice Provost for Faculty Affairs.

If the complainant and/ or respondent disagrees with any non-disciplinary aspects of the Dean's response, they may seek informal resolution of the disagreement via meeting or written exchange with the Dean.

If the complainant and/ or respondent remains dissatisfied with the Dean's response, they may seek recourse under Article 13, "Grievance and Arbitration Procedures," of the 2019 Collective Bargaining Agreement.

Responsible Parties

- Faculty Administrator Co-ombudsperson, an Associate Dean in the College of Arts & Sciences designated to serve for a term limited to one academic year).
- Chair, Arts & Sciences Council
- Faculty Co-ombudsperson, a member of Arts & Sciences Council appointed by the Chair of Arts & Sciences Council on a case-by-case basis
- Voting faculty members of Arts & Sciences Council
- Dean, College of Arts & Sciences

Related Policies and References

Article 12, "Disciplinary Action" and Article 13, "Grievance and Arbitration Procedures," 2019 Collective Bargaining Agreement

History

See Section B-1.E "Faculty Grievance Procedures," pre-CBA Charter.

* Endorsed by Council of Chairs and Directors 10.20.17. Approved by Arts and Sciences Council 10.27.17. Endorsed by the Dean of the College of Arts and Sciences 10.27.17. Revision approved by Arts and Sciences Council 02.26.21. Updated version approved by Arts and Sciences Council and endorsed by the Interim Dean of the College of Arts and Sciences on 09.24.21.