

REPORT OF FACULTY ADVISORY COMMITTEE

The following changes were made in the grievance procedures as submitted. Additions are underlined and deletions are crossed-out. Only those sections which pertain to the changes are reproduced.

Academic Grievance Procedures

For grievances involving nonreappointment, denial of tenure or denial of promotion, ~~of the University of the Pacific~~, see Section I. ~~and II below.~~

For grievances or procedures other than those stated in Sections I and II the faculty member shall attempt to resolve the issue at the department level. If a solution cannot be obtained at that level, the redress may be pursued through the subsequent offices of Dean, Provost, and President. If redress cannot be obtained from any of these officers, the faculty member may appeal to the Faculty Grievance Committee. If the Committee finds that there are grounds for a grievance, the Committee shall attempt to resolve the matter through mediation or other appropriate action. The Committee shall report its recommendations and the reasons therefor to the faculty member and to the President. The faculty member may appeal the action of the President to the Academic Affairs Committee of the Board of Trustees acting in consultation with the Faculty Liaison Committee. A review by the Committee of the Board of Trustees is the final level of recourse within the University, and actions by this Committee are final.

I. Grievance Procedure for Nonreappointment or Denial
of Tenure or Promotion

If the grievance concerns nonreappointment, denial of tenure or denial of promotion, the faculty member upon receiving notice may seek relief by taking the steps outlined below. The grievance procedure may turn out to be lengthy, and the faculty member who initiates a grievance procedure is advised to maintain a file of dated correspondence sent and received as well as dates and notes of conferences held concerning the case. Failure of any administrative official or reviewing authority to comply with the deadlines.

- ii. The proceeding shall be recorded on tape, which shall be for the confidential use of the Committee only.
 - iii. During the review, the faculty member shall be permitted to have as advisor either a faculty member or an academic administrator of his choice or privately retained counsel.
 - iv. The Committee will assist the faculty member in securing the attendance of persons who possess relevant information and may call any persons whose testimony may be of assistance to the Committee in making its findings and recommendations. In addition to the summary provided to the faculty member by the Dean of his College, the Committee will provide the faculty member with a detailed summary of letters and evaluations included in his file. The summary is to be prepared by the Committee without attribution in order to retain confidentiality.
 - v. If witnesses are called, the Committee may, in its discretion, allow the faculty member or his representative to question some or all of the witnesses, but such questioning shall be within the boundaries set by the Committee and under the full control of the Chairman of the Committee.
 - vi. Within 30 days after the Committee receives the faculty member's petition, the Committee shall conclude the review and prepare a written statement of its findings and recommendations.
- b. If the Faculty Grievance Committee finds that there has been inadequate consideration of the unit criteria, the use of impermissible criteria, denial of procedural due process, or denial of academic freedom, the Committee shall remand the case to the faculty or administrative level at which the inadequacy or denial occurred, and the evaluation of the faculty member shall begin anew at that point. The Committee shall

send a statement of its findings and decisions, including the reasons therefor, to the faculty member, to the unit or administrative officer involved, and to the President. If, as a result of the ordered new consideration, the decision is still nonreappointment or denial of tenure or promotion, the level to which the case was remanded shall state the reasons in writing to the faculty member and to the committee.

The faculty member may appeal this decision to the Academic Affairs Committee of the Board of Trustees, in consultation with the Faculty Liaison Committee.

- c. If the Committee finds that the faculty member has cause for grievance but concludes that a new consideration of the case would not be worthwhile, it shall recommend to the President an equitable resolution of the case and provide the faculty member and the unit involved with a statement of its findings and recommendation and the reasons therefor. The Committee will not, however, substitute its judgment for the qualitative professional judgments of the faculty in determining whether the relevant unit criteria have been adequately met. Thus, disagreement with such faculty judgment is not sufficient basis for the Committee to recommend modification of the decision. The committee shall be limited to considering whether or not there is a factual basis in the record, taken as a whole, upon which an individual acting in good faith could rationally reach the result attacked.
 - d. If the Committee recommends that the President modify or reverse a decision which is unfavorable to the faculty member, the President may act to implement the recommendation of the Committee or he may reject the recommendation. If he rejects the recommendation, he shall state his reasons therefor in writing to the faculty member and to the Committee. The President shall act within 20 days on the Committee's recommendation.
5. Within 7 days of the receipt of notice of the disposition of his petition, the faculty member may appeal the President's final action to the Academic