

VII. CONTRACT DISPUTES

PART A--FACULTY GRIEVANCE RIGHTS

7.1 PURPOSE

The parties agree that all problems should be resolved, whenever possible, before the filing of a grievance. They encourage open communication between administrators and faculty unit members so that resorting to the formal grievance procedure will not be necessary. The purpose of this article is to promote prompt and efficient procedures for investigating and resolving grievances.

7.2 GRIEVANCE RIGHTS

Any individual faculty unit member or group of faculty unit members may at any time present and have grievances adjusted. When the grievance is processed by an individual faculty unit member or a group of faculty unit members, they may process the grievance without the involvement of the COHE representative, providing the adjustment is not inconsistent with the terms of this agreement or any settlement between COHE and the Board, and providing that the COHE representative has been given an opportunity to be present at such adjustment.

7.7 STEPS FOR PROCESSING A GRIEVANCE

1. Step 1

A grievant must first present a grievance, identified as such, in writing, personally executed by an individual grievant, or by a duly authorized COHE officer where COHE has brought the grievance to vindicate rights guaranteed to COHE under this agreement, and informally, in accordance with the prescribed grievance form [Appendix B--Grievance Form--Step 1], at the lowest administrative level having authority to dispose of the grievance and with the COHE chapter president. The grievance must be filed within fifteen (15) working days of the date on which the grievant knew or should have known of the action or condition which occasioned the grievance. The administrator, upon learning of the grievance, will investigate the grievance as deemed appropriate and will respond to the grievant in writing within seven (7) working days; such investigation may include a private meeting with the grievant. Notwithstanding the foregoing, if the office of the president represents the lowest administrative level having authority to dispose of the grievance, then the grievance will be filed in the first instance at Step 2; in this circumstance, the applicable filing period remains fifteen (15) working days.

...

11.3 ANNUAL EVALUATION PROCEDURE

3. Assessment of performance by the department head and indication of progress toward promotion, tenure, contract renewal, or augmentation monies (PIF, Merit, Critical, Discretionary, etc.). Based on observations of the faculty unit member's performance in each of the areas of teaching and academic advising; research, scholarship or creative activity; and service; and the informal discussion described above, the department head will complete the remainder of the evaluation form (Part B of Appendix F). Observations may include, but do

not require, classroom observations.

Included in the evaluation must be comments about the faculty unit member's performance in each of the areas of teaching and academic advising; research, scholarship or creative activity; and service. These comments must explain whether, consistent with contemporary standards of the institution, the faculty unit member achieved, exceeded, or fell short of the level of performance reasonably expected of faculty unit members of like rank, experience and tenure status and with comparable professional responsibilities and resources. The explanation must indicate the consideration given to rank, experience and tenure status, professional responsibilities and resources.

In addition to comments about performance at the faculty unit member's current rank and tenure status, the department head must also comment about progress towards achieving the levels of performance that, in keeping with institutional standards, justify a recommendation for promotion to a more senior rank or award of tenure. Such comments shall be made, as appropriate, for all faculty unit members who serve on tenure track contracts or who hold rank below that of professor. Comments must address each area of professional responsibility.

Comments about progress towards promotion or tenure shall not be deemed to give rise to a contractual entitlement to favorable action, nor shall they be deemed to require unfavorable action, on subsequent applications for promotion or tenure. Such comments shall not be construed as binding the discretion of department heads, their successors in office, or promotion or tenure committees.

Where appropriate, the evaluation should include recommendations for augmentation monies and contract renewal.

For faculty unit members serving under fall-spring appointments or spring-summer appointments, the faculty unit member and the department head will meet to discuss the written evaluation by the fifteenth day of February. For faculty unit members serving under summer-fall appointments, the meeting will be completed by the twenty-fifth day of January. The faculty unit member will acknowledge receipt of the evaluation document. The faculty unit member will have five working days in which to notify the department head that the unit member will submit additional comments or that a peer group will be requested. A copy of the department head's comments will be given to the faculty unit member at the time of the meeting. If the faculty unit member agrees with the evaluation, the faculty unit member will sign the form within five (5) working days of the interview.

When a faculty unit member requests that the evaluation be sent to a peer group established by COHE for additional signed recommendations to be attached to the evaluation, the evaluation will be forwarded to the peer group within five working days of the meeting at which the evaluation is given to the faculty unit member. The peer review process must be completed by March 25.

The process of determining institutional salary increase recommendations will proceed independently of the peer review process. The institution will make use of the department head's original evaluation for purposes of distributing salary increases; provided that, if, as a result of the peer review report, the institution subsequently determines that the original evaluation should be changed, the institution will be responsible for adjusting the faculty unit member's salary increase.

4. Faculty unit member response to department head's assessment of performance. If the faculty unit member has any additional comments to make after the meeting with the department head, the faculty unit member may note them in the "faculty unit member's comments" section, provided that notification of this intent is given pursuant to § 11.3(3). All additional comments or recommendations must be submitted by March 15.