

# Grievance and Review Procedures of Bloomington Academic Appointees

BL-ACA-D22

## About This Policy

### Effective Dates:

12-02-1975

### Last Updated:

02-15-2023

### Responsible University Office:

Bloomington Faculty Council

## Scope

The procedures apply to all proceedings conducted by the Bloomington Faculty Mediation Committee and the Bloomington Faculty Board of Review. ~~unless alternative procedures are guided by another policy.~~ This policy applies to academic appointees. Student Academic Appointees with complaints grievances should see [Student Academic Appointee Mediation & Grievances: Policies & Documents](#).

## Policy Statement

Academic appointee ~~grievance review~~ functions on the Bloomington campus are handled by two committees: The Bloomington Faculty Mediation Committee and the Bloomington Faculty Board of Review. The two committees consider ~~complaints concerning~~ the following matters:

- ~~All academic appointees may bring complaints~~ Grievances that university officials have infringed on any academic appointees' ~~their~~ academic freedom.
- ~~Any full-time academic appointees may bring a complaint~~ Grievances that university officials have taken adverse action against any full-time academic appointee ~~them~~ on matters within the scope of their defined academic ~~responsibilities~~ responsibilities, including matters related to dismissal, disciplinary sanction, procedures involving the tenure or promotion ~~process~~, compensation, assignment of duties, and working conditions.
- ~~Visiting, part-time, temporary, and adjunct academic appointees may bring a complaint~~ Grievances that university officials have taken adverse action against visiting, part-time, temporary, or adjunct academic appointees ~~them~~ during their term of appointment concerning matters within the scope of their academic responsibilities. The decision not to appoint or reappoint an individual is not grievable unless the decision violates the terms of their appointment or a separate campus, university, or unit policy.
- ~~An individual remains eligible to initiate or continue a Board of Review proceeding after voluntary or involuntary separation from the university, provided it is otherwise within the time frame for doing so and the terms of any separation agreement.~~

Any academic appointee desiring a review of administrative action in these stated areas ~~normally should request~~ a hearing ~~first~~ with either the Faculty Mediation Committee ~~and then with~~ or the Board of Review. A ~~complaint-grievance~~ should be brought on the home campus of the grievant. Retaliation against grievants, or anyone who has provided information, and/or participated in the procedures of the Faculty Mediation Committee or the Faculty Board of Review shall not be tolerated. Per ACA-33, section E2, I, personal misconduct by an academic appointee includes, "Engaging in or encouraging retaliation or any behavior or activity that threatens or intimidates participants in a judicial process". ~~(Student Academic Appointees with complaints grievances see Student Academic Appointee Mediation & Grievances: Policies & Documents).~~

The composition, roles, and procedures of the two committees are described below.

Authority for these procedures derives from the Constitution of the Indiana University Faculty (Article V) and from the Constitution of the Bloomington Faculty (Article VII).

## I. The Bloomington Faculty Mediation Committee

### A. Purpose of the Bloomington Faculty Mediation Committee

The Bloomington Faculty Mediation Committee (hereafter called “the Committee”) serves academic appointees of the Bloomington Campus by investigating grievances and attempting to resolve them through mediation and consultation. Any academic appointee on the Bloomington campus may bring a case before the Committee. If the case involves a denial of tenure or promotion, it is not an option to go to the Committee. The grievant should follow the IUB Principles and Policies on Tenure and Promotion for review of the decision. Cases involving salary matters shall be taken to the [Bloomington Faculty Board of Review](#). The role of the mediation committee is to facilitate the process while maintaining neutrality and impartiality. The committee is not expected to provide solutions, rather it provides a space for individuals to express their concerns, discuss what they need from the relationship moving forward, and creatively problem-solve. Both parties shall have access to data and documentation that the Committee collects as part of their process.

~~However, the grievant has the option of bypassing the Committee and proceeding directly to the Board for a hearing.~~

~~Members of the Committee shall address each grievance with impartiality, investigate it thoroughly, and base their report on a sound knowledge of University policies and procedures. The Committee is not a court of law that renders any judgement. It is not an advocate for the grievant or the respondent. It acts impartially in light of existing university policies, traditional academic principles, and fairness. The Committee should strive to resolve grievances by keeping its procedures flexible and encouraging discussions between the parties to the grievance. If the grievance is not mediated satisfactorily, the Committee shall report its findings in writing to the grievant. On request from the grievant, the Committee informally may give its opinion of the merit of the grievance and whether it should be taken to the Bloomington Faculty board of Review (hereafter called “the Board”). This opinion shall not constitute evidence before the Board. On request, the Committee may assist in drafting a statement of the grievance, may direct the grievant to appropriate sources for assistance in preparing a case for presentation to the Board. However, the Committee may not represent the grievant before the Board. The grievant may choose to prepare the case without the assistance of the Committee.~~

## B. Organization of the Faculty Mediation Committee

The Committee shall consist of seven members of the faculty selected by the elected academic appointees of the Bloomington Faculty Council (BFC). Committee members shall hold office from the first day of May for staggered terms of two years. At least two committee members must be available during the summer. Two alternates to the Committee shall be elected at the same time as members of the Committee are elected; the terms of alternates shall be for one year. Retired faculty may be elected as regular or alternate members of the Committee in the same manner as other faculty. Members and alternates shall complete the investigation and mediation of any case they have begun to consider, even if their terms have expired. The members of the Committee shall select their own chairperson. Each mediation case will be heard by a minimum of two faculty members. The faculty mediation committee will determine the size of the committee for each case to complete the case in 45 calendar days from the time the initial letter of complaint is received. In cases dealing with dismissal or academic freedom, the Committee will meet as a full body. ~~In offering nominations for election to the Committee, the BFC's Nomination Committee should give consideration to representation across academic ranks, among divisions of the University, and between tenured and non-tenured faculty. The Nomination Committee also shall ensure that among those elected to the Committee are some academic appointees who have served on school or campus promotion or tenure committees. No academic appointee serving on the Board can serve concurrently on the Committee.~~

## C. Procedures of the Faculty Mediation Committee

1. An academic appointee may initiate the review process by submitting a letter to the Director of Faculty Council Offices that specifies the nature of the grievance, the remedy requested, and individual(s) being grieved against. ~~The grievant shall bring their grievance to the Committee within 30 calendar days after the event being grieved, or after written notice is received by the grievant of non-reappointment, dismissal, salary adjustment, or any other action of which written notice is given.~~
- 1.2. The Director of Faculty Council will share the letter with the Committee's chairperson who shall distribute the letter to the Committee or subcommittee (see Part B, Organization of the Faculty Mediation Committee), The Committee's chairperson will communicate with all parties during mediation, and write and distribute the final report.
- 2.3. Following receipt of the initial letter from the grievant, the Committee shall advise the grievant about restrictions of the jurisdiction of the Committee. When appropriate, the Committee shall direct the grievant to the University policies on Research Misconduct (ACA-30), Code of Academic Ethics (ACA-33), Policy on Faculty Disciplinary Procedures (BL-ACA- D27), or Discrimination, Harassment and Sexual Misconduct (UA-03).
- 3.4. A good faith effort shall be made to pursue mediation; however, the mediation process will need consent from all parties to begin.
- 4.5. The mediation committee shall provide all parties identified in the grievance (includes both the individual who submitted the grievance and those grieved against in the request) a written summary of the information which it deems relevant to the case, and a complete list of items that shall be made available to it in the process of its investigation. The University's administrative officers and the grievant shall cooperate with the Committee in its requests for information. In the event that information the Committee thinks relevant is not provided, this fact shall be made part of the written report. All confidential material relevant to the case under consideration shall be made available to the Committee. Confidential material shall be treated in consonance with the policies and principles set forth in the BFC document, "Access to and Maintenance of Academic Employee Records."
- 5.6. All investigation and mediation undertaken by the committee shall be completed and its final report and advice submitted within 45 calendar days of the time that the initial letter of complaint is received by the chair of the Faculty Mediation Committee. The Committee may, for good cause shown, adjust the timeline.
- 6.7. At the conclusion of the mediation process, the committee will compile a case history record, including the timeline and the conclusions related to the grievance. The Committee shall provide all parties a written summary of the information which it deems relevant to the case, a complete list of items made available to it in the process of its investigation, and the case history record. All parties will then have a chance to respond.
- 7.8. The Committee should ensure that mediation does not unduly delay the process. Information about the mediation should not be disclosed to the Faculty Board of Review unless later requested by the Board during its investigation of the case.

~~A case history record, including the calendar and decisions, shall be compiled by the Committee. However, the meetings of the committee shall be informal with no stenographic record kept. The Committee shall accept and act upon all cases presented to it. However, if the case involves a denial of tenure or promotion, it is not an option to go to the Committee. The grievant should follow the IUB Principles and Policies on Tenure and Promotion for review of decision.~~

~~The mediation will need consent from all parties to begin. In cases dealing with dismissal or academic freedom, the Committee will meet as a full body; in cases dealing with salary adjustment, the nature or conditions of work or reappointment the Committee may meet in subcommittees or panels of no fewer than two members. A letter addressed to the Committee shall specify the nature of the grievance and the remedy requested. The Committee shall provide all parties a written summary of the information which it deems relevant to the case, a complete list of items made available to it in the process of its investigation, and the case history record. All parties will then have a chance to respond.~~

~~The University's administrative officers and the petitioner/grievant shall cooperate with the Committee in its requests for information. In the event that information the Committee thinks relevant is not provided, this fact shall be made part of the written report. In cases involving salary adjustment, the Committee may request—and when it does so shall receive—from the Bloomington Campus administration such information as is provided to the Campus Affirmative Action Officer when making equity reviews on behalf of faculty member/the academic appointee. All confidential material relevant to the case under consideration shall be made available to the Committee. Confidential material shall be treated in consonance with the policies and principles set forth in the BFC document, "Access to and Maintenance of Academic Employee Records."~~

~~All investigation and mediation undertaken by the Committee shall be completed and its final report and advice submitted within 45 business days of the time that the initial letter of complaint is received by the chairperson of~~

~~the Committee. The Committee should ensure that mediation does not unduly delay the process. Information about the mediation should not be disclosed to the Board unless later requested by the Board during its investigation of the case.~~

#### **D. Restrictions**

- ~~1. The Committee shall advise the grievant about restrictions of the jurisdiction of the Board Committee. When appropriate, the Committee shall direct the grievant to the University policies on Research Misconduct (ACA-30), Code of Academic Ethics (ACA-33), Policy on Faculty Disciplinary Procedures (BL-ACA-D27), or Discrimination, Harassment and Sexual Misconduct (UA-03).~~
- ~~2. In cases of non-reappointment, dismissal, salary adjustment, or any other action of which specific written notice is given, the academic appointee shall bring their grievance to the Committee with reasonable promptness but not later than 30 days after receipt of the notice. The Committee may, at its option, waive this time limit.~~

#### **D. Disqualification**

If a member of the Committee is involved in a case before the Committee or is a member of a department (or a school that is not departmentalized) from which a case arises, they shall be disqualified to hear or to investigate the case. A member of the Committee shall disqualify themselves from hearing or investigating a case whenever the member believes it difficult to render an impartial judgment.

#### **E. Publicity**

Members of the Committee and administrative officers shall not make public statements about grievances before the Committee. Nor shall the report of the Committee be made public by the grievant or by any member of the Committee.

#### **F. Report to the Bloomington Faculty Council**

The Committee shall report annually to the BFC the number of cases brought before it in each of the following categories: dismissal, academic freedom, reappointment, salary adjustment, and the nature or conditions of work. The Committee shall also report in each category the number of cases successfully mediated and—if known—the number dropped by academic appointees and the number taken to the Board.

#### **G. Deadlines and Delays**

~~The grievant shall bring their grievance to the Committee within 30 days after the event being grieved, or after written notice is received by the grievant of non-reappointment, dismissal, salary adjustment, or any other action of which written notice is given. The Committee may, for good cause shown, waive this time limit. Investigation and mediation undertaken by the Committee shall be completed and its final report and advice submitted to the grievant within 45 days after the initial letter addressed to the Committee is received by the Chair.~~

## **II. The Bloomington Faculty Board of Review**

### **A. Purpose of the Faculty Board of Review**

The Board has the responsibility to hear and make recommendations regarding grievances of academic appointees against administrative action. A Board of Review is independent. No university official may interfere with, seek to influence, or advise it to halt its proceedings except as provided in this policy.

The Board conducts two kinds of proceedings. It reviews ~~grievances~~ **complaints** brought by academic appointees concerning adverse actions by university officials, and it hears appeals by academic appointees concerning sanctions imposed under university or campus misconduct policies such as Research Misconduct (ACA-30), Code of Academic Ethics (ACA-33), Policy on Faculty Disciplinary Procedures (BL-ACA-D27), ~~or~~ Discrimination, Harassment and Sexual Misconduct (UA-03), or Expressive Activity Policy (UA-10).

The Board ~~is not a court of law that renders judgement.~~ It makes recommendations to ~~the campus' university officials~~ **Provost (or President if the grievance is against the Provost)** concerning the resolution of grievances by academic appointees but is not an advocate for the grievant or the respondent. ~~It acts impartially in light of existing University policies, traditional academic principles, and fairness.~~ Recognizing the importance of shared governance and the considered judgment of the **FBR Board as an elected body of peers**, the **Provost deciding official officer**—~~shall accept and apply the Board's recommendations. In exceptional cases, for good cause, the deciding officer may choose to reduce or waive any sanctions.~~

~~must carefully consider the Board's recommendation and report back to the Board on all decisions that are rendered. If the deciding Provost official is considering ruling against the Board's recommendation, the official Provost shall~~

convene a meeting with the Board to discuss the case. This meeting must occur within the 45 calendar days ~~30-day~~ decision making period that the Provost ~~official~~ is allotted prior to announcing a final decision. In a case where there is disagreement, both the Provost and Board will share and listen openly to diverging points of view.

~~It acts impartially in light of existing University policies, traditional academic principles, and fairness.~~

## **B. Organization**

The [Constitution of the Bloomington Faculty Council](#) and University Faculty Council Policy on Faculty Boards of Review Uniform Standards ([ACA-17](#)) define the organization of the Board.

1. ~~The elected faculty representatives of the Bloomington Faculty Council\_BFC shall select five members of the faculty as the Board. The members of the Board shall select their own presiding officer. The members shall hold office from the first day of May for staggered terms of two years. Alternates shall be selected by the BFC to replace temporarily those members of the Board absent from campus. Members and alternates shall complete the review of any case which they have begun to consider. At least two years shall elapse between terms of office. **In offering nominations for election to the Board, consideration should be given to representation across academic ranks, among divisions of the University, and between tenured and non-tenured faculty.**~~
2. Board members shall be tenure-eligible or non-tenure-track faculty with long-term appointments.
3. A majority of the Board and its chair shall be tenured.
4. An academic appointee with a full-time administrative appointment is not eligible to serve.
5. ~~The Board coordinator is appointed by the BFC Executive Committee.~~ The Board Coordinator role will be carried out in parts by the Director of Faculty Council Offices and the Chairperson of the Board of Review. The Director of Faculty Council Offices will receive initial grievances to share with the chairperson and final decisions and shall keep all these on record in the Faculty Council Office. The chairperson shall distribute grievances to the full Board, communicate with all parties during deliberations, and write and distribute the final decision.

### C. Grievance Procedures

1. Before bringing a grievance to the Board, an academic appointee ordinarily will seek the assistance of the **Faculty Mediation** Committee or obtain mediation assistance. The academic appointee's written notice submitting a grievance to the Board shall state whether the matter has been considered by the Committee and, if not, what alternative counseling and mediation assistance, **if any**, has been obtained. The Board may, in its discretion, defer proceedings on the grievance if there is ongoing counseling and mediation.
2. If grievances are first brought to the **Faculty Mediation** Committee and if the Committee fails to comply with the time limit set forth in Section I.C, then the grievant will have the right to take the matter directly to the Board.
3. If the grievance is not resolved informally, an academic appointee may initiate the review process by ~~the Board of Review by~~ submitting ~~the grievance a complaint~~ to the ~~Board Coordinator~~ Director of Faculty Council Offices.
4. ~~Complaints~~ Academic Appointees requesting a Board review shall be submitted in writing to the Board ~~Coordinator and~~ The submission shall specify the action(s) to be reviewed, the reasons for requesting the review, the university official(s) grieved against, and a proposed remedy.

~~5.4.~~ In a school that has, or provides for, a salary review committee a grievance regarding salary should be brought first to that committee. A decision unfavorable to the grievant then may be brought to the Board. To qualify as a salary review committee for purposes of the above procedures, the committee should:

- a. Inform the grievant of the facts considered.
- b. Provide the grievant with an opportunity to present evidence and arguments.
- c. Transmit its recommendation to the dean with copies to the grievant and, where appropriate, to their chairperson.
- d. Adhere to the time limits set forth for the Board. (See II.B.4 and II.B.9.)

The Board will review the school's salary review process. If the school committee is not set to the Board's standard, the Board can review and recommend that the school create the appropriate faculty review process for salaries and re-review the case, or if they have a process but it has not been followed, that they redo the review.

5. For complaints concerning the denial of tenure, promotion, or reappointment, a Board is limited to a review of:
  - a. Whether appropriate policies and procedures were followed;
  - b. Whether adequate consideration was given to the qualifications of the academic appointee;
  - c. Whether information was improperly considered or excluded that substantially affected the decision; and
  - d. Whether essential fairness was accommodated throughout the decision-making process.

6. ~~In most cases, Grievances complaints~~ should be filed within 60 ~~calendar~~ days after the grievant learns of the adverse administrative action. ~~Grievances Complaints~~ submitted after 60 ~~calendar~~ days should include an explanation of the reason for the delay, and a Board may review the complaint in the interests of fairness. No ~~grievance~~ ~~complaint~~ may be submitted more than one year after the grievant learned of the adverse administrative action.
7. If an academic appointee brings a grievance ~~before the Board~~ ~~to~~ the Director of Faculty Council Offices, the ~~Board Coordinator~~ ~~Director~~ shall notify the chairperson in writing of that fact, ~~specifying the nature of the grievance and the redress desired. A copy of the grievance shall be sent~~The chair will send a copy of the ~~grievance~~ to the administrators grieved against, who shall submit a response to the Board within 30 ~~calendar~~ days of the receipt of the grievance. No other communication may be given to the Board prior to a hearing, with the exception of written statements (including e-mail) which must be distributed to all parties involved in the

grievance. If the Board decides to convene a hearing, it shall be scheduled within 30 **calendar** after the receipt of the administrators' response on a date agreed to by the grievant and the administrators grieved against.

~~7-8. All grievances will first go through a preliminary review by the Board to determine if the complaint should be dismissed, needs to be revised, or must be referred to a different entity under a university misconduct policy (see UA-03 and ACA-30). A complaint may not be dismissed without giving the grievant an opportunity to address the reason for dismissal and to correct any deficiency in the complaint.~~

~~Upon receiving a complaint, the Board Coordinator shall deliver a copy to the university official(s) grieved against and request a written response.~~

~~8-9.~~ When a response from the administrator is received, the ~~Board Coordinator~~ **chairperson** shall provide a copy to the grievant, submit the complaint and response to the full Board, and schedule proceedings in accordance with campus policy.

~~9-10.~~ The time limits set forth for the Board [II.C.6 and II.C.7] may be extended by mutual consent of the parties or by the Board for cause. If an administrator fails to comply with a request from the Board or the rules governing the Board's proceedings, including time limits for responses, the Board shall notify the Bloomington Faculty Council ~~Agenda Committee~~ **Executive Committee**, which shall take appropriate steps to obtain compliance. Otherwise, if the Board does not hold a hearing within the time limits, the grievant is to notify the chair of the Faculty Affairs Committee. At this point the chair of the Faculty Affairs Committee is to call upon the parties involved to take appropriate action within 15 **calendar** days and to notify the Bloomington Faculty Council at its next regular meeting that the appeal was made.

~~10. All grievances will first go through a preliminary review by the Board to determine if the complaint should be dismissed, needs to be revised, or must be referred to a different entity under a university misconduct policy (see UA-03 and ACA-30). A complaint may not be dismissed without giving the grievant an opportunity to address the reason for dismissal and to correct any deficiency in the complaint.~~

11. The grievant may request written statements and documents from university officials bearing on the complaint, and university officials must either supply those documents within the time allowed for case preparation or explain in writing to the Board why they are unable to do so. All requests and responses shall be made through the ~~Board Coordinator~~ **chairperson**.

12. Responsibility for presenting their cases rests with the grievant and respondent. They shall be permitted to present witnesses and other evidence relating to the case, and to hear and to question all witnesses. The Board also may call its own witnesses but has no obligation to do so. A hearing before the Board is an academic process, not a trial.

13. In the hearing before the Board, the academic appointee and the relevant administrative officer shall have the right of counsel or a representative of their choice. Advisors may attend and consult with the parties but may not participate unless the Board decides in an individual case to allow such participation.

14. The rules of evidence do not apply, and the parties may not object to the other side's evidence. However, the Board has discretion to curtail questioning or argument that is irrelevant or repetitious, or which harasses or embarrasses a witness.

15. Hearings should be closed except for parties, witnesses, advisors, and the ~~Board Coordinator~~ **Director of Faculty Council Offices**, unless all parties agree that it should be open. Individuals needing assistance to request accommodations can contact the Office of Institutional Equity (<https://equity.iu.edu/>).

16. Unsolicited or anonymous information may not be considered by the Board. Before and during the hearing the Board may request and secure further information in writing from the grievant and the administrative officer grieved against which it thinks to be pertinent to the case. The Board may also request that persons not presented as witnesses by either party provide information pertinent to the case during the hearing or in statements prepared for the Board. These statements, if they are not presented during the hearing, shall be made available to the grievant and to the administrative officer or officers grieved against. The Board also may request information and material after the conclusion of the hearing. These requests must be made known to the grievant and to the administrators grieved against. Either party may request that the hearing be reconvened in order to add or to respond to such newly solicited material and information. The decision made by the Board and any subsequent decision by University administrators shall be made only on the basis of evidence presented during the hearing or solicited by the Board before, during, or after the hearing.

17. The University shall make available to the Board all confidential material relevant to the administrative decision or action against which the faculty member brings a grievance, including all records of a case previously heard by committees such as the salary review committee of a school, and shall support the Board in obtaining witness

testimony. Confidential material shall be treated in consonance with the policies and principles set forth in the Bloomington Faculty Council document, "[Access to academic appointee records](#)."

18. An audio ~~tape~~ recording of the hearing shall be made and kept on file with the BFC. Upon request a copy of this recording will be provided to the grievant and to the University administrators who are to examine the case subsequently. At the conclusion of the hearing, the Board ~~chairperson~~ shall prepare a Report with written findings and recommendations and ~~distribute~~ it to ~~the Board Coordinator within 10 days. The Report shall be distributed to the parties~~ and include a summary of the grievance and response, a review of the evidence, and copies of any documents the Board found disruptive.
19. Any of the parties in the case may correct matters of fact referred to in the Board's decision and statement of reasons, and these corrections shall be provided to all parties in the case. Except for the receipt of these corrections, the administrative officer to whom the Board's decision is presented may consider only the Board's statement and appended documents as the ground of their decision.
20. The Board's Report is sent directly to the Provost, ~~for a final decision, or for an initial decision that may then be appealed by either party to the Provost for a final decision.~~
21. ~~After consulting with the Board,~~ if the final decision from the Provost does not follow the recommendations of the Board, the Provost shall inform the Board, of the reasons in writing within ~~45~~ ~~30~~ **calendar** days **upon receipt of the Board's recommendations Report/recommendation**.
22. ~~The grievant has a right to make an appeal to the University President, who may delegate the task of reviewing such appeals.~~
- ~~23. The grievant has a right to make an appeal to the University President, who may delegate the task of reviewing such appeals.~~
- ~~24.~~
25. ~~24.~~ In cases in which the Board and the administrative officer immediately superior to the respondent are in agreement or in which the Board has refused to hold a hearing, the academic appointee retains the right to appeal to the Provost or—if the Provost has already rendered a decision in the case—to the University President. The academic appointee will not acquire any additional right to tenure or to continued term of employment simply as a result of the delay involved in having taken the case before the Board. The University's Board of Trustees formally shall be notified of all cases that have been heard by the Board and of their final disposition.
- ~~26.~~ ~~25.~~ The Chair of the Board should notify the Provost of a university official who does not cooperate in the process or comply with policy time limits.

#### **D. Appeals Procedures**

The following provisions apply to appeals, and they are intended to modify, but not replace, Board procedures laid out in section C.

- ~~1. In cases of non-reappointment, the academic appointee shall submit his or her their their grievance to the Board within 60 calendar days two months following the negative decision by the executive level or within 30 calendar days one month following completion of the reconsideration process.~~
- ~~2.~~ 1. Because discrimination or misconduct situations may involve sensitive information, proceedings shall be closed unless all parties agree to hold an open hearing.
- ~~3.~~ 2. The Board may not conduct new fact-finding. Its jurisdiction is limited to a review of whether the university's decision to hold an individual responsible for misconduct and impose a sanction was appropriate based on the record before it. The Board in all cases shall be supplied with the reports, decisions, and recommendations previously prepared by university officials, and have access to all relevant materials gathered by university investigators.
- ~~4.~~ 3. Each party to the Appeal, as defined by the underlying misconduct policy, may present a statement to the Board, orally or in writing, personally or by an advisor. The Board may pose questions to any individual who makes a statement, but the parties may not.
- ~~5.~~ 4. Because issues of discrimination, harassment, sexual misconduct, or research misconduct may involve sensitive matters, specialized knowledge, or legal requirements, the university shall make available to the Board members appropriate training and information **within 30 calendar days a month of their stepping into their roles.**
- ~~6.~~ 5. Unless a misconduct policy specifies otherwise, the Board may issue recommendations that (a) affirm the university's actions, (b) recommend an alternative finding or sanction, or (c) recommend that a new investigation

be conducted because of a significant error in the original investigation.

~~7.6.~~ The Board's recommendations shall be addressed to the Provost. In cases where the grievance is filed against the Provost, the Board's recommendations shall go to the President instead. If a grievance is filed against the President, the Board's recommendations shall go to the Board of Trustees.

~~8.7.~~ The grievant has a right to make a final appeal to the University President, who may delegate the task of reviewing such appeals.

~~9.8.~~ For complaints concerning the denial of tenure, promotion, or reappointment, a Board is limited to a review of:

- ~~a. Whether appropriate policies and procedures were followed;~~
- ~~b. Whether adequate consideration was given to the qualifications of the academic appointee;~~
- ~~c. Whether information was improperly considered or excluded that substantially affected the decision; and~~
- ~~d. Whether essential fairness was accommodated throughout the decision-making process.~~

### **E. Disqualification**

If a member of the Board is involved in a case before the Board or is a member of a department (or school which is not departmentalized) from which a case arises, the member shall be disqualified to hear or to investigate the case. A member of the Board shall disqualify themselves from hearing or investigating a case whenever the member believes it difficult to render an impartial judgment.

### **F. Appointment of a Temporary Member**

Whenever a member of the Board is disqualified or is no longer a member of the faculty, the elected representatives of the BFC shall appoint a member to fill the vacancy for the case.

### **G. Publicity**

1. Public statements either by academic appointees or by administrative officials about cases before the Board ~~should be avoided~~ shall not be made. Any announcement of the final decision should include either the complete statement or a fair abridgment of the recommendation of the Board if it has not been released previously.
2. No member of the Board except its chairperson shall talk or write about a case to any of the parties involved in it or their counsel. All requests by members of the Board for information relevant to the case shall be made through the chairperson; all inquiries and statements concerning the case received by members of the Board shall be referred immediately to the chairperson.

### **H. Report to the Bloomington Faculty Council**

The Board shall report annually to the Bloomington Faculty Council the number and types of cases presented to it and shall indicate the number of cases in which it was recommended that the academic appointee be sustained.

## **History**

Approved: BFC 12/2/75, Amended BFC 4/18/00; 12/1/09, 02-15-2023.

Previous versions of this policy:

[12-01-2009 - 02-15-2023](#)

## **Related Information**

[ACA-17 Faculty Boards of Review: Minimum Standards for Uniform Hearing Procedures  
Constitution of the Bloomington Faculty](#)