



## Ohio Administrative Code

### Rule 3349-3-78 Appendix E - university faculty grievance policy and procedures.

Effective: May 13, 2024

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#### (A) Purpose

This rule provides faculty members with the opportunity to present and resolve grievances.

#### (B) Scope

This rule affords a limited remedy to all faculty members of the university and graduate students while functioning as a teaching assistant, research assistant or graduate assistant (who are collectively referred to as "graduate students" in this rule).

These procedures do not apply to tenure decisions, appointment and promotion decisions, charges of misconduct or where specific university rules apply.

#### (C) Definitions

Words have their ordinary meaning unless otherwise specified in the faculty bylaws or this rule.

Students and faculty should consult the faculty and student handbooks for further information on other rules that may be applicable.

(1) "Grievance" is defined as:

(a) A complaint by a faculty member or graduate student that a specific administrative act was arbitrary or capricious, and that such act adversely affects their existing terms or conditions of appointment; or

(b) A claim by a faculty member or graduate student that a violation of applicable university faculty bylaws, regulations, or personnel policies has occurred and that such violation adversely affects their



existing terms or conditions of appointment.

(2) "Grievant" refers to the person filing the grievance.

(3) "Respondent" refers to the person against whom the grievance is filed.

(D) Body of the rule

(1) Standards and procedures

The provost and senior vice president for academic affairs (provost) or the provost's designee is responsible for implementing step two of this rule.

(2) Informal resolution (step one)

(a) The grievant shall attempt to informally resolve the grievance with the respondent.

(b) Attempts at informal resolution do not extend the time limits as set forth for filing a formal grievance unless a written exception is granted. Deans will determine the length of time for informal resolution.

(3) Formal review (step two)

(a) Grievance that is not resolved to the satisfaction of the grievant through informal resolution may be presented by the grievant for formal review.

(b) A formal grievance must be filed simultaneously in writing with the provost or the provost's designee, the immediate supervisor and the respondent no later than thirty calendar days from the date the grievant knew, or could reasonably be expected to know of the event or action that gave rise to the grievance.

(c) The formal grievance must:



- (i) Identify the specific administrative act(s) to be reviewed;
  - (ii) Specify how the grievant was adversely affected;
  - (iii) Specify in what regard, if any, the administrative act(s) was/were arbitrary, capricious, or in violation of applicable bylaws or policies;
  - (iv) Specify the remedy requested.
- (d) The respondent will prepare a written response to be submitted to the provost or the provosts designee and his/her immediate supervisor within fifteen business days of the date of the filing of the formal grievance.
- (e) The provost will appoint a three-member faculty grievance committee, composed of associate or full professors, to review the matter and make a recommendation to the provost within fifteen days.
- (f) The provost or the provosts designee will render a finding in the matter to the grievant and respondent within fifteen days.

#### (4) Withdrawal

At any time prior to the resolution of the grievance, the grievant may withdraw the grievance without prejudice.

#### (5) Remedy

If the grievance is sustained in whole or in part, the remedy shall not exceed restoring to the grievant the pay, benefits, rights, repairing reputational harm, or other terms and conditions of appointment lost as a result of the violation of university bylaws and policies or as a result of an arbitrary, capricious, or administrative action.

#### (6) Records



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After resolution, records of the grievance will be maintained in the office of the general counsel in accordance with the record retention rules of the university.