

XI - TEACHING ASSISTANT/GRADUATE ASSISTANT PERSONNEL GRIEVANCE PROCEDURE

A. This procedure is designed to expedite the resolution of problems that arise in connection with the reappointment of Graduate Assistants and Teaching Assistants at the University. The graduate student should first attempt to resolve informally any problem that arises as expeditiously as possible, in the case of Teaching Assistants, with the faculty administrator who oversees the undergraduate/graduate program in which the Teaching Assistant is employed or, in the case of Graduate Assistants, with the Director of the Center, Bureau or Institute, or the chairperson of that department in which the Graduate Assistant is employed. The dean of each academic unit that enrolls graduate students will designate an individual on his/her staff to assist graduate students in achieving informal resolution of problems and the University will notify the AAUP-AFT of the identity of this individual. The graduate student is encouraged to seek such assistance as part of his/her attempt to reach informal resolution.

B. If the problem cannot be resolved through the informal means described above, the graduate student shall have access to the grievance procedure described below.

1. A grievance under this Article XI is defined as any claimed violation of University Regulations, this Agreement, or established policy or practice regarding non-reappointment of Teaching Assistants/ Graduate Assistants where non-reappointment is based upon the individual's work performance as a TA/GA. All other grievable matters shall be heard under Article IX.

2. At any step in the grievance procedure, the grievant may request participation of an AAUP-AFT-appointed representative. A maximum of two such representatives may be active at any one time.

3. In each of the steps described in d. below, the following conditions shall be understood:

a. The grievant may be accompanied by an observer and may be assisted by a representative in presenting the case.

b. The time limits prescribed for decision-making may be extended at any time as may be mutually agreed upon in writing by the grievant and the university.

c. The substance of all proceedings will be confidential.

d. Step 1 - The grievant shall address the matter in writing to the appropriate faculty administrator designated in paragraph A. above. Five working days from initial presentation will be allowed for effective resolution.

Step 2 - If resolution is not achieved at Step 1, the grievant shall submit an appeal, in writing, to a committee charged for this purpose on the campus on which the grievant is employed and concurrently to the AAUP-AFT and the Office of Academic Labor Relations. The campus committees shall be appointed by the Chancellor in Newark and Camden and the EVPAA in New Brunswick. Each committee shall be made up of three faculty members and two TA/GAs. In addition, one or more replacement pools shall be appointed on each campus by the Chancellor in Newark and Camden and the EVPAA in New Brunswick. The replacement pools shall be made up of three faculty members and two TA/GAs. The replacement shall be the same status as the committee member being replaced. A list of these committees and replacement pools shall be compiled annually and shall be on file in the Office of Academic Labor Relations and sent to the AAUP-AFT no later than September 30 of each year.

The grievant may submit concurrently to the AAUP-AFT and the Office of Academic Labor Relations a challenge for cause of any members of the committee within 5 working days of submission of the appeal, but before the day of the first meeting of the committee. The committee shall rule on the challenge within 5 working days of submission of the challenge. The Office of Academic Labor Relations may also challenge for cause any members of the committee and notify the grievant and the AAUP-AFT of such action following the same schedule. Cause shall be defined as the inability of a committee member to make a fair and independent decision because of bias or personal relationship to the parties or the controversy. The unchallenged members of the committee shall make the determination of whether cause exists. Such a determination shall require the assent of two or more members of the committee. In the event that a member of the committee is excused for cause, or recuses himself/herself, or is unavailable when the appeal is to be considered by the committee, another committee member shall be randomly selected jointly by the parties from the appropriate replacement pool. No member of the program in which the grievant is either a student or TA/GA may serve on the committee.

The committee shall be allowed 20 working days from the date of its receipt of the grievant's written appeal, or 20 working days from the resolution of a challenge for cause, to meet with the grievant, should the grievant request such a meeting, and render a decision to recommend or not recommend reappointment.

Step 3 - The committee shall present its recommendation in writing to the Dean of the Graduate School (in New Brunswick), the Associate Chancellor for Research and Dean of the Graduate School (in Newark), or the Dean of the Graduate School (in Camden), or a designee of that officer, and to the grievant, the AAUP-AFT and the Office of Academic Labor Relations. The chancellor or dean shall have 20 working days following receipt of the committee's recommendation to accept, to reject, or to modify the recommendation and to notify the grievant, the AAUP-AFT and the Office of Academic Labor Relations of his/her decision within five working days of the decision or as soon thereafter as practicable. The recommendation of the committee shall be deemed to have been accepted if no action is taken on it within the 20 working days following his/her receipt of the recommendation.