

*Walter Miller  
E. Miller*

V. Barfield

June 29, 1976

School Grievance Committee

Grievance Submission

The undersigned hereby submits a formal grievance to be considered by the School of Physical Education Grievance Committee of the University of Massachusetts pursuant to its procedures:

I. Respondents

- A. Frank P. McInerney, Head, Department of Athletics
- B. School of Physical Education Personnel Committee

II. Authority under which grievance is submitted:

A. Frank P. McInerney

- 1. Mr. McInerney failed to comply with the procedure for submission of Annual Report and Evaluation Professional Non-academic staff.

These procedures as stated on the form read: "Sections I and II are to be completed by Department Head; Staff member will then complete Section III and return to Department Head to complete Section IV and forward to the next level of authority." (See attached document entitled, ANNUAL REPORT AND EVALUATION PROFESSIONAL NONACADEMIC STAFF.)

Instead of complying with these procedures, Mr. McInerney did, in fact, issue a memorandum requesting P-14 personnel (Athletics) to submit materials for Section III in order that such could be attached to Annual Report (See attachment dated 3/1/76). And further, even though the Assistant Director requested proper procedure be followed, he, in fact, did not comply. (See memo 3/5/76)

- 2. Mr. McInerney failed to comply with the Personnel Policy Procedure specifically set forth in Item 4a, Item 4b, Item 4d, and Item 4e, on page 9 of the document entitled School of Physical Education Administrative Policies.

Item 4a reads: "Annual report with signature/recommendations of department head or chairman."

An Annual Report and Evaluation had not been completed by the Head, Department of Athletics, for the Assistant Director of Athletics.

Item 4b reads: Department Personnel Committee recommendations.

No such committee exists in the Department of Athletics and Mr. McInerney has assumed that function (by vote according to him).

Item 4d, 2nd paragraph reads: "Evidence that the faculty member has been afforded the opportunity to offer such a memorandum should be indicated by the written signature of the faculty member (along with the date) on a form containing the sentence: "I choose/do not choose to offer a memorandum on the department personnel action concerning my case. Signed \_\_\_\_\_."

Inasmuch as the Assistant Director of Athletics has never been afforded the opportunity to sign such a statement, a procedural violation has been committed.

Item 4e reads: "... the department personnel committee should then address its final disposition to the contents of the faculty member's memorandum before transmission of all materials to the next level."

No evidence exists that this procedure was followed.

3. Mr. McInerney failed to comply with the PERSONNEL POLICY FOR PROFESSIONAL NON-ACADEMIC STAFF (Trustee Document T73-090) specifically set forth in Item A., Item B, Item C, of Paragraph 103.3 entitled ANNUAL EVALUATION PROCEDURES.

Item A reads: "An evaluation form which states or includes the specific job description of the position held by the staff member."

No job description exists for the period under evaluation. No evaluation form has been completed therefore a procedure has been violated.

Item B reads: "Staff members will have the opportunity to assess their evaluations with superiors and to discuss frankly and openly its implications."

Since no annual report and evaluation exists, a procedural violation has been committed.

Item C reads: "Supervisors will assure that the evaluation process is of a constructive nature and that it will aid the employee to overcome deficiencies cited in the evaluation."

Since no annual report and evaluation exists, procedure has been violated.

B. School Personnel Committee

The School Personnel Committee failed to comply with the Personnel Policy Procedures as specifically set forth in Item 4f on page 9 of the document entitled SCHOOL OF PHYSICAL EDUCATION ADMINISTRATIVE POLICIES (September, 1973).

Item 4f reads: "The School Personnel Committee should take no action on departmental recommendations until points "a" through "a" have been fulfilled."

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Inasmuch as Items 4a, 4b, 4d, and 4e were not fulfilled, the School Personnel Committee violated approved procedures.

III. Desired Remedy:

I respectfully request that my case receive a review at the School level with the intent of recommending removal of the terminal aspect of the 18 month contract.

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Vivian Barfield  
Assistant Athletic Director