

COMPLAINT AND APPEAL PROCEDURE FOR FACULTY MEMBERS

University Procedure 32.01.01.C1.01 - Approved July 31, 2000
Supplements System Regulation 32.02.01

1. PURPOSE

- 1.1 It is intended that all problems be resolved, whenever possible, before the filing of a grievance. Open communication between faculty members and administrators is encouraged so that resort to the formal grievance procedure will not be necessary.
- 1.2 The purpose of this grievance procedure is to promote prompt and efficient investigation and resolution of grievances that are not addressed elsewhere in System policies or regulations or University rules or procedures. (This document does not cover grievances related to issues such as tenure, promotion, dismissal, reduction in force, and violations of academic freedom, all of which are subjects of specific System policies or regulations and University rules or procedures.)
- 1.3 This rule applies to all members of the faculty, including but not limited to persons holding tenure and those on tenure track.

2. CONFIDENTIALITY

Grievance proceedings will be maintained as confidential, subject only to the need of the grievant and the University to comply with the processes specified below and to present evidence concerning the grievance in other administrative or judicial proceedings.

3. COMPLAINT RESOLUTION

3.1 System Regulation 32.01.01 states:

Each System employee has the right under the statutes of Texas to present grievances concerning wages, hours of work, conditions of work, or illegal discrimination. The grievance may be presented individually or through a representative provided such representation does not claim the right to strike or bargain collectively. No retaliatory action of any kind including a reprimand may be taken against a complainant, a witness or other person providing testimony. Such retaliatory action will be regarded as a separate and distinct cause for complaint. An employee may be disciplined for the bad faith filing of a grievance.

3.2 Informal Procedure for Handling a Grievance

The responsibilities of the grievant and the department chair in informal proceedings are described below.

3.2.1 Grievant

- (1) The faculty member should present the complaint to his/her department head.
- (2) If the complaint is not resolved through informal discussion with the department chair, the faculty member may request a meeting with the college dean.

3.2.2 Department Chair

- (1) The department chair is responsible for listening and discussing the complaint with the faculty member, and resolving the complaint.
- (2) The discussions will be informal for the purpose of settling differences in the simplest and most direct manner.
- (3) The department chair will reach a decision as soon as possible, but generally not later than 10 working days from the date the complaint was presented.

3.3 Formal Procedures

The roles of the dean, the Provost and Vice President for Academic Affairs, and the investigation committee are described below.

3.3.1 Dean

- (1) If the discussion with the department chair did not resolve the complaint, the faculty member may elect to pursue formal procedures by sending a written complaint and a proposed solution to the dean. Normally, the dean will meet with the faculty member within 10 working days to resolve the grievance.
- (2) The dean will notify the complaining faculty member of his or her decision, in writing, generally within 10 working days following the date of the meeting.

3.3.2 Provost and Vice President for Academic Affairs

- (1) If the faculty members believes that the matter is still not resolved, he or she may forward a written complaint to the Provost and Vice President for Academic Affairs not later than 14 working days after the dean issues a written decision.
- (2) The President has delegated to the Provost the responsibility for appointing committees to review faculty grievances covered by this document. The Provost will appoint an ad hoc university investigation committee, consisting of five tenured faculty members. The committee will include a faculty member from each college. The Provost will appoint the chair of the committee.

3.3.3 Committee

- (1) The committee should begin its investigation in a timely manner, normally commencing no later than 14 working days after the complaint has been forwarded to the Provost. For those formal grievances involving charges of discrimination based on race, color, national origin, sex, sexual orientation, religion, age, disability, or veteran=s status, the committee chair should contact the Director of Equal Opportunity/Employee Relations to obtain the latest guidelines and standards regarding these discrimination concepts.
- (2) The committee will provide the aggrieved faculty member with an opportunity to present his or her grievance.
- (3) If the complaint is directed toward a particular individual or department, that individual or a representative from the department will be provided with an opportunity to respond to the grievance.
- (4) The committee may also seek information from other persons related to the case.
- (5) The committee will provide its written findings and recommendations to the Provost within 15 working days after commencing the investigation.

3.3.4 Final Decision

The Provost will issue a written decision to the faculty member originating the grievance, the department chair, and the dean, normally within 5 working days after receiving the recommendation of the committee. The decision of the Provost and Vice President for Academic Affairs will be final.