

TEXAS A&M
INTERNATIONAL
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Standard Administrative Procedure (SAP)

32.01.01.L1.01 Complaint and Appeal Procedures for Faculty Members

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Standard Administrative Procedure Statement

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 become necessary.
- 1.2 The purpose of this grievance process 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, violations of academic freedom, or complaints filed under 08.01.01 (Civil Rights Compliance) related to discrimination, sexual harassment, or retaliation complaints, 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, those on tenure track, and instructors.

Procedures and Responsibilities

2. CONFIDENTIALITY

Grievance proceedings shall be 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 complaints concerning wages, hours of work, or conditions of work. A complaint may be presented individually or through a representative provided such representative does not claim the right to strike. Any retaliatory action taken against an employee for filing a complaint or otherwise participating in the procedures established by this regulation or established by an academic institution pursuant to this regulation is prohibited. Such retaliatory action will be regarded as a separate and distinct cause for complaint. The filing of a complaint, however, will not constrain an academic institution from taking appropriate employment action. An employee may be disciplined for the bad faith filing of a complaint.

3.2 Informal Process for Handling a Grievance

A faculty member believing that there is cause for complaint concerning a matter covered by this regulation should discuss the matter in a personal conference with the department chair. If the matter cannot be resolved by mutual consent at this point, the issue should be discussed with the dean or equivalent administrator.

3.3 Formal Process: Faculty-Faculty

If the complaint is not resolved using the informal process designated above in 3.2, the grievant shall file a written complaint and a dossier explaining the nature of the grievance and presenting any pertinent evidence with the next immediate academic supervisor to both parties. Grievances involving administrators with faculty status, such as deans and department chairs, are resolved as Faculty-Faculty grievances. For example, if a faculty member has a complaint against his or her department chair, the complaint goes to the dean and then the provost before a grievance committee is formed.

3.3.1 If both faculty members are members of the same department or division, the complaint will go to the chair. If the faculty members reside in different colleges, then the complaint will go immediately to the provost.

3.3.2 If one of the faculty members is the department or division chair, then the complaint will go to the dean of the college wherein the department or division resides.

3.3.3 If one of the faculty members is the dean of the college, then the complaint will go to the provost.

- 3.3.4 If the provost is one of the parties to the complaint, then a grievance committee must be formed to hear the complaint, following the process described under item 3.3.6 below.
- 3.3.5 The original recipient of the complaint will have fifteen (15) working days in which to meet with the parties. If a satisfactory resolution is not found, the grievance may be appealed to the next line of authority, until it has been heard by the provost. No step may take more than fifteen (15) working days. If the health of one of the parties is at stake, then the period allotted each step of the process will be no more than five (5) working days.
- 3.3.6 If a complaint cannot be resolved using the process designated in 3.3.1-3.3.5, then a grievance committee must be formed from the University Grievance Pool. Each party will select two committee members from the pool, and the Faculty Senate President will select a fifth member. Faculty from the same college as either of the parties are not eligible to serve on a grievance committee, and faculty members with personal involvement in the grievance or other conflicts of interest should recuse themselves.
- 3.3.7 At a grievance committee hearing, the committee will hear appropriate evidence and witnesses. Both parties may be represented; however, the committee will define the role of the representatives, as appropriate. In addition to the original complaint, the grievant must provide a written dossier explaining the nature of the grievance and presenting any pertinent evidence. The party grieved against may also provide a dossier. The contents of the dossiers will be made available to the opposing parties in the grievance and their representatives, if any, at least five (5) business days prior to the grievance committee hearing. If either party wishes to add new evidence after the committee has begun its hearings (but before it has made its recommendations), the committee may allow the additional evidence to be heard (subject to the stipulations above).
- 3.3.8 The committee will submit its written recommendations to the Provost who will review the findings and make a recommendation to the President or return it to the committee for clarification. The committee will advise the parties to the grievance of its recommendations, in writing, within five working days after completing its hearings. The Faculty Senate will maintain records of the hearing in accord with Texas State Records Retention requirements.
- 3.3.9 In the event of a faculty-administrator grievance, a grievance committee must be formed immediately in accordance with the process described under item 3.3.6 above. In general the process follows the process described above.

under Faculty-Faculty grievances once the Grievance Committee has been formed.

- 3.3.10 If the complaint cannot be resolved through the processes described above, either party involved in the grievance may make a request to the president that mediation be implemented in lieu of continuing the standard process. This request may be made at any point prior to the submission of written recommendations by a grievance committee to the provost. Any documents pertaining to the complaint that have been submitted for review must be provided to the president or his/her designee. The President will designate a mediator to conduct the mediation within fifteen (15) working days of receiving the request. Recommendations of the mediator will be forwarded to the President for final action.

<p style="text-align: center;"><i>Contact Office</i></p>

Office of the Provost and Vice President for Academic Affairs