



Standard Administrative Procedure (SAP)

32.01.01.L0.01 Complaint and Appeal Process for Faculty Members

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Procedure Statement and Reason for Procedure

All problems should be resolved, whenever possible, before the filing of a grievance. If communication among faculty members and between faculty members and administrators is free and open, formal grievances should be rare.

The purpose of this SAP is to establish a grievance process for prompt and efficient investigation and resolution of grievances that are not addressed elsewhere in The Texas A&M University System (System) policies or regulations or Texas A&M International University (TAMIU) rules or procedures. (This SAP does not cover grievances filed under [System Policy 12.01, Academic Freedom, Responsibility and Tenure](#) related to issues such as tenure, dismissal, reduction in force, violations of academic freedom, nor complaints filed under [System Regulation 08.01.01, Civil Rights Compliance](#) related to discrimination, sexual harassment, or related retaliation, all of which are subjects of specific System policies or regulations and TAMIU rules or procedures.)

This SAP applies to all members of the TAMIU faculty, including but not limited to persons holding tenure, those on tenure-track, and instructors.

Procedures and Responsibilities

1. CONFIDENTIALITY

Grievance proceedings shall be confidential, subject only to the need of the complainant and TAMIU to comply with the processes specified below and to present evidence concerning the grievance in other administrative or judicial proceedings.

2. GRIEVANCE RESOLUTION

2.1 [System Regulation 32.01.01, Compliant and Appeal Process for Faculty Members](#) 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 processes 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.”

2.2 Informal Process

A faculty member believing that there is cause for grievance concerning a matter covered by [System Regulation 32.01.01, Compliant and Appeal Process for Faculty Members](#) should seek counsel from TAMIU’s ombudsperson or 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.

2.3 Formal Process (Faculty-Faculty)

If the grievance is not resolved using the informal process designated above in Section 2.2, the complainant may file a written grievance. The written grievance must explain the nature of the grievance, cite relevant details and evidence in support of the grievance, and state the resolution sought by the complainant. The written grievance should be filed with the next immediate academic supervisor of the parties involved. Grievances involving administrators with faculty status, such as deans and department chairs, are resolved as faculty-faculty grievances.

2.3.1 If both faculty members reside in the same department or division, the grievance goes to the chair. If the faculty members reside in different departments of the same college, the grievance goes to the dean. If the faculty members reside in different colleges, the grievance goes to the provost.

2.3.2 If one of the faculty members is the department or division chair, the grievance goes to the dean of the college wherein the department or division resides.

2.3.3 If one of the faculty members is the dean of the college, the grievance goes to the provost.

2.3.4 If the provost is the respondent to the grievance, a grievance committee must be formed to hear the grievance, following the process described under Section 2.3.6 below.

- 2.3.5 The original recipient of the grievance 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.
- 2.3.6 If a grievance cannot be resolved using the process designated in Sections 2.3.1 - 2.3.5, then a grievance committee must be formed from the University Grievance Pool, which is administered by the Faculty Senate in accordance with the [Faculty Handbook](#). Each party will select two (2) 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.
- 2.3.7 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. The complainant must provide the written grievance that explains the nature of the grievance, cites relevant details and evidence in support of the grievance, and states the resolution sought by the complainant. The respondent may also provide a challenge to the allegations made in the grievance. The complainant's grievance will be made available to the respondent at least fifteen (15) days prior to the hearing, and the respondent's rebuttal will be made available to the complainant at least five (5) days prior to the 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).
- 2.3.8 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 president will make the final decision regarding any action suggested by the findings of the committee and the recommendation of the provost. The committee will advise the parties to the grievance, in writing, of its recommendations to the provost within five (5) working days after completing its hearings. The president will, in turn, issue his final decision relating to the grievance within five (5) working days of receiving the provost's recommendation. The Faculty Senate will maintain records of the hearing in accord with Texas State Records Retention requirements.
- 2.3.9 In the event of a faculty-administrator grievance, a grievance committee must be formed immediately in accordance with the process described under Section 2.3.6 above. In general, the process follows that described above with the understanding that if the grievance is against the provost, the grievance committee's recommendation goes to the president.

2.3.10 If the grievance 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. Both parties must agree to mediation in order for the mediation process to move forward. Any documents pertaining to the grievance 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.

Related Statutes, Policies, Regulations, or Rules

[System Regulation 32.01.01, *Complaint and Appeal Process for Faculty Members*](#)
[TAMIU Faculty Handbook](#)

Contact Office

Office of the Provost and Vice President for Academic Affairs, 956-326-2240