

Texas State University System'

Rules and Regulations

Section V

SubSection

4.4 Faculty Grievances.

4.41 For purposes of this sub-section, "faculty member" means a person employed full-time by the institution, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. It does not include a person who holds faculty rank but spends the majority of his or her time engaged in managerial or supervisory activities, including a President, Vice President, Associate or Assistant Vice President, Dean, Associate or Assistant Dean.

4.42 A faculty member may present a grievance, individually or through a representative that does not claim the right to strike, to a System Component's President or his or her designee on an issue related to wages, hours of employment, conditions of work, promotion denial, or the non-renewal or termination of the faculty member's employment. Nothing herein shall require that informal, first and second level interactions between the faculty member and his/her supervisors include such representation.

4.43 The President of the Component may develop procedures for faculty grievances on these issues that include the following provisions:

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4.431 The designee or hearing officer, presiding over the grievance, will make a recommendation to the President, who will make the final decision regarding the grievance;

4.432 The faculty member may present the grievance individually or through a representative that does not claim the right to strike;

4.433 A hearing officer may not recommend changing the Component administration's action regarding tenure, nonrenewal, termination of employment, or denial of promotion unless the faculty member establishes, by preponderance of the evidence, that he or she has been denied a right guaranteed by the constitution or laws of the United States or the State of Texas.

4.434 A hearing officer may not recommend changes in disciplinary actions taken against a faculty member, unless the faculty member establishes, by a preponderance of the evidence, that the disciplinary action

was an abuse of discretion and authority of the person imposing the disciplinary action.

4.435 The administration of the Component need not state the reasons for the questioned decision or offer evidence in support thereof, unless the faculty member presents a *prima facie* case in support of his or her allegation, in which case, the hearing officer shall determine whether the administration has stated a nondiscriminatory reason for its decision.