

## 1. PREAMBLE

Any member of the faculty at Sam Houston State University has the right to appeal and eventually grieve an administrative decision that directly affects him/her as a faculty member and that is considered to be a violation of university policy or a violation of professional rights and responsibilities.

## 2. GENERAL PROVISIONS

### 2.01 Definitions

- a. Grievable offense: Any faculty member who believes that she/he has not been treated in a fair and equitable manner may file a grievance. Grievable offenses include:
  - (1) conditions of work, evaluation, or salary; or
  - (2) applications of university policies and procedures; or
  - (3) failure to maintain an environment free from intimidation, humiliation, and/or harassment.
- b. Faculty: The professional full-time teaching staff holding tenure or tenure-track status; interim faculty; and librarians holding the same faculty status.
- c. Administrator: Any person charged with managerial and administrative authority and accountability for teaching personnel and academic programs, departments/schools, and colleges.

### 2.02 Faculty Grievance Committee Established

A standing Faculty Grievance Committee (FGC) is hereby established to be constituted as follows:

- a. FGC shall consist of a non-voting chair and sixteen Regular members representing the five academic colleges and the library. The membership

will be divided as follows: one administrator and two faculty members from each college and one faculty member from the library.

- b. The University Faculty Senate will make recommendations to the University President for faculty membership and the Academic Policy Council will recommend the administrators to serve on the committee. The University President may require additional faculty and/or administrative recommendations from either the University Faculty Senate or the Academic Policy Council.
- c. All committee members must be willing to serve and be trained in grievance procedures.
- d. In consultation with the Chair of the Faculty Senate and the Provost and Vice President for Academic Affairs, the University President will select a chair from the faculty body. The chair will serve for a one-year term, renewable at the discretion of the President.

### 2.03 Seating and Chairing of the Committee

- a. For each grievance, two administrators and five faculty members will be selected by the University President from the Faculty Grievance Committee (FGC) to serve on the Grievance Hearing Committee (GHC). The grievant and the person against whom the grievance is filed will be allowed to disqualify one administrator and two faculty. These will be replaced by the University President. The chair of the GHC may not be disqualified. Members of the committee must recuse themselves if they believe there is a conflict of interest.
- b. The chair of the FGC shall serve as a non-voting member and chair of the GHC and shall be responsible for calling meetings of the GHC, notifying committee members and other parties to the grievance of meetings, receiving information from parties to the grievance, maintaining decorum during meetings, transmitting all final committee decisions to the University President, transmitting final decisions to recipients named in this document, and safeguarding all working documents and records of committee proceedings in conformity with state records retention law.

2.04 Documentation and Reporting

- a. The chair of the committee will be responsible for maintaining current operating records of all grievances filed and their dispositions.
- b. At the end of each year, the originals of these records will be forwarded to the University President for appropriate maintenance. Additionally, the chair shall provide the University President and the University Faculty Senate with an annual report summarizing the committee's work.

3. GRIEVANCE PROCEDURES

- 3.01 As a prerequisite to seeking redress through the GHC, a faculty member shall exhaust the following remedies after an alleged occurrence of the grievable offense. This and all other steps in the grievance procedure are summarized in the Appendix to this policy.

Faculty members believing that they have cause for grievance should discuss the matter in a personal conference with their department/school chair or direct supervisor. If the matter cannot be resolved by mutual consent at this point, the issue should be discussed in a personal conference with the appropriate college dean or director of the library. If the prior steps are unsatisfactory or if the grievance is with the dean or director of the library, the grievant will meet with the Provost and Vice President for Academic Affairs to seek an informal solution.

The informal procedure is designed to be collegial in nature. Thus, no outside representation is allowed during the informal process. If informal one-on-one communications as described above have failed to yield resolution of a faculty member's appeal, the faculty member may initiate a formal grievance procedure. During the formal grievance procedure, the faculty member may be assisted by legal counsel or by a representative who does not claim the right to strike.

- 3.02 The formal grievance process may be initiated by any eligible faculty member within ninety calendar days after the alleged occurrence of the grievable offense.

- a. The burden of proof is on the grievant to prove his/her case by a preponderance of the credible evidence.
- b. In the case of a formal hearing, any party to the grievance may be accompanied by a colleague or counsel of choice, or by a union representative that does not claim the right to strike, who will serve only in an advisory capacity.
- c. The grievant may terminate the procedure at any point. This forfeits the grievance.
- d. All parties (i.e., the grievant, the person against whom the grievance is filed, witnesses, or GHC members) to the procedure are assured freedom from reprisal for their activities related to these proceedings.
- e. Failure of any administrator to comply with the time limits shall automatically move the question forward in the process. When the aggrieved party shall fail to comply with the time limits, the grievance shall be dropped. Time limits may be extended by agreement when signed by both parties.
- f. Nothing in the policy shall inhibit a claim of pattern or practice, or preclude the introduction of evidence referring to previously supported grievances of the same or similar nature.

### 3.03 Hearing Procedures

- a. Grievance hearings shall be held in a respectful and collegial atmosphere.
- b. Those making oral presentations before the committee may only address the committee. No direct questioning of the grievant by those who are the subject of the grievance or their counsel, nor vice versa, will be permitted.
- c. Members of the GHC may elect to ask questions of any individual actively involved in the hearing procedure.

3.04 Submission of a Grievance to the Faculty Grievance Committee

- a. If dissatisfied with the informal resolution attempt, the faculty member shall submit a written statement of grievance to the chair of the FGC. This written statement must contain the following information:
  - (1) The names of the parties involved in the grievance.
  - (2) Specific policy-related or other issues and actions upon which the grievance is based.
  - (3) The desired outcome(s) or remedy(ies).
  - (4) Documentation supporting all charges involved in the grievance.
  - (5) A summary of the informal resolution process.
- b. The committee, after preliminary review of the written complaint, shall decide by a majority vote within ten class days after the review whether or not the grieved issue falls under the faculty grievance policy.
  - (1) If the GHC determines the grieved issue does not fall under this policy, the grievance committee chair will communicate this in writing to the faculty member within ten class days of the decision and the grievance procedure is terminated.
  - (2) If the GHC determines that the grieved issue does fall under this policy, the chair will send a copy of the grievance to the person against whom the grievance is filed to assist in the preparation of the written response, which will be submitted within ten class days of the decision. The GHC chair will convene the Grievance Hearing Committee.
- c. Within three class days of receiving the written response from the person against whom the grievance is filed, the GHC chair will set a date for the grievance hearing. A hearing shall be held by the committee at the earliest date convenient to those involved in the grievance. Every effort will be made to convene the hearing within fifteen class days, but no

more than thirty class days after the hearing is requested. The parties must be given notice at least ten class days in advance of the hearing date.

- d. The hearing shall be limited to the perceived wrongs specified in the original written complaint to the committee.
- e. After submitting the written documentation, the grievant and the person against whom the grievance is filed will have the right to present a statement in person to the GHC. The GHC will be allowed to question either party but the two parties will not be allowed to debate the issue. The GHC will be allowed to revisit with either party or may make a request for additional information if there is a discrepancy between the reported facts.
- f. Within three class days of the completion of the hearing, and at a time not more than thirty class days after the grievance was accepted to be heard by the GHC, a Report of Findings and Recommendations will be sent to the University President. If any of the parties to the grievance request, the Chair of the GHC will meet with the grievant or the person against whom the grievance is filed (no advisors or representatives) to discuss the findings of the committee.
- g. Within five class days of receiving the committee's report, the University President will either affirm, reverse, or remand the GHC's report.
  - (1) If affirmed or reversed, copies of the findings and recommendations and the University President's decision shall be sent to the grievant, those aggrieved against, those involved in the informal resolution effort, the Chair of the University Faculty Senate, and the Provost and Vice President for Academic Affairs.
  - (2) If remanded, the University President will notify the GHC in writing.
  - (3) If notified of a remand, the GHC will deliberate in executive session and return to the University President within five class days an amended Report of Findings and Recommendations or a written affirmation of the original report.

- h. If any of the parties to the grievance request, the chair of the GHC will meet with the grievant or the person against whom the grievance is filed (no advisors or representatives) to discuss the findings of the committee.
- i. A decision by the grievance committee may be appealed to the University President within ten business days.

APPROVED: \_\_\_\_\_ /signed/  
 James F. Gaertner, President

DATED: \_\_\_\_\_ 6/30/05

**CERTIFICATION STATEMENT**

This academic policy statement (APS) has been approved by the reviewer(s) listed below and represents Sam Houston State University's Division of Academic Affairs' APS from the date of this document until superseded.

Original Date: August 30, 1982  
 Reviewer(s): Council of Academic Deans  
 Academic Policy Council

Review Cycle: August, ONY\*  
 Review Date: August 1, 2007

Approved: \_\_\_\_\_ /signed/  
 David E. Payne  
 Provost and Vice President  
 for Academic Affairs

Date: \_\_\_\_\_ 6/26/05

\*=Odd Numbered Year

## Appendix

### Faculty Grievance Procedure Timeline

<b>Precipitating Event</b>	<b>Time Limits and Policy Reference</b>	<b>Party Responsible</b>	<b>Action Taken</b>
The faculty member believes that a grievable offense has occurred.	Within 90 calendar days from the occurrence of the grievable action. (3.01)	Faculty Member	Confers with the department/school chair or direct supervisor on the concerns related to the grievance. If the matter cannot be resolved by mutual consent, it should be discussed in a personal conference with the appropriate dean or director of the library.  If the prior steps are unsatisfactory or the issue is with the dean or director of the library, the grievant will meet with the Provost to seek a solution.
No satisfactory resolution was achieved in the prior step.	Within 90 calendar days from the occurrence of the grievable action. (3.02)	Faculty Member	Files a formal grievance with the Faculty Grievance Committee.
Receiving completed grievance documentation from a faculty member.	Within 10 class days after the preliminary review. (3.04 b)	Grievance Hearing Committee (GHC) Chair	GHC is formed and determines if the action is grievable under this policy. If so found, the committee chair sends notification and a copy of the grievance to the person named in the grievance and convenes the Grievance Hearing Committee.  If the grieved issue does not fall under this policy, the chair of the Faculty Grievance Committee communicates this to the faculty member.
Receipt of notification and copy of the grievance.	10 class days after decision to hear the case. (3.04 b)	Person against whom the grievance is filed	Submits written response to the allegations contained in the grievance.



<b>Precipitating Event</b>	<b>Time Limits and Policy Reference</b>	<b>Party Responsible</b>	<b>Action Taken</b>
Grievance Hearing Committee's ruling on the grievant's petition.	3 class days after receiving the written response from the grievant. (3.04 c)	Grievance Committee Chair	Sets the date for the hearing
Notification of the hearing date.	Not more than 30 class days after the grievance was accepted to be heard. (3.04 c)	All parties involved.	The hearing is held.
Completion of the Grievance Hearing.	Within 3 class days of the completion of the hearing. (3.04 f)	Grievance Hearing Committee	Files a report of findings and recommendations to the University President.
Receipt of the Grievance Hearing Committee's findings and recommendations report.	Within 5 class days of receiving the GHC's report. (3.04 g)	University President	<p>Will affirm, reverse or remand the Grievance Hearing Committee's findings and recommendations.</p> <p>If affirmed or reversed, copies of the findings and recommendations and the University President's decisions shall be sent to the grievant, those grieved against, those involved in the informal resolution effort, the Chair of the University Faculty Senate, and the Provost.</p> <p>If remanded, the Grievance Hearing Committee will be notified in writing by the University President.</p>
Receipt of a remanded findings and recommendations report.	Within 5 class days of receiving the remanded report. (3.04 g)	Grievance Hearing Committee	<p>Will deliberate in executive session and will either return an amended findings and recommendations report or a reaffirmation of the original report.</p> <p>The process will then return to the previous step.</p>