

OFFICIAL

Policy and Procedure Statement 8.08
Review Cycle: April 1, EY
Review Date: April 1, 2017
Reviewer: Provost

Faculty Grievance Policy
(10 Paragraphs)

[Attachment A](#)

PURPOSE

1. Section 2.15 of Chapter V of the Regents' Rules entitles every TSUS employee to present a grievance to a hearing officer designated by the university president on an issue related to his or her wages, hours of work, or conditions of work.
2. Section 4.4 of Chapter V of the Regent's Rules permits a faculty member to file a grievance with the president on an issue related to the non-renewal or termination of the faculty member's contract at the end of the employment period. (A grievance under this paragraph is not a due process hearing that would require the formalities specified in Chapter V, section 4.5.)
3. Section 13 of Appendix A-6 of the Regent's Rules provides that, in some circumstances, an appeal under the Texas State University System Sexual Misconduct Policy and Procedures, will be processed under PPS 8.08.
4. This PPS sets forth procedures for faculty grievances except for the following:
 - a. Discrimination Grievances. [UPPS 04.04.46](#) (Prohibition of Discrimination or Harassment) contains procedures for complaints of racial harassment and illegal discrimination on the basis of race, color, national origin, age, religion, sex, disability, veteran's status or sexual orientation.
 - b. Procedures Involving Due Process. Procedures for due process in terminating (1) tenured faculty members; and (2) faculty under special circumstances, including cases of termination of tenured faculty prior to the end of the contract period, are contained in Sections 4.5 (Termination for Good Cause) and 4.6 (Termination for Special Circumstances) of Chapter V of the Regents' Rules. In all such termination cases where the facts are in dispute, the president will appoint a special hearing tribunal composed of faculty whose rank is equal to, or higher than, that of the accused faculty member.

DEFINITIONS

5. In this PPS the following terms have the definitions set forth.
 - a. Faculty Member: a person employed full-time or part-time by Texas State, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. It does not include department chairs/school directors, or a person who holds faculty rank but spends the majority of his or her time engaged in managerial or supervisory services including deans, associate or assistant deans.

- b. Ombudsman: a person designated by the president to help faculty members resolve work-related issues. The ombudsman is neutral, and is not an advocate for either employee or management. The president will appoint the ombudsman from a list of candidates recommended by a committee composed of three faculty senators (appointed by the chair of the Faculty Senate) and three chairs/directors or deans (appointed by the provost). The ombudsman will receive assigned time and serve a three-year term. The ombudsman will develop procedures to facilitate the timely and equitable adjudication of faculty grievances and, via the Faculty Senate, recommend changes in the policy itself.
- c. Administrator: a member of Texas State's administration. The term includes vice presidents, deans, chairs, and other administrators as determined by the president.

INFORMAL RESOLUTION

- 6. Time Frame. In the thirty business days allowed before a formal grievance is filed, faculty members should make good-faith efforts to resolve issues collegially by discussing their concerns with the ombudsman or with their chair/director and/or dean.

FORMAL GRIEVANCE

- 7. The faculty member/grievant shall file a formal grievance in person using the Faculty Grievance form ([Attachment A](#)) and presenting the grievance form and any additional documentation to the president's office. Supplementary documents or evidence can be presented to the hearing officer up to and during the grievance hearing.
 - a. Time Limit. The faculty member/grievant must file the grievance no later than **30 (thirty)** business days after the faculty member learns (or reasonably be expected to have learned) of the action or condition that gave rise to the grievance. The hearing officer may consider only those grievances that are filed in a timely manner.
 - b. Hearing Officer. If the grievance involves termination or non-renewal of a faculty member's employment at the end of the contract period, or an issue related to wages, hours, or conditions of work, or an appeal as provided under paragraph 3 of PPS 8.08 the president will appoint an tenured administrator from an academic unit outside the college in which the grievance was initiated (on an ad hoc basis) to serve as the hearing officer. Should more than one grievance be filed concurrently, additional hearing officers may be appointed as needed.

- c. Communication. The president will forward the grievance to the provost who will send copies to (1) the hearing officer, (2) the responding party(s), (3) the appropriate chair and dean, and (4) the chair of the Faculty Senate.

After a formal grievance is filed, the parties may communicate on the grievance issues only through the ombudsman or the hearing officer until the matter is resolved.

- d. Grievance Limitations. The hearing officer may not recommend changing the administration's action regarding non-renewal or termination of employment unless the faculty member establishes a prima facie case – that is, presents evidence sufficient to establish in the absence of rebuttal by the TSUS Institution, that he or she has been denied a right guaranteed by the Constitution or laws of the United States or the State of Texas.

GRIEVANCE HEARING

- 8. The hearing officer will investigate all grievances filed by faculty members under this policy.
 - a. The hearing officer will meet with the grievant and will review any documents or other evidence that the grievant presents in support of his or her position.
 - b. The hearing officer will make a determination. If the hearing officer finds that the grievant has established a prima facie case, the hearing officer shall determine whether the administration has stated a nondiscriminatory reason for its decision and so advise the president.
 - c. The president will inform the grievant, the respondent(s), the provost, the hearing officer, the appropriate dean and chair, and the Faculty Senate of his or her action regarding the grievance, and will distribute copies of the hearing officer's final report to the grievant, the respondent(s), the provost, the appropriate dean and chair, and the chair of the Faculty Senate.
- 9. To the extent that this PPS conflicts with the Regents' Rules, the latter shall prevail.
- 10. Grievance records will be maintained by the Office of the Provost and will be handled in accordance with the official Texas State University records retention policy.

CERTIFICATION STATEMENT

11. This PPS has been approved by the reviewer listed below and represents Texas State's Division of Academic Affairs policy and procedure from the date of this document until superseded.

Review Cycle:

Review Date:

Reviewer:

Date:

Approved:

Date:

Gene Bourgeois

Provost and Vice President for Academic
Affairs

Texas State University
Provost and Vice President for Academic Affairs
Last Updated: February 9, 2016
Send comments and questions to: tq12@txstate.edu