



OFFICIAL INSTITUTIONAL PROCEDURE

PROCEDURE NAME (R*) Faculty Grievance and Appeal	EFFECTIVE DATE (R*) 9/1/2019	PROCEDURE NUMBER (R*) P6.106
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PROCEDURE STATEMENT (R*) UNTHSC provides a formal, internal process for the good faith resolution of employment-related grievances to meet the requirements of State and federal law.

REASON FOR PROCEDURE (O*) Outline Faculty Grievance and Appeal Steps per policy 6.106

AREAS OF RESPONSIBILITY (R*) Office of Faculty Affairs (OFA) – responsible for stewarding this procedure Faculty Grievance and Appeals Committee (FGAC) – responsible for review of assigned grievances
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PROCEDURE DETAILS (R*) 1. <u>General Principles</u> 1.1. The grievance and appeal process will be confidential to the extent authorized under state and federal law. 1.2. A grievance may also be referred to as an appeal. For the purpose of this procedure, these terms are interchangeable. 1.3. The composition and responsibilities of the Faculty Grievance and Appeal Committee (FGAC) is outlined in the Health Science Center Faculty Bylaws. Clarification or questions pertaining to the operating procedures of the committee will be directed to the Office of Faculty Affairs (OFA). All members of the FGAC will be provided with copies of faculty related policies and members need to review all documents prior to any cases. 1.4. The OFA will be responsible for maintaining files regarding grievances filed and their ultimate disposition. The Office will also provide administrative support for grievances. 1.5. The timeframes referenced in the policy and procedure are included as guidance only.
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2. Allegations of discrimination or harassment will be handled pursuant to the procedures outlined in the HSC's Title IX policy or Nondiscrimination policy and will not be addressed in this procedure.
3. Grievance related to Non-Reappointment, Denial of Tenure, Denial of Promotion and Termination
 - 3.1. Grievances involving non-reappointment, termination, or denial of promotion or tenure will be addressed in this section of the Grievance and Appeal procedure. All other appeals will normally be addressed in the section related to other working conditions.
 - 3.2. The following serves as guidance for the Grievance/Appeal process:
 - 3.2.1. **The faculty member** will send a letter stating the reason for their grievance to the Provost within **10 working days** of being notified, in writing, of non-reappointment, denial of tenure, denial of promotion or termination. **The Provost** will forward the grievance to **the OFA** and **the FGAC Chair**
 - 3.2.2. **The OFA** will schedule a meeting with the **FGAC Chair**, and all staff member(s) from the OFA who will be supporting the case.
 - 3.2.3. **The Office of General Counsel (OGC)** will be notified by the Office of the Provost of the grievance within **5 working days**.
 - 3.2.4. Within **10 working days**, **the FGAC Chair** will send a notification of charge memo to **the Grievant** acknowledging the appeal/grievance request and requesting any evidence and a list of witnesses to be called.
 - 3.2.5. **The OFA** will identify any documents relevant to the grievance and make them available to **the Grievant**.
 - 3.2.6. **The FGAC Chair** will work closely with the **OFA** on the grievance hearing procedures. **The FGAC Chair** will be able to consult with the **OGC** throughout the process.
 - 3.2.7. **The FGAC Chair** will review the list of FGAC members and verify if they will be able to serve (this review is not to determine if there are conflicts of interest. This review is to verify that the members are available and will be able to commit to the time required.)
 - 3.2.8. **The Provost** will appoint a representative to represent HSC in the hearing(s).
 - 3.2.9. **The OFA** will review calendars of all parties to determine dates and times for the appeal hearing.
 - 3.2.10. **The OFA** will identify a date, time and location for a hearing and communicate it to all parties involved (grievant, HSC Representative and the FGAC). All parties will be notified of the hearing date at least 21 working days prior to the hearing.
 - 3.2.11. **The FGAC Chair** will create a memo to be sent to **the Grievant** and **HSC representative**, by **the OFA**, with the date, time and location of the hearing. The memo will include the name of the HSC representative, the hearing format, notification that the **Grievant** may request an intuitional advisor to help them through the process, dates and times that all evidence and witness lists must be shared and the list of the FGAC members that will be serving.

- 3.2.12. **The Grievant** will respond to **the FGAC Chair** with the name of **their Institutional Advisor** (if the Grievant chooses to have one) at least **10 days** prior to the hearing.
- 3.2.13. **The Grievant** and/or **the HSC Representative** may challenge, in writing, to **the FGAC Chair**, the ability of a committee member to serve fairly or objectively. The challenges are to be submitted at least **15 working days** prior to the date of the hearing. Neither party involved shall have the right to disqualify a member from service who is in good standing as a faculty member. If the member voluntarily disqualifies himself or herself, then the elected alternate will serve on the committee. If the member does not voluntarily disqualify himself or herself, **the FGAC Chair** and **the OFA** will review the matter and decide whether the committee member will serve on the committee for that particular grievance. If it is determined the committee member should be removed, an alternate will serve.
- 3.2.14. **Each party** will provide written evidence, supporting their case, to **the OFA** 10 working days before the hearing. All evidence must be relevant to the grievance. All evidence will be shared by **the OFA** with **the Grievant, Institutional Advisor** (if applicable) and **HSC Representative** as quickly as possible. The FGAC will have access to the evidence in a secure electronic platform within at least of 24 hours of the hearing. Evidence will be considered confidential and will be shared through a secure mechanism. The evidence will be organized in such a manner to allow for ease of use and review. **The OFA** will comply with legal expectations and **the OGC** will be consulted where necessary.
- 3.2.15. The hearing will be attended by the following:
- 3.2.15.1. Grievant and Institutional Advisor
 - 3.2.15.2. HSC Representative
 - 3.2.15.3. FGAC Committee
 - 3.2.15.4. OFA Representative
 - 3.2.15.5. OGC Representatives
 - 3.2.15.6. Witnesses – will only be in the meeting when called.
- 3.2.16. The hearing will be recorded and use the following agenda
- 3.2.16.1. HSC Representative presents his/her case including witness statements (max 1 hour)
 - 3.2.16.2. Grievant presents his/her case including witness statements (max 1 hour)
 - 3.2.16.3. HSC Representative summary statement (15 min)
 - 3.2.16.4. Grievant summary statement (15 min)
 - 3.2.16.5. Questions may be asked by members of the FGAC throughout the presentations and summary statements.
The clock will be stopped during questions and answers. (There is no set time limit for questions. Time is as needed to ensure the grievance will be resolved)
- 3.2.17. After the hearing both parties are dismissed and the recording is stopped. The committee will review all related policies and the case as presented by the grievant and the HSC representative. After the review, **the FGAC** will

generate a written recommendation. **The FGAC Chair** will vote only to break a tie. The recommendation will be forwarded to the Provost. Refer to policy 6.106 for who will make the final determination on the grievance.

4. Grievances Related to Other Working Conditions

- 4.1. An appeal pertaining to the administrative procedures associated with working conditions unrelated to discrimination or harassment prohibited under HSC's Title IX policy or Nondiscrimination policy, promotion, tenure or termination will be addressed using this section of the grievance and appeal procedures.
- 4.2. **The faculty member** submits the grievance in writing to his/her Department Chair, and requests a meeting with **the Department Chair**.
- 4.3. **The Department Chair** will schedule a meeting with the Grievant **within one week**.
- 4.4. If the grievance is not resolved to the satisfaction of both the grievant and Chair, then **the Grievant** may submit the grievance to the Dean. The grievant must submit the grievance to the Dean **within two weeks** of the meeting with the Chair.
- 4.5. **The Dean** will provide a written response to the grievant **within two weeks** of receiving the grievance. The Dean is encouraged to meet with **the Grievant** and **Department Chair** prior to sending his/her response. The Dean may accept, reject or modify the Department Chair's decision.
- 4.6. If **the Grievant** is not satisfied with the decision from the Dean, he/she may submit a written grievance to the Provost. The appeal must be submitted in writing **within two weeks** of receiving the decision from the Dean.
- 4.7. **The Provost** will review the Dean's decision and the written appeal. **Within two weeks** of receiving the appeal, the Provost will either provide a written final decision on the grievance to the Grievant, Dean, and Department Chair or submit the grievance to the FGAC chair and copy the OFA.
- 4.8. **The FGAC Chair**, working with the **OFA**, will initiate a hearing as described in section 3.
- 4.9. The recommendation from **the FGAC** will be sent to **the Provost** who will make the final decision. The Provost will send the final decision to **the Grievant, Dean, and Department Chair**.

RELATED INFORMATION (O*)

Policy 6.106 Faculty Bylaws (www.unthsc.edu/academic-affairs/faculty-affairs/bylaws-of-the-faculty/)
 Policy 6.103 Evaluation of Tenured Faculty
 Policy 6.107 Faculty Tenure and Promotion
 Policy 6.105 Faculty Discipline and Termination
 Policy 7.106 Title IX

DEFINITIONS (O*)

FGAC – Faculty Grievance and Appeal Committee
 OFA – Office of Faculty Affairs
 OGC – Office of General Counsel

FORMS/ONLINE PROCESSES (O*)

Faculty Bylaws www.unthsc.edu/academic-affairs/faculty-affairs/bylaws-of-the-faculty/
 FGAC www.unthsc.edu/academic-affairs/faculty-affairs/faculty-grievance-and-appeal-committee/

HISTORY (R*)

Revision Date(s): 08/30/2019, 07/28/2020, 01/29/2021, 11/5/21
 Reviewed Date(s):

Provost Initials: _____

ADMINISTRATIVE AUTHORITY (R*)

Provost and Executive Vice President

RESPONSIBLE UNIVERSITY DEPARTMENT/DIVISION (R*)

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*R = Required *O = Optional