



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 60.10, **Faculty Grievance Procedure**

Purpose: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to establish a model procedure that will permit fair, consistent, and internal consideration of grievances from faculty, and provide a process for their resolution. Each School must adopt a faculty grievance policy that is an expansion to this policy and fully describes the policy for that school within the guidelines of this HSC policy. Faculty are directed to obtain a copy of their School policy from their Dean's office.

Review: This HSC OP will be reviewed by October 1 of every even-numbered year (ENY) by the Assistant VP for Human Resources, Associate General Counsel, the Deans of the Schools, the Faculty Senate, and the Senior Vice President for Academic Affairs, with recommendations for revisions forwarded to the President by November 1.

Policy/Procedure

1. Foreword

- a. TTUHSC operates under rules and policies set forth by the Texas Tech University System Board of Regents that ensures the rights of its faculty. This policy does not apply to tenure decisions or issues related to non-reappointment or termination. For such grievances, the faculty member is referred to *Regents' Rules*, Section 04.03. It is the intent of this policy to create a model process whereby formal expressions of disagreement related to administrative decisions involving certain faculty employment actions may be resolved. Each School within TTUHSC shall develop and maintain an internal policy to address grievances of their respective faculty members, and a copy of the grievance policy shall be maintained in the Office of the President or administrative designee. At a minimum, each School's grievance policy shall include the basic elements of the model process described herein below.

It is expected that informal communication at the administrative level at which the problem arose will resolve most issues. However, each member of the TTUHSC faculty has a right to a hearing and an appeal for redress of grievance through a procedure including the steps described herein when informal methods have failed.

- b. A faculty member may present a grievance without fear of retaliation. The filing of a grievance, however, will not affect the ability of TTUHSC to pursue disciplinary action where appropriate.
- c. A faculty member holding an administrative position will have access to these grievance procedures with regard only to faculty duties, and will not have access to these procedures with regard to administrative duties.
- d. Every effort shall be made to follow the time periods suggested in the model procedures outlined below. However, each School policy will define School-specific time periods for each step of the grievance procedure, as well as those allowed to grant such extensions of time at each stage of the process, e.g., the Dean, Grievance Panel Chairperson, etc. Reasonable extensions of response times may be granted for University holidays or unusual circumstances at the request of either of the relevant parties at each step of the grievance process.

- e. All individuals will be expected to meet all their responsibilities while pursuing a grievance.
- f. Resignation from or filing a legal suit against the institution before initiation of a grievance or during the process shall preclude initiation of continuation of the grievance process.

2. **Procedures**

A grievance, defined as a formal expression of disagreement related to an employment action, should be filed only after an attempt has been made to resolve the disagreement through an informal meeting of the parties concerned. If the faculty member believes that his/her concerns have not been resolved as a result of this meeting with the person with whom the disagreement exists, he/she has the option to file a formal grievance which must be addressed in a manner that includes, at a minimum, the steps outlined below. An individual School policy may include other steps, such as attempts at mediation, if the School's faculty and administration deem appropriate and have included such in their published policies and/or bylaws.

Step One: Within fifteen (15) business days of the initial meeting and informal communication, the faculty member (grievant) shall present the grievance, any supporting evidence and a proposed resolution in writing to his/her immediate superior (usually the Department Chair but may be the Division Chief in larger departments). The immediate superior (respondent) shall reply in writing to the faculty member within five (5) business days of receiving the written grievance. Once the grievance has been presented in writing, it cannot be changed except with the written approval of all parties.

Step Two: If the grievance is not resolved to the grievant's satisfaction, this process shall be repeated at each appropriate supervisory level up to and including the Chair. In each case, the faculty member shall within five (5) business days submit the original written grievance, the written responses of respondents to whom it was previously submitted, and an explanation of why the grievant finds the responses unsatisfactory. At each supervisory level, the respondent shall reply in writing within five (5) business days of receipt of the grievance.

Step Three: If the grievance is not resolved within the supervisory structure of the School, the grievant may file a written appeal to the Dean of the School within five (5) business days of receiving the respondent's decision (e.g., the Department Chair). As in previous steps, the appeal must set forth why the decisions made thus far are unsatisfactory and specify the outcome being sought. The Dean shall convene a Grievance Hearing Panel which, at a minimum, should include members selected by the faculty member (grievant) and members selected by the person against whom the grievance was originally filed. The Grievance Panel chairperson must be a tenured professor. The precise composition of the panel and the process for its selection must be defined in the relevant School policy or procedure, including the process for appointment of a chairperson for the Grievance Panel.

The grievant and respondent will have five (5) business days to submit to the Dean copies of all supporting documents and a list of any witnesses to be presented at the hearing. The documents and witness list from each party will be transmitted to the other party who will have five (5) business days to submit additional material and names of witnesses in rebuttal. This material shall be provided to the Chair of the Hearing Panel, who shall arrange for a hearing to be held within the next fifteen (15) business days. All submitted materials and testimony are to be treated as confidential. The purpose of the hearing shall be to investigate the grievance and provide a written recommendation to the Dean. The procedure for this hearing shall be established by the Hearing Panel but, at a minimum, the grievant and respondent shall be allowed to present their case and call witnesses who may also be questioned by the Panel and opposing party. Attorneys may be present only in an advisory capacity. All meetings of the Panel, including the hearing, shall be memorialized as minutes of an official meeting. The hearing will be tape recorded and copies of the recording will be made available to either party, if requested.

After the hearing proceedings are concluded, the Grievance Panel Chairperson shall have five (5) business days to transmit to the Dean a written majority recommendation. Any panel member may transmit a minority opinion in writing to the Dean within the same time period. Any minority opinions that are submitted will become part of the permanent record of the grievance proceedings. A copy of the written recommendation shall be provided to all parties to the grievance simultaneously with transmission of the Panel's recommendation to the Dean.

Step Four: The Dean shall make a decision after reviewing the recommendations and documents presented. The Dean shall provide to the grievant, respondent, and Chair of the Grievance Hearing Panel of his/her decision within ten (10) business days of receiving the Panel's recommendations. The decision of the Dean is final unless a procedural violation is alleged to have occurred.

Step Five: If the grievant alleges that a procedural violation has occurred, then he/she may appeal in writing to the President. The appeal must (1) be made within ten (10) business days of receiving the Dean's decision, (2) be in writing, and (3) clearly set forth the procedural violation that is alleged.

The President shall review this recommendation and make a final decision that will be transmitted to the grievant, the respondent(s), the Chair of the Hearing Panel, and the Dean within fifteen (15) business days. The decision of the President is final.

The parties may agree to a resolution of the grievance at any time from initiation of the grievance procedures until the President's final decision. A complete, permanent record of the grievance shall be maintained in the Dean's office.