



UHCL ACADEMIC AFFAIRS POLICY (UAAP)

SECTION: ACADEMIC AFFAIRS
AREA: GENERAL

UAAP Number: 06.A.17

SUBJECT: FACULTY GRIEVANCE

I. PURPOSE

The Faculty Grievance Policy is designed to provide faculty members due process. This policy will apply anytime a grievance is filed by a UHCL faculty member against members of the faculty or administration where no other UHCL policy is appropriate. Faculty are encouraged to attempt all informal avenues of resolving disputes before pursuing a formal grievance.

II. DEFINITIONS AND CLARIFICATIONS

- 2.1 Respondent - the individual against whom the grievance is filed.
- 2.2 Grievant - the person initiating the grievance.
- 2.3 Faculty – includes faculty who hold adjunct (Faculty Handbook 2.6), non-tenure track (Faculty Handbook 2.4), tenure-track/tenured (Faculty Handbook 2.1) positions.
- 2.4 Administrator – the person to whom the grievance is filed. (See IV.2.2 for additional specifications).
- 2.5 Grievance Pool – a panel consisting of elected representatives from each college (see V.3.1). This panel serves as the basis for development of the Faculty Grievance Committee.
- 2.6 Faculty Grievance Committee – a committee of five faculty members selected from the Grievance Pool to hear appeals to grievance decisions (see V.3).

III. POLICY

- 3.1 The University of Houston – Clear Lake (“University”) encourages fair, efficient and equitable solutions for problems or disputes arising out of the employment relationship.
- 3.2 Although grievances can concern any action affecting a faculty member, they might include post-tenure review, work assignments, violations of academic freedom, merit raises, and committee assignments. Grievances may also be for violations of University policies, college by-laws or other policies as appropriate. The following actions are not

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addressed by this policy because there are other policies or processes in place. These include:

- 3.2.1 Sexual misconduct ([SAM.01.d.08](#))
 - 3.2.2 Discrimination and harassment ([UHCL Anti-Discrimination Policy](#))
 - 3.2.3 Dismissal for cause ([UHCL Dismissal Policy](#))
 - 3.2.4 Promotion and tenure ([UHCL Promotion and Tenure Policy](#))
 - 3.2.5 Grievance outcomes. While it is possible to file a grievance for a clear violation of the grievance *process*, grievances will not be accepted against an individual for their recommendation or decision in a grievance.
- 3.3 No faculty member will be penalized or disciplined for filing a grievance or for aiding another faculty member in the presentation of a grievance. Any acts or threats of retaliation in response to grievances will result in disciplinary action ([UHCL Faculty Disciplinary Procedures](#)). Persons who file grievances in bad faith, with reckless disregard for the truth, or in willful ignorance of the facts, as determined by the Grievance Committee's review of the facts, are not afforded protection under this policy and may be subject to disciplinary action. Any action taken in this regard will be administered in accordance with the UHCL Disciplinary Policy or other applicable university policies.

IV. PROCEDURE

4.1 Informal Resolution - The University encourages communication between faculty members and administrators to resolve workplace concerns promptly. If an agreement is not reached through informal efforts to resolve workplace concerns, the faculty member may pursue the grievance procedure outlined below.

4.2 Formal Grievance

- 4.2.1 A faculty member ("grievant") initiates a formal grievance by submitting a written complaint to the appropriate administrator ("administrator") (see IV.2.2) no later than 60 business days after the action by the other party ("respondent") that is the subject of the grievance. Attempts at informal resolution must be complete by this deadline. For grievances against administrators, the "date of the action" will often be the date of notification of the action. For example, a grievance regarding an annual evaluation score should be filed within the time limit starting from the date the faculty member receives their copy of the scores. Relevant documents or any other information pertinent to the matter should be provided. Once the grievance has been submitted in writing, it cannot be changed, except to end the grievance due to informal resolution.
- 4.2.2 Grievances concerning faculty should be directed to the respondent's department chair; grievances against a department chair or other sub-dean college academic administrator should be directed to the respondent's dean; grievances concerning a dean or other university-level academic

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administrator should be directed to the Provost. Grievances concerning the Provost should be directed to the President or designee. In all cases, the faculty member filing the grievance must also send a copy to the Provost's office. The Provost's office will be responsible for notifying the dean's office of the respective college, handling requests for extensions, and maintaining official records related to the grievance. If a faculty member files a grievance at a level higher than the one specified in this policy, the grievance will be returned to the appropriate level for review.

If the Provost is the respondent, the President of the university will assume the responsibilities assigned to the Provost in this Grievance Policy. In such an instance, the university President shall not delegate responsibilities and role within the grievance process to an individual below the organizational level of the respondent.

If the Faculty Council Presiding Officer is the grievant or respondent, then the Faculty Council Associate Presiding Officer takes the place of the Faculty Council Presiding Officer in the grievance process.

4.2.3 The administrator initially in receipt of the grievance will forward a copy of the grievance to the respondent. The respondent must respond in writing and submit documents or materials in support of his or her position within 15 business days of receipt of the copy of the grievance from the administrator. The administrator will respond to the grievance within 10 business days of receipt of the reply from the respondent.

4.2.4 Failure to respond to a grievance within the time limit results in an automatic appeal of the grievance to the next administrative level.

V. **Appeals** If the grievance is not resolved to the satisfaction of the grievant (or also respondent, in faculty vs. faculty grievances) by the administrator with whom it was filed or was not responded to in accordance with the timelines outlined in this policy, the faculty member (or either faculty member in faculty vs. faculty grievances) has 10 business days to appeal the grievance to the appropriate dean or designee, and, if necessary, to the Provost or designee:

5.1 **Timeline** - Appeals must be filed with the appropriate administrator within 10 business days of receipt by the faculty member of the lower-level decision. Appeals must be responded to in accordance with the following time limits:

Deans shall respond within 10 business days following receipt of the appeal and the Provost shall respond within 20 business days of receipt of the appeal (unless the appeal is forwarded to the Committee, see Section 3.4 below).

Unless the Provost is the respondent, the decision of the Provost is final. If the Provost is the respondent, the decision of the President is final.

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5.2 Faculty Grievance Committee – Grievances that are appealed to the Provost level or where the Provost is the respondent may be submitted to the Faculty Grievance Committee (“Committee”) for an inquiry at the request of the grievant, respondent, or Provost within 10 business days of receipt of notification of the Dean’s decision or of submission if the Provost is the respondent.

5.2.1 Grievance Pool – Each college in the spring semester elects four faculty to serve in the grievance pool. The sixteen faculty will be randomly ordered by the Faculty Council Chair of Faculty Affairs by August 1 to form the “roster order” for that academic year.

5.2.2 Faculty Grievance Committee (“Committee”) Role and Structure

5.2.2.1 Role - The Committee is an ad hoc advisory committee appointed by the Faculty Council (“FC”) from the Grievance Pool. The Provost will notify the chair of the FC Faculty Affairs Committee, copying the FC Presiding Officer, to constitute a Committee and provide sufficient information, such as the college and/or department of the grievant, to avoid conflicts of interest. The FC will constitute this duly appointed Committee with the next nine members from the Grievance Pool within 5 business days of the request for a Committee from the Provost. If any member of the Committee needs to recuse themselves for any reason, they may do so and be replaced by the next person on the Committee roster. The respondent and grievant must select 2 names for removal within 5 business days after notification of committee members. If the grievant or respondent do not respond, or select the same member for removal, the chair of the FC Faculty Affairs Committee will select, in roster order, the top 5 remaining members to serve as the Committee. This Committee will consider all documentation and statements from all parties and provide a written recommendation (see 4.4.3 below).

If the Provost is the respondent, the President or designee assumes all responsibilities of the Provost above.

5.2.2.2 Structure – The Committee will choose a chair from among its members who will be responsible for scheduling a time and place for the inquiry. Such inquiry must take place no later than 45 business days from the date on which the FC was notified of the need for Committee review. The chair will also request the grievant and respondent submit written statements of their positions with regard to the grievance and provide the names of persons with relevant information and copies of relevant documents concerning the grievance to the chair at least 10 business days before the inquiry. The

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chair will also request all documents from lower levels of review of the grievance. The chair will ensure relevant documents are identified and distributed to Committee members and notify other persons with information relevant to the inquiry of the need to appear at the inquiry and all parties of the agenda. The Committee will receive administrative support from the Provost Office.

- 5.2.3 **Inquiry** - During the inquiry, members of the Committee may ask questions of the parties and of other persons with information relevant to the inquiry. The parties may bring a legal advisor; however, the advisor cannot ask questions or otherwise advocate at the hearing directly, but they may observe and pass notes. The parties will not be allowed to question witnesses except at the discretion of the chair. The inquiry will be recorded.

After the inquiry, the Committee will deliberate and provide a written report to the grievant, respondent, lower-level administrator, if applicable, and Provost, including a minority report if necessary, within 10 business days from the date of the inquiry meeting. The report should outline deliberations, concerns, and findings, along with a recommendation. All materials and records concerning the grievance inquiry will be forwarded to the Provost with the recommendation. The Provost will respond to the grievant and respondent within 5 business days of receipt of the recommendation from the Committee.

If the Provost is the respondent, the President or designee assumes all responsibilities of the Provost.

- VI. **Records** - Upon completion of the grievance process, all recordings, documents and materials related to the formal grievance will be forwarded to the Provost for storage, according to guidelines set by UH System policy.

APPROVAL

Approved:

Senior Vice President of Academic Affairs and Provost

President

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Date

REVISION LOG

Revision Number	Approval Date	Description of Changes