

<b>University of North Texas at Dallas Policy Manual</b>	Chapter 6.000  <b>Faculty Affairs</b>
<b>6.017 Faculty Grievance</b>	

**Policy Statement:** The University of North Texas at Dallas encourages faculty members to resolve disagreements related to their employment through informal discussions at the lowest administrative level. However, if resolution does not occur, faculty members have a right to present a grievance related to a term or condition of their faculty appointment to the President or Provost as set forth in this policy.

**Application of Policy:** All faculty members.

**Definition(s).**

1. Days. “Days” means calendar days unless otherwise stated in this policy.
  
2. Faculty Member. “Faculty member” means a person employed full- or-part-time by the University of North Texas at Dallas, including professional librarians, lecturers, and adjuncts, whose primary duties include teaching, research, administration, or the performance of professional services. This term does not include graduate students who perform instructional duties as part of a degree requirement.
  
3. Grievance. “Grievance” means a formal expression of disagreement or dissatisfaction with an employment-related concern, such as working conditions, performance evaluation, workload, compensation, nonrenewal of an appointment, or interactions with an administrator with supervisory responsibility. This term does not include complaints related to discrimination or harassment prohibited under the university’s nondiscrimination policy (UNTD Policy 5.001 *Prohibiting Discrimination and Harassment*).
  
4. Faculty Appeals Committee (FAC). “Faculty Appeals Committee” (FAC) means the group of five active faculty members and four alternate faculty members elected by the Faculty Alliance to hear faculty grievances.
  
5. Grievant. “Grievant” means a faculty member who seeks to settle a disagreement or dispute with another faculty member or with an academic administrator related to a term of condition of the faculty member’s employment with the University of North Texas at Dallas.

## **Procedures and Responsibilities**

### **I. Grievances Relating to Working Conditions and Annual Review**

#### **A. Informal Resolution.**

1. A faculty member who is dissatisfied with an employment-related decision or with how they are being treated is encouraged to meet with the person responsible for the decision or treatment as soon as the faculty member becomes aware of the concern. A faculty member should report suspected discrimination, harassment, or wrongdoing to the appropriate university or UNT System official (e.g., Human Resources) and is not expected to report or discuss these concerns with the person who the faculty member believes is engaged in this type of conduct.
2. If a meeting does not resolve the concern, a faculty member may ask the FAC for assistance in resolving the disagreement. The request must be in writing and needs to identify the person with whom the faculty member has a disagreement, a description of the nature of the disagreement, and the resolution the faculty member is seeking. The request will be forwarded to the person(s) against whom the grievance is held, and the FAC will make every effort to mediate the disagreement within the limits of university policy and within a reasonable time (usually not to exceed 10 days).

#### **B. Formal Grievance.**

1. If efforts to informally resolve a disagreement are unsuccessful, a faculty member does not believe informal resolution is possible, or when the grievance concerns a negative personnel recommendation or decision, the faculty member may request a formal grievance by submitting a written statement to the Chair of the FAC who would then have five (5) days to forward it to the Program Coordinator, Chair, or Dean as appropriate.

The statement must identify the recommendation or decision with which the faculty member disagrees; describe the nature of the disagreement, including why the faculty member believes the recommendation or decision was incorrect; and state the resolution the faculty member is seeking. Documents the faculty member believes supports the grievance should be filed with the statement.

2. Upon receipt of grievance by the FAC, the following procedures shall apply:
  - a. The Chair of the FAC shall inquire whether the grievant has attempted to resolve the grievance through informal resolution procedures. If not, the chair may ask the grievant to do so before proceeding with the formal grievance process.
  - b. If the grievant prefers not to use the informal process or if that process has not resolved the concern, the Chair of the FAC shall convene the full committee and conduct a formal hearing.
  - c. The Chair of the FAC will notify the person against whom the faculty member made the grievance, in writing. The notice must include the grievant's statement, any documents submitted in support of the grievance, and a request for a written response to the grievance.
  - d. Upon receipt of the response, the Chair of the FAC shall forward the grievance and the response to the participants in the hearing and all members of the FAC no fewer than ten (10) calendar days before the date of the hearing.
  - e. The FAC shall provide the grievant a hearing in accordance with procedures approved by the Provost and Vice President for Academic Affairs, in consultation with the Faculty Alliance. The hearing shall not be open to the public and allow the grievant the opportunity to appear in person. At a minimum, the procedures must allow the grievant and respondent to (i) make opening and closing statements; (ii) introduce documents; (iii) call and question witnesses; and (iv) be accompanied by an advocate who may assist the individuals but who may not question witnesses or address the committee during the hearing in any manner.
  - f. After the hearing and evaluation of the evidence, the FAC shall prepare a written report no later than ten (10) days after the conclusion of the hearing. The report must include findings and a recommendation whether the relief requested by the grievant should be granted, and then it must be sent to the appropriate academic administrator and the participants.
  - g. The administrator or Provost may accept or reject the findings and recommendations in whole or in part. The administrator shall notify

the FAC and the participants if the committee's report is rejected or modified, and may meet with the FAC to discuss the report.

## **II. Grievances Relating to Reappointment, Tenure or Promotion, and Termination**

- A. Upon notification by the Dean (of a negative decision concerning the reappointment or termination of a non-tenure-track faculty member) or by the Provost (of negative recommendation concerning reappointment, tenure, promotion, or termination of a tenure-track faculty member), the faculty member may ask the administrator to reconsider the recommendation or decision no later than fifteen (15) days after receiving written notice via email or on university letterhead. The request should be in writing and explain why the faculty member believes the recommendation or decision was incorrect.
- B. If the negative recommendation or decision is not changed, a faculty member may appeal the decision to the Provost or President, as applicable.
- C. The appeal must be in writing and submitted within ten (10) days after notice of the recommendation and explain the reason(s) the faculty member disagrees with the recommendation, including why the faculty member believes the recommendation is incorrect. Documents the faculty member believes support the appeal should be filed along with the appeal.
- D. The administrator who receives the appeal will forward it to the Chair of the FAC no later than five (5) days after the receipt and notify the faculty member of this action in writing.
- E. Once an appeal has been filed and upon written request, the faculty member will be given access to or a copy of all documents that have a bearing on the personnel action at no charge to the faculty member and in no fewer than five (5) days after the request.
- F. The FAC will provide the faculty member a hearing. The hearing and committee report usually will be completed within thirty (30) calendar days after the appeal is received by the committee. The hearing will be conducted in accordance with the grievance procedures approved by the Provost. A verbatim record of the hearing will be made, a copy of which will be provided to the faculty member at no cost.
- G. After the conclusion of the hearing and evaluation of the evidence, the FAC shall prepare a written report no later than seven (7) days after conclusion of the

hearing. The report must include detailed findings for each of the reasons presented for the appeal, a recommendation whether the appeal should be granted or denied, and any minority finding(s) and recommendation(s). The Chair of the FAC shall deliver the report to the Provost or President, as appropriate, and the faculty member.

- H. The Provost or President, as applicable, will consider the FAC's report and may review evidence presented during the hearing, the hearing transcript, and the faculty member's employment history at UNT Dallas in making a decision. Usually, a decision should be made within ten (10) days after receipt of the FAC report.
- I. The Provost or President, as applicable, may accept or reject the FAC's findings and recommendations in whole or in part. The administrator shall notify the FAC and faculty member if the committee's report is rejected or modified and explain the reason for the decision, in writing. The administrator may meet with the FAC to discuss the report.
- J. The Provost or President, as applicable, must notify the faculty member of the decision and the reason for the decision in writing, with a copy to the FAC and the Provost. Except for recommendations related to tenure, which must be submitted to the Board of Regents, the decision of the Provost relating to non-tenure-track faculty member and of the President relating to tenure-track faculty is final.

### **III. Composition of the Faculty Appeals Committee**

- A. The Faculty Appeals Committee (FAC) shall consist of five active full-time faculty members and four alternate full-time faculty members elected by the Faculty Alliance. Each member shall be elected for a three-year term. Upon formation of the FAC, five active members will be elected. Three members shall be elected for a three-year term and two members shall be elected for a two-year term. Four alternate members shall be elected for a three-year term. Following initial formation of the FAC, all members shall be elected to a three-year term thereafter. The committee shall elect a chair at the beginning of each academic year.
- B. Any member of the FAC who is involved in the substance of a grievance or appeal shall be disqualified from serving on the committee considering the matter in which the member is involved. This includes, but is not limited to, instances where a committee member is the subject of a pending grievance or

had any involvement in a personnel action related to the faculty member who is the subject of the grievance or appeal. Any question of disqualification shall be resolved by a majority vote of the committee members voting.

- C. After resolution of any questions of disqualification, four alternate members from the remaining members shall be selected by lot to consider the subject grievance or appeal. The Faculty Alliance shall select alternate members to consider the grievance or appeal if more than four members of the FAC are disqualified from the hearing (or disqualified because of an official leave) and are thus unable to participate in it. The alternate members shall be selected by lot from eligible members of the Faculty Alliance and are subject to the same grounds for disqualification as permanent FAC members.
- D. The individual decisions of the Faculty Appeal Committee (FAC) members will remain confidential to the extent allowed by law.

### **References and Cross-references**

Alternative Dispute Resolution Procedures

Tex. Education Code, section 51.942

Tex. Education Code, section 51.960

Tex. Government Code, section 617.005

Regents Rule 06.1200 (Termination and Revocation of Tenure)

UNT Dallas Policy 5.001 (Prohibiting Discrimination and Harassment)

UNT Dallas Policy 5.001a (Discrimination and Harassment Complaint Procedures)

Approved: 8/25/2010

Effective: 8/25/2010

Revised: 2/1/2013; 5/18/2018