Faculty Grievance Committee Training

October 26, 2012
Faculty Grievance Committee
Composition and Terms

• Members selected by departments.
• President appoints 8 committee members.
• Members serve 2 year terms.
• Chair is elected by the Committee.
Possible Roles

• Serve as pool for random selection of 3 member Subcommittee during Informal Resolution phase of Grievance Process.
• Serve as pool for random selection of 3 member Review Panel during Formal Grievance phase of Grievance Process.
Bottom Line

• Provides recommendations only; not decision makers.
• Technically speaking, should not be subject of lawsuit.
• Just in case, defense and indemnity by UTSA/State of Texas.
Faculty Grievance Process
Key Terms

- Grievant
- Complaint
- Respondent
- Committee
- Printed Materials
- Work Days
Administrative Actions/Decisions Subject to Grievance Procedure

- Denial or reduction in merit award or a reduction in salary or rank
- Assignment or reassignment of duties
- Denial or withdrawal of a University benefit or privilege
- Suspension without pay
- Performance evaluations
- Other disciplinary actions
Non-Grievable Actions or Decisions

• Actions or decisions reviewable pursuant to other procedures provided by the University
• Actions or decisions that limit academic freedom
Major Features

- Informal Resolution Process (prerequisite to Formal Grievance Procedure)
- Formal Grievance Procedure
Informal Resolution Process

- **Direct Conversations**
  - Between/among Respondent, Chair, Dean and Vice Provost; initiated by Grievant – goal is administrative solution.

- **Written Complaint**
  - If Direct Conversations unsuccessful, Grievant submits Written Complaint within 40 work days of Administrative Action/Decision and Respondent responds within 10 work days.
Informal Resolution Process

- Grievance Committee Assistance
  - If Direct Conversations and Written Complaint do not resolve grievance, Grievant may request Informal Assistance of the Committee.
  - Chair of the Committee appoints a Subcommittee (3 faculty members) to conduct informal negotiations between parties and urge resolution.
Committee Assistance

• Subcommittee may urge resolution by appropriate administrative officers and withdrawal or modification of Complaint.

• Subcommittee notifies Committee Chair of results.
  – If successful resolution, submit written report to the Chair and the Vice Provost.
  – If no successful resolution, Committee Chair informs Grievant of right to initiate Formal Grievance Procedure.
Formal Grievance Procedure

• Administrative Resolution by Dean or the Executive Vice Provost (if Dean is the Respondent)
• Review Panel (may or may not include a hearing) makes findings and recommendations.
• Provost Resolution
Administrative Resolution

• Grievant submits a Written Complaint and supporting materials* to the Chair within 90 work days of the date of the administrative action or decision.

• Respondent can file a Written Response with supporting materials* within 15 work days of receipt of notification and materials from the Chair.

*These are only opportunities for each side to submit evidence.
Administerative Resolution

- The Dean or the Executive Vice Provost provides a written proposal for resolution within 10 work days of receipt of all materials from the Chair.
- Proposal can include dismissal of the Complaint or a suggested solution.
- If both parties agree with the proposal, the grievance is over.
Review Panel

• If both parties do not accept the proposal, a Review Panel is appointed.
• Chair of the Committee appoints a Review Panel (3 Faculty Members – not members of subcommittee).
• Review Panel meets and reviews Printed Materials (each side’s submissions and the proposed resolution), and provides findings and recommendation.
Review Panel

- Review Panel recommends one of following 5 actions:
  - Dismiss the Complaint, failure to state a claim upon which relief may be granted
  - Dismiss the Complaint, failure to meet the burden of proof
  - Accept the proposed resolution
  - Suggest a modified resolution
  - Schedule a limited hearing to clarify the evidence through verbal testimony
Hearing

• If Review Panel recommends a Hearing, must notify Grievant, Respondent and Provost of specific relevant issues that are in conflict and which need clarification.

• Hearing is not for full review of grievance, but only for limited purpose of clarifying written evidence.

• Only Review Panel Members may question witnesses.
Hearing

• At conclusion of hearing, Review Panel deliberates and submits written findings and recommendations to Committee Chair, who forwards them to Provost for final resolution.
Responses to Recommendations

- Grievant and Respondent may submit Written Responses to the Review Panel’s recommendations to the Chair and to the Vice Provost.
Provost Resolution

• The Provost reviews all materials and provides a final written resolution.
• The resolution may endorse, modify, or reject the recommendations of the Review Panel.
• Provost’s decision concludes the grievance process.