

**THE TEXAS A&M UNIVERSITY SYSTEM
HEALTH SCIENCE CENTER INTERNAL POLICIES**

32.01.01.Z0.01 Complaint and Appeal Procedures for Faculty

Approved October 11, 1999

Revised March 16, 2011

Revised May 5, 2011

Supplements System Regulation 32.01.01

1. OVERVIEW

Faculty members believing that they have cause for grievance in any area other than complaints related to academic tenure, reduction in force, or other matters precluded by System Regulation 32.01.01 should attempt to resolve the matter by using the procedures outlined in such Regulation. No retaliatory action of any kind including reprimand may be taken against a complainant, a witness, or other person participating in this process. A faculty member may be disciplined for the bad faith filing of a complaint.

Grievances related to tenure issues should follow the procedures outlined in System Policy 12.01 and in HSC Internal Policy 12.01.99.Z1.03.

2. INITIAL INFORMAL RESOLUTION

A faculty member believing that he/she has cause for grievance should discuss the matter in personal conference with the department chair. If the complaint is against the department chair, the faculty member should discuss the matter with the component associate dean for academic affairs, or if the complaint is against the associate dean for academic affairs the faculty member should discuss the matter with the component dean/director. If the matter cannot be resolved by mutual consent at this point, the issue should be discussed in a personal conference with the dean/director or if the complaint is against the component dean/director the matter should be discussed with the Vice President for Academic Affairs. If the issue cannot be resolved through informal processes, the faculty member may file a formal written grievance, as discussed below in Section 3.

3. SUBMISSION OF A FORMAL WRITTEN GRIEVANCE

Each HSC component except the School of Graduate Studies shall have a component-wide standing committee, elected by the component faculty and created for the purpose of reviewing faculty grievances. A faculty member may request a hearing by the component faculty grievance committee only after the complainant has engaged in the informal dispute resolution process described above in Section 2. If the matter was not resolved by mutual consent at the foregoing levels, the complainant may send a formal letter of complaint to the dean/director requesting presentation of the complaint to the component-wide committee.

The dean/director shall refer the complaint to the committee. Within 28 working days of the component-wide committee receipt of the formal complaint, unless in the meantime the issue shall have been resolved to the complainant's satisfaction, the committee shall hold a hearing on the complaint. The committee's recommendation shall be presented to the dean/director within 10 working days following the hearing. The dean/director shall issue a decision within 10 working days following receipt of the committee's recommendation. If the complaint is directed at the dean/director, the complainant may send a formal letter of complaint to the Vice President for Academic Affairs requesting presentation of the complaint to the component-wide committee. The Vice President for Academic Affairs shall refer the complaint to the committee. Within 28 working days of the component-wide committee receipt of the formal complaint, unless in the meantime the issue shall have been resolved to the complainant's satisfaction, the committee shall hold a hearing on the complaint. The committee's recommendation shall be presented to the Vice President for Academic Affairs within 10 working days following the hearing. The Vice President for Academic Affairs shall issue a decision within 10 working days following receipt of the committee's recommendation.

4. PETITIONING THE HSC FACULTY GRIEVANCE COMMITTEE (FGC)

The faculty member may only appeal to the FGC if there is an allegation that the decision at the component level was (i) a violation of Texas A&M University System policies or HSC rules, (ii) a violation of academic freedom of the individual, (iii) for inadequate consideration of the faculty member's record of professional achievement, or (iv) for an illegal reason. . An illegal reason is defined as a decision based on race, sex, age, national origin, religion, creed, color, or disability unrelated to the performance of duties; or made in retaliation for the faculty member's exercise of protected First Amendment rights. The appeal may be presented by the faculty member's representative¹, if any, and must be in writing and describe clearly why the appealed decision is not satisfactory.

4.1 The Vice President for Academic Affairs will have three working days after receipt of such appeal to submit the grievance to the FGC.

4.2 The FGC has twenty working days following receipt to decide whether to hear the grievance.

4.3 An FGC preliminary hearing subcommittee, as organized in accordance with paragraph 5.2, will conduct a preliminary investigation of the grievance and submit their recommendations to the FGC concerning whether a more detailed investigation is justified. If the FGC determines that a detailed investigation is justified, the complainant will be provided an opportunity to present his or her case.

4.4 If a hearing is deemed necessary, an FGC hearing subcommittee, as organized in accordance with paragraph 5.2, will have an additional twenty working days to conduct a hearing and make their recommendations to the FGC. . The Chair of the FGC will serve as a non-voting member of the hearing subcommittee and as the hearing officer. The Vice Chair of the FGC will serve in this capacity if the Chair is unable to serve.

4.5 The FGC will have ten working days after receipt of the hearing subcommittee's report to accept the report and its recommendations, modify the recommendations, or replace them with new recommendations. The FGC will forward its recommendation to the Vice President for Academic Affairs.

4.6 The Vice President for Academic Affairs, as the designee of the President, will have ten working days to take final action and notify all affected parties.

4.7 The decision of the Vice President for Academic Affairs is final.

5. COMPOSITION OF THE FACULTY GRIEVANCE COMMITTEE

5.1 The President will appoint members of the HSC CAFERRT Committee (HSC internal policy 12.01.99.03.Z1), elected by the faculty to serve as the FGC. Service on the FGC will be contemporaneous with service on the CAFERRT except as provided in paragraph 5.3.

5.2 The FGC will elect from its membership a chair and vice chair. The preliminary hearing committee will be composed of the FGC chair, vice chair and using a rotational system, three to five FGC members. The FGC will also have a rotational system for assigning members to a five person hearing subcommittee with none of the subcommittee members being from the component of the complainant. The Chair of the FGC will serve as a non-voting member of the hearing subcommittee and as the hearing officer. The Vice Chair of the FGC will serve in this capacity if the Chair is unable to serve.

5.3 No administrative officer shall serve on the FGC.

5.4 Once assigned to a specific case, the membership of the hearing subcommittee remains as originally constituted and the subcommittee must complete its responsibilities as to that specific case. In the event that the term of office on the FGC expires for any member of the subcommittee before completion of the case, the term of office for that member shall be extended for the purpose of completion of the case.

5.5 The chair may appoint from the FGC membership necessary replacements for hearing subcommittee vacancies.

5.6 A quorum for the FGC shall be seven members and a quorum for a hearing subcommittee shall be four members.

5.7 All FGC evidentiary hearings and subcommittee hearings will be recorded. The hearing will be closed unless the complainant request otherwise.

OFFICE OF RESPONSIBILITY:

Vice President for Academic Affairs

¹A faculty member may be represented by any person of the faculty member's choosing, including an attorney, provided that such representative may not claim the right to strike.