

Institutional Handbook of Operating Procedures
Policy 05.03.08

Section: Faculty Policies	Responsible Vice President: Vice President and Chief HR Officer
Subject: Appointments and Rank	Responsible Entity: Office of Faculty Relations and Council of Deans

I. Title

Faculty Grievance Policy

II. Policy

This policy is not intended to, and will not, conflict with the rules and regulations of The University of Texas Board of Regents (Board of Regents). In the event of conflict, the rules and regulations of the Board of Regents will control. The grievance process provides a means to resolve disputes that have not been resolved through the normal process of reasoned discussion. The grievance process is intended to clearly define the matters that are at issue; to assure the faculty member that his or her complaint or problem has been presented to and considered by appropriate University officials and bodies; and, to assure the University community that decisions involving faculty members in their relationship to the University are fully considered. A faculty member may utilize the services of the faculty ombudsperson throughout the grievance process.

Faculty members will not be reprimanded or discriminated against in any way for initiating a grievance in good faith. To the extent allowed by Texas law, grievance materials will be considered confidential. When revisions are made in this policy, all grievances will follow the policy that was in effect at the time the grievance was filed unless otherwise required by the U.T. System *Regents' Rules*.

The following actions or decisions are grievable under this policy:

1. Any issue bearing on the academic freedom of an individual faculty member;
2. Disciplinary actions which include actions such as suspension without pay, reduction in pay, demotion, written reprimand, and professional sanctions that are in writing and made part of the faculty member's personnel file;
3. Salary calculations under the Faculty Compensation and Incentive Plan;
4. Allegations of inequitable application of policies and procedures;
5. Assignment or reassignment of duties; or
6. The denial or withdrawal of a university benefit or privilege, including the use of university facilities, equipment, or support staff.

The following actions or decisions are **not** grievable under this policy because they are reviewable pursuant to other procedures provided by the university or they are addressed in other provisions of the Institutional Handbook of Operating Procedures ("IHOP") or the Regents' Rules and Regulations.

These actions include, but are not limited to:

1. Complaints relative to discrimination if based on race, color, national origin, sex, age, religion, disability or sexual orientation, gender identity or expression, genetic information, or veteran status. See [IHOP - 03.02.01 - Nondiscrimination, Equal Employment Opportunity and Affirmative Action](#);

2. Decisions related to appointment, promotion, or tenure See [IHOP - 05.03.06 - Procedures for Appointment, Promotion, or Membership in all Schools](#);
3. Non-renewals of tenure-track and non-tenure track faculty members. A faculty member grieving the non-renewal of a faculty appointment must file a grievance directly with the Provost See [IHOP - 05.03.09 - Tenure and Reappointments](#);
4. Matters pertaining to fiscal management, staffing or structure of the University, non-academic matters pertaining to activities of administrative offices reporting to the president or vice presidents, or conditions that are clearly beyond the control of the University; and/or
5. The substance of UTMB's Institutional Handbook of Operating Procedures (IHOP) or the Regents' Rules.

III. Informal Resolutions

Wherever possible, collegial and informal resolution of problems, such as through discussion, negotiation, and mediation is encouraged and should be facilitated.

A. Discussion and Negotiation

Prior to seeking relief and before a grievance complaint is filed, the faculty member is encouraged to attempt to resolve the dispute through discussion and negotiation privately or with the assistance of the faculty ombudsperson. These preliminary actions require no documentation.

B. Ombuds Services

1. The faculty ombudsperson may assist the faculty member through any or all of the following services:
 - a) Provide a confidential, if possible, objective place for faculty to discuss issues and possible resolution;
 - b) Provide on-going counseling/coaching as determined necessary;
 - c) Answer questions related to policy and options available;
 - d) Assist in the development of plans to improve working relationships;
 - e) Assist with difficult conversations;
 - f) Facilitate an investigation of a situation at the request of a faculty member to aid in resolution;
 - g) Make appropriate referrals to other UTMB services such as mediation;
 - h) Assist faculty member in developing required documentation if informal resolution is unsuccessful, this assistance does not include providing legal advice or representation;
 - i) Apprise administration of significant trends and/or
 - j) Recommend changes in policies and procedures.
2. The faculty ombudsperson may not do the following:
 - a) Provide legal advice or representation;
 - b) Represent or advocate at any grievance, disciplinary or judicial procedure;
 - c) Assist with non-university related issues;
 - d) Make policy;
 - e) Receive official "notice" to the university; or
 - f) Maintain official records.

See also [IHOP - 05.03.14, Faculty Ombudsperson Policy](#) and role description.

C. Mediation

1. Mediation is encouraged any time a difficult problem or dispute is encountered, and may

- be used at any point following unsuccessful informal discussion or negotiation.
2. Either party to a dispute may request mediation by directly contacting Human Resources - Employee Relations (“Employee Relations”).
 3. If both parties agree to mediate, the mediation service (which is coordinated through Employee Relations) will complete the mediation process in a timely fashion. If at any time during the mediation period the mediator believes the parties cannot reach agreement, the parties will be so informed and the mediation effort will be discontinued unless both parties request that mediation continue.
 4. Regardless of the mediation outcome, all parties will respect University policy and state law regarding the confidentiality of the mediation proceedings. The only record of the mediation maintained by the University will be the date the mediation occurred and whether an agreement was reached. Employee Relations will maintain this record. Each party to the dispute will receive a written copy of any agreement reached.

D. Unit/Department Resolution

1. If informal attempts to resolve the dispute are unsuccessful, the faculty member should contact his or her unit leader (e.g., division chief, department chair) personally or through faculty ombudsperson to discuss the situation informally.
2. After communicating with the faculty member and/or ombudsperson, the unit leader may attempt to resolve the issue within the unit or may recommend mediation if it has not been attempted. If there is no satisfactory resolution by a unit leader and mediation is not being pursued, the faculty member may take the matter to the next level reporting official. These steps, while encouraged, are not mandatory.
3. Matters brought before the next level reporting officials should be satisfactorily resolved within ten (10) business days. A satisfactory resolution connotes a decision or action plan intended to resolve the matter in a satisfactory manner with an acceptable timetable for implementation.
4. If no satisfactory resolution occurs at this level and mediation has failed or is not being pursued, the faculty member may file a formal grievance with the Employee Relations Office of Human Resources. The faculty member should remain aware of the formal grievance filing deadline.
5. If informal negotiations are proving fruitful, the faculty member should request from Employee Relations a formal extension of his or her formal grievance filing deadline.

IV. Formal Grievance Process

- A. A grievance must be submitted to Employee Relations, in writing, no later than sixty (60) calendar days from the time the event initiating the grievance occurred or from the time that the faculty member, with due diligence, should have become aware of the action causing the grievance. If the faculty member has begun efforts to resolve the complaint informally, the sixty (60) calendar day time period begins when the informal efforts are exhausted. The faculty ombudsperson will make the final decision on when the sixty (60) calendar days begin. The written grievance documentation should include the following:
1. Names of the parties involved in the situation giving rise to the grievance;
 2. Express in factual terms the basis;
 3. The remedy sought;
 4. Details of any informal attempts to resolve the dispute, but must not reveal the substance of any discussions that occurred during mediation.

- B. Employee Relations has up to five (5) business days after receipt of the written grievance to review the grievance and make a decision as to whether the complaint is grievable under this policy.
1. If the determination is made that the complaint is grievable and mediation was unsuccessful or not feasible, the Employee Relations staff will coordinate the formal grievance process.
 2. If Employee Relations has determined that a complaint is not grievable, the faculty member or ombudsperson, may notify the complainant that it is not grievable.

If the complaint is grievable under this policy, Employee Relations will forward the grievance to the dean of the school to which the faculty member is appointed. The dean will work with Employee Relations to ensure that the grievance is investigated. At the conclusion of the investigation, the dean will make a determination based on the merits of the case. The dean must notify the faculty member within ten (10) business days following receipt of the grievance of his/her decision. Once the dean has issued a decision on the grievance, the faculty member has ten (10) business days to consider the decision and notify the dean in writing whether the decision is acceptable or unacceptable and that he/she wishes to have the grievance reviewed by the Faculty Grievance Board. If notice is received during the ten (10) day period, the dean must refer the grievance to the Faculty Grievance Board within five (5) business days. If such notice is not received during this ten (10) day period, the university will consider the matter satisfactorily resolved and the case will be officially closed.

C. Grievances Directly Involving Deans.

Grievances directly involving actions or inactions by deans will be forwarded to the Provost for disposition. The Provost will have the same options and time requirements for disposition as defined above for the dean. The Provost must notify the faculty member within ten (10) business days following receipt of the grievance of his/her decision. Once the Provost has issued a decision on the grievance, the faculty member has ten (10) business days to consider the decision and notify the Provost in writing whether the decision is acceptable or unacceptable and that he/she wishes to have the grievance reviewed by the Faculty Grievance Board. If such notice is not received during this ten (10) day period, the university will consider the matter satisfactorily resolved and the case will be officially closed. If notice is received during the ten (10) day period, the Provost must refer the grievance to the Faculty Grievance Board within five (5) business days.

D. Grievances Directly Involving the Provost

If the grievance involves the Provost, the grievance will go directly to the Faculty Grievance Board.

E. The Faculty Grievance Board

1. The role of the Faculty Grievance Board is to work with Employee Relations to oversee the grievance process but remain neutral with respect to the parties. Additionally, the Faculty Grievance Board is responsible for training the Faculty Grievance Hearing Panel members.
2. The Faculty Grievance Board will be comprised of representatives from each school, the number being in proportion to the total number of faculty currently serving as full-time UTMB faculty members. Twelve (12) faculty members will be from the School of Medicine, four (4) of which will be faculty members of the Graduate School of Biomedical Sciences (GSBS) and will represent GSBS. In addition, four (4) faculty

members will be selected to represent the School of Nursing and four (4) faculty members will be selected to represent the School of Health Professions. The deans of each school will nominate a total of twenty (20) full time faculty members who are not on leave to serve on the board; no more than five (5) of these will be non-tenured faculty members. An additional 20 faculty members, who are not on leave will be nominated by the Faculty Senate; no more than five (5) of these will be non-tenured faculty members. These representatives may be current members of the Senate. The President will review and appoint at least ten (10) board members from those recommended by the deans and at least ten (10) board members from the list recommended by the Faculty Senate. Members will serve for three (3) years with the terms of appointment staggered so that one-third of the members' terms will expire each year. The Faculty Grievance Board will recommend a chair and vice-chair to the President from among its members. Members can serve as chair and vice-chair a maximum of three (3) years. The chairperson and vice-chair must be from different schools. Board members serve a maximum of six (6) consecutive years.

3. Upon receipt of a grievance, The Chair of the Faculty Grievance Board will determine if a conflict of interest exists for the Chairperson. In cases involving a conflict of interest for the chairperson of the Faculty Grievance Board, the vice-chairperson will serve and select the hearing panel.

F. Faculty Grievance Hearing Panel

1. For each grievance set for hearing, the chair of the Faculty Grievance Board will select three (3) members for service on the Faculty Grievance Hearing Panel. An attempt will be made to select faculty members who hold a rank equivalent to or higher than that of the faculty member filing the grievance and to avoid the assignment of panelists who may have a conflict of interest.
2. Hearing panels should ordinarily consist of members representing more than one school. The Graduate School of Biomedical Sciences, School of Nursing, and School of Health Professions will nominate five (5) panel members to serve on the hearing panel. The School of Medicine will nominate up to one (1) panel members from each department to serve on the hearing panel. Members of the Faculty Grievance Board are not eligible to serve on the hearing panel.
3. The chair of the Faculty Grievance Board will appoint the panel within ten (10) business days of the receipt of the grievance and notify both parties of the composition of the panel. The chair of the Faculty Grievance Board will designate a chair for the Hearing Panel.
4. The Hearing Panel will convene to hear the grievance within sixty (60) calendar days unless all parties and the Hearing Panel agree to an extension.
5. Challenges to the Members of the Hearing Panel.
Any newly appointed member of the hearing panel who believes that he or she has a conflict of interest or inability to be impartial regarding the matter being grieved should notify the chair of the Faculty Grievance Board of this conflict and should recuse him or her from participation. The chair of the Faculty Grievance Board will make the final determination of whether a panel member has a conflict. Each party to the grievance may challenge the service of any member of the Hearing Panel on the basis of a conflict of interest. Such a challenge must be made in writing to the chair of the Grievance Board within five (5) business days of receipt of the notice of the Panel membership. Receipt will be presumed unless the faculty member is on leave or on approved travel. The chair of the Faculty Grievance Board will rule on all challenges and her/his decision will be final.
6. All hearings will be recorded using an electronic recording device.
7. The hearing procedures shall be conducted in accordance with the [Faculty Grievance](#)

[Hearing Panel Procedures Guide.](#)

G. After the Hearing

1. The Hearing Panel will determine its findings and recommendations based upon a vote of a majority of the members. The panel will prepare a written report of its findings, including the reasons for the findings, its recommendations, and any dissenting views.
 - a) If the appeal is from a decision of a dean, then this report will be forwarded to the Provost.
 - b) If the Provost is the Dean who initially heard the grievance, then the report will be presented to the President. If the appeal is from a decision of the Provost, then the report will be presented to the President.
2. The report and recommendation of the Hearing Panel will be sent to the Provost or President within ten (10) business days after the conclusion of the hearing. Within thirty (30) calendar days, the recipient of the Hearing Panel’s report and recommendation (i.e., the Provost or the President) will report in writing to both parties to the grievance and to the Chair of the Faculty Grievance Board his or her decision in the matter, an explanation of that decision, and what remedial action, if any, will be taken. A copy of the report and recommendation of the Hearing Panel will be sent to both parties at this time as well.
 - a) If the decision was made by the President, the decision is final.
 - b) If the decision was made by the Provost, either party can appeal this decision to the President by delivering a written appeal to the Office of the President within ten (10) business days of the date of the Provost’s decision. Upon such appeal, all written decisions in the grievance process will be forwarded to the President for review. The decision of the President is final.

H. Follow-up on the Report and Recommendations

The Provost or designee is responsible to follow-up on the report and recommendations.

V. **Related UTMB Policies and Procedures**

[IHOP - 01.01.02 - Rules and Regulations of the Board of Regents](#)

[IHOP - 03.01.10 - Employee Grievance Policy](#)

[IHOP - 03.02.01 - Nondiscrimination, Equal Employment Opportunity and Affirmative Action.](#)

[IHOP - 05.01.01 - Rights and Responsibilities of Faculty Members](#)

[IHOP - 05.03.14 - Faculty Ombudsperson Policy](#)

VI. **Dates** Approved or Amended

<i>Originated:</i> 08/01/2013	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
02/13/2014	10/25/2021
10/6/2015	

VII. **Contact Information**

HR Employee Relations
(409) 772-8696