



**Policy Chapter:** Chapter 6 Faculty Affairs

**Policy Number and Title:** 06.051 Faculty Grievance

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**I. Policy Statement**

Faculty members at the University of North Texas (UNT) have the right to present a grievance related to reappointment, tenure, promotion (RTP), or a term or condition of employment to an academic administrator as set out in this policy.

**II. Application of Policy**

All faculty members.

**III. Policy Definitions**

**A. Academic Administrator**

“Academic administrator,” in this policy, means a UNT official in the position of unit administrator, dean, provost, or that official’s designee.

**B. Advocate**

“Advocate,” in this policy, means a tenured UNT faculty member who has experience with UNT tenure and promotion processes and assists a faculty member with the grievance process. Academic administrators cannot serve as advocates.

**C. Business Day**

“Business day,” in this policy, means Monday through Friday during regular university business hours (8:00 am – 5:00 pm), when the university is officially open.

**D. Dismissal for Adequate Cause**

“Dismissal for adequate cause,” in this policy, means dismissal of a tenured, tenure-track, or professional faculty member for reasons that may include, but are not limited to:

1. professional incompetence;
2. continuing or repeated failure to perform duties or meet responsibilities to UNT, the UNT System, students, or associates;
3. failure to successfully complete a post-tenure review professional development program;
4. conduct adversely affecting the performance of duties or the meeting of responsibilities to UNT, students, or associates;
5. violation of UNT policy, UNT System regulation, UNT System Regents Rule, or law substantially related to performance of faculty duties;
6. conviction of a crime substantially related to the duties and responsibilities associated with teaching, research, professional service, and/or administration, or failure to

disclose or misrepresent criminal history background information;

7. unprofessional conduct adversely affecting to a material and substantial degree the performance of duties or the meeting of responsibilities to UNT or the UNT System, or to students or associates; or
8. falsification of academic credentials.

**E. Faculty Member**

“Faculty member,” in this policy, means a person employed as a member of the UNT faculty, whose duties include teaching, research, administration, or the performance of professional services, including professional librarians. The term does not include a person who holds faculty rank but who spends the majority of time engaged in managerial or supervisory activities (for example the provost, a dean, unit administrator, or person in an associate or assistant academic administrator position), or a student who teaches as part of an educational program.

**F. Grievance**

“Grievance,” in this policy, means a faculty member’s formal expression of disagreement or dissatisfaction (through written notice to the appropriate academic administrator) with employment-related concerns, such as working conditions, hours of work, compensation, working environment, relationships with supervisors or other employees, or negative personnel decisions. For the purposes of this policy, grievance does not include a decision concerning the declaration of financial exigency or discontinuation of a program, and actions by university officials who are not in academic administrator positions, including but not limited to, decisions related to:

1. equal opportunity;
2. harassment;
3. retaliation and compliance violations;
4. health and safety inspections; and
5. policy decisions and interpretations (except as to application to an action directly affecting the faculty member).

The University Faculty Grievance Committee (UFGC) only accepts grievances where the UFGC believes a process/procedural error occurred at the unit- or college-level.

**G. Grievant**

“Grievant,” in this policy, means a faculty member who files a grievance.

**H. Hearing**

“Hearing,” in this policy, means a proceeding before the UFGC where a faculty member presents a grievance and the UNT academic administrator whose decision is being challenged

has an opportunity to respond.

**I. Professional Faculty**

“Professional faculty,” in this policy, means faculty members with a non-tenure track appointment.

**J. Professional Faculty Appointment**

“Professional faculty appointment,” in this policy, means an appointment of a fixed duration, in which the individual is part of the faculty of a unit. Such an appointment is not eligible for tenure and may be for a partial semester, a semester, an academic year, or for multiple years as fits the needs of the institution. Professional faculty appointment titles are maintained by the Office of Academic Resources.

**K. Part-time Faculty Member**

“Part-time faculty member,” in this policy, means a faculty member that works less than a 100% workload in time and effort.

**L. Preliminary Review**

“Preliminary review,” in this policy, means an initial UFGC assessment of a grievance for the purposes of: (a) verifying that there was a grievance process/procedural error at the unit- or college-level, (b) determining if there is sufficient evidence to support the grievance, and (c) evaluating if the requested outcome matches the grievance request.

**M. Quorum**

“Quorum,” in this policy, means the minimum number of members that must be present at a meeting or hearing to make the proceedings of that meeting valid. For the purposes of this policy, a quorum is fifty (50) percent plus one (1).

**N. Respondent**

“Respondent,” in this policy, means the academic administrator(s) against whom the grievance is filed.

**O. Tenure-Track Appointment**

“Tenure-track appointment,” in this policy, means an appointment that includes a period of probationary employment preceding determination of tenure status.

**P. Tenured Appointment**

“Tenured appointment,” in this policy, means an appointment awarded to a faculty member after successful completion of the probationary period during which stated criteria are met.

**Q. Unit**

“Unit,” in this policy, means an academic department/division under the administration of a UNT official with responsibilities for personnel actions.

## **IV. Policy Responsibilities**

### **A. Generally**

1. Faculty members must attempt to resolve disagreements by discussing them with the person(s) who took the disputed action prior to filing a grievance. An individual who believes that they have been subjected to discrimination, harassment, or retaliation should immediately report the incident to the Office of Equal Opportunity. Employees and individuals authorized to act on behalf of the University who become aware of specific and credible allegations of discrimination, harassment, or retaliation are required to report the suspected violations to OEO immediately. Employees who fail to report incidents of discrimination, harassment, or retaliation to OEO may be subjected to disciplinary action. Other forms of suspected retaliation should be reported to University Integrity & Compliance, as appropriate.
2. Each unit and college must have a grievance committee and a grievant must exhaust all unit- and college-level grievance procedures before requesting that a grievance be heard by the UFGC. The UFGC does not hear grievances regarding professional faculty member reappointment or those made by part-time faculty. Professional faculty member reappointment and part-time faculty grievances are heard at the unit- and college/school-levels, and end at the appropriate academic administrator unless the grievance is related to promotion where the dean is a party. For professional faculty member grievances related to promotion where the dean is a party, the aggrieved faculty member must be granted a hearing by the UFGC. The UFGC would then make a recommendation to the provost.
3. The academic administrator with final decision authority for university grievances involving reappointment of tenure-track faculty, tenure, and promotion (“RTP”) decisions is the president. The academic administrator with final decision authority for university grievances other than RTP is the provost. The academic administrator with final decision authority for professional faculty reappointment grievances or part-time faculty grievances is the dean.

### **B. UFGC Composition**

The UFGC may be comprised of tenured, professional faculty, and non-academic administrator faculty members to consider grievances filed pursuant to this policy and make recommendations to the appropriate university official concerning such grievances. The committee is a standing committee of the faculty senate (FS) and is referred to as the UFGC or as otherwise named by the FS. FS establishes UFGC operational procedures.

#### **1. Composition**

The UFGC must be comprised of fifteen (15) full-time faculty members that are elected by UNT’s full-time faculty. The UFGC must include:

- a. one (1) tenured professor from each of the eight (8) FS voting groups;

- b. five (5) tenured faculty members from any of the FS voting groups; and
- c. two (2) professional faculty members from any of the FS voting groups.

Effort must be made to balance the tenured UFGC membership between full and associate professors. The UFGC must elect a chair and a vice-chair from the thirteen (13) elected tenured faculty members at the first fall meeting of each academic year. The chair and vice-chair must have served on the UFGC a minimum of one (1) year before the election. The vice-chair must preside in the absence of the chair. Professional faculty UFGC members must not vote when the grievant is a tenured or tenure-track faculty member.

## 2. Terms

One-third of the UFGC members must be elected each year. Lots must be drawn for terms of one (1), two (2), or three (3) years as needed to maintain regular rotation due to departures. Members may serve no more than two (2) full terms in succession.

## 3. Meetings

The UFGC must meet at least once each fall and spring semesters in order to address any issues that may arise. These meetings may be facilitated online, if appropriate. The UFGC may conduct official business at meetings as long as a quorum of members are present.

## 4. Recusal

UFGC members must recuse themselves from grievance participation if the grievant is from the UFGC member's home academic unit or if they participated in any part of the decision process(es) at the lower levels.

## 5. Standing Committee Reports

The UFGC must provide a mid-year and annual standing committee report to the FS each academic year.

### ***C. Grievance Type, Submission, and Preliminary Review***

The UFGC seeks to: (a) provide a full and fair review for each grievant, (b) establish and maintain the standards of the university, and (c) minimize unnecessary/unproductive demands on the time of UFGC members and university personnel.

#### 1. Grievance Types

There are two (2) grievance classifications at the university-level:

- a. grievances related to RTP (including tenure revocation), which are filed with the president's office; and
- b. grievances other than RTP, which are filed with the provost's office. The UFGC must automatically accept RTP grievances. The UFGC must conduct a preliminary review

of a grievance for reasons other than RTP to determine if the grievance must be accepted or rejected.

## 2. Filing and Submission Deadlines

A faculty member must file a grievance via email with the appropriate academic administrator within ten (10) business days following written notification of the action with which the individual disagrees. Upon receipt, the academic administrator has ten (10) business days to forward the grievance to the appropriate committee or make a decision, as applicable. Upon agreement by the grievant and respondent, timeframes may be extended.

## 3. Grievance Documentation

The grievance, at a minimum, must include:

### a. Background Information

- i. identification of the action with which the grievant disagrees and the person/body who took the action;
- ii. a timeline or chronology of the activity leading to the action with which the grievant disagree;
- iii. a copy of the material submitted to the respondent in support of the aggrieved action; and
- iv. all documents explaining the reasons the respondent gave the grievant for taking the action, if applicable.

### b. Grievance Statement, including:

- i. identification of the perceived process/procedural error during the unit- or college-level grievance proceeding(s);
- ii. identification of provisions from UNT policy under which redress is sought; and
- iii. a statement of the desired remedy.

### c. Other Documentation

Information the grievant believes is relevant to the aggrieved action, such as unit RTP criteria, unit/college review committee evaluations, and any accompanying documentation.

## 4. Preliminary Review of Grievances Other Than RTP

Preliminary reviews for grievances other than RTP, must be conducted with a quorum of UFGC members. The UFGC must immediately notify the grievant when it receives the grievance submission from the provost's office. The UFGC must conduct the preliminary review within ten (10) business days of receiving notice of the grievance. This time limit may be extended by mutual consent of the grievant, respondent, and committee.

At the preliminary review phase, the UFGC determines by simple majority whether there is sufficient evidence to support the grievance and verifies whether there was a process/procedural error at the unit- or college-level. If required, the UFGC may ask for additional evidence. The preliminary review must result in either a grievance rejection or grievance acceptance.

a. Grievance Rejection

The UFGC may reject a grievance when the grievance provides no basis for redress. If the UFGC rejects a grievance, the grievant must be notified in writing and be given the opportunity to respond to the rejection in writing. No new material can be introduced without UFGC approval. If the UFGC determines that there is insufficient evidence to support the grievance, the UFGC must recommend the appropriate academic administrator dismiss the grievance and notify the grievant and putative respondent of its recommendation, in writing. The UFGC can recommend that the appropriate academic administrator dismiss a grievance at any point of the process.

b. Grievance Acceptance

If the UFGC determines that the grievant has presented enough evidence to support the grievance, the UFGC must notify the grievant and the respondent in writing of its intention to formally accept the grievance. The UFGC must send the respondent the points in the grievant's initial statement on which the UFGC must receive further evidence. The respondent must respond to these points in writing within ten (10) business days from the date of the receipt of the notification. Accepted grievances must follow the process for grievances other than RTP.

***D. Grievances Related to RTP (Including Dismissal for Adequate Cause of Tenured Faculty)***

Grievances related to RTP are conducted via a UFGC hearing.

1. Tenure Revocation Mediation

A faculty member who is the subject of a recommendation by the provost to revoke tenure and terminate employment because of a negative performance evaluation must be given the opportunity to participate in mediation before initiation of the grievance process. The faculty member must inform the provost of the desire to participate in mediation, in writing, no later than ten (10) business days after receiving written notice of the recommendation. If the faculty member and provost agree, another type of non-binding alternative dispute resolution method may be used as permitted by UNT System Board of Regents Rule and state law. If alternative dispute resolution is not successful, the faculty member may request a formal grievance. The request must be submitted, in writing, no later than five (5) days after the date the alternative dispute resolution proceeding concluded.

2. UFGC Hearing

When the UFGC is satisfied that it has collected sufficient information, the UFGC has

ten (10) business days to schedule (not conduct) a hearing to which the grievant and respondent are invited. Hearings can be conducted with a minimum of seven (7) UFGC members. The grievant and respondent must provide the UFGC chair a witness list and any written evidence ten (10) business days before the hearing. The grievant and respondent must inform the UFGC of any challenges to the UFGC composition, witnesses, or evidence, no later than five (5) business days before the hearing. Grievance hearings are restricted to the grievant, respondent, advocate(s), the witnesses, and any observer(s) invited by the participants or the UFGC. Witnesses must be present only during their testimony.

- a. The grievant and respondent are responsible for providing the UFGC a list of hearing witnesses and any documentation that will be presented at the hearing. The grievant and respondent are solely responsible for notifying their witnesses of the scheduled date and time of the hearing and the anticipated time they are expected to testify, including when both participants intend to call the same person to testify. Witnesses are not required to participate in grievance hearings, and there is no penalty for non-attendance.
- b. The UFGC may proceed with a hearing if the grievant or respondent fails to appear at the scheduled date and time of the hearing.
- c. The grievant must submit a proposed set of written questions to the UFGC ten (10) business days before the hearing. Questions are limited to the action, decision, or treatment related to the subject of the grievance. The UFGC may challenge any question it determines irrelevant.
- d. The grievant and respondent may be accompanied by an advocate. Advocates, as defined in this policy, are permitted to speak at grievance hearings.
- e. The grievant may be accompanied by an attorney. Attorneys are not permitted to speak at the hearing.
- f. The grievant and respondent are permitted to: (1) call witnesses on their behalf, (2) question any witness who testifies at the hearing, (3) introduce evidence, and (4) call additional witnesses to rebut previous testimony. All UFGC hearing communications must be carried out with an atmosphere of collegial inquiry. Disrespectful participants may be directed to leave the hearing.
- g. The provost's office must arrange for an audio recording of the hearing at no cost to the grievant/respondent. The provost's office must provide the grievant/respondent a copy of the audio recording within five (5) business days from the conclusion of the hearing. The provost's office is responsible for maintaining the audio recording in accordance with the UNT record retention schedule.
- h. Hearing Format. Formal rules of court, formal rules of evidence, and Roberts Rules of Order do not apply at a UFGC hearing. The suggested timeframes for each part of the grievance hearing may be extended by the UFGC in interest of fairness. The



following format applies to UNT UFGC hearings:

i. Presiding

The UFGC chair presides over the hearing and is responsible for keeping the hearing on schedule. The UFGC vice-chair must preside over the hearing if the UFGC chair is unavailable. The UFGC can ask questions of the grievant, respondent, or any witnesses.

ii. Grievant's Opening Statement

The grievant presents an opening statement that outlines the reasons for the grievance and clearly states the desired remedy (5 minutes).

iii. Grievant's Evidence

Following the grievant's opening statement, the grievant may present evidence (documents, witnesses) on the issues that are the basis of the grievance (15 minutes).

iv. Respondent's Opening Statement

After the grievant's presentation, the respondent may deliver an opening statement that responds to the basis for the grievance and provides an explanation as to why the requested remedy should not be granted (5 minutes).

v. Respondent's Evidence

Following the respondent's opening statement, the respondent may present evidence relevant to the issues presented by the grievant (15 minutes).

vi. UFGC Witnesses

The UFGC may call witnesses. The UFGC chair must notify the grievant and respondent five (5) business days prior to the hearing of any witnesses the UFGC plans on calling (15 minutes).

vii. Rebuttal Evidence

After the respondent's presentation, the grievant may present any rebuttal evidence (10 minutes). After the grievant's rebuttal, the respondent may present any rebuttal evidence (10 minutes). After the respondent's rebuttal evidence, the grievant is allowed one sur-rebuttal (10 minutes). The sur-rebuttal is the final opportunity to present evidence.

viii. Summary Statements

When the UFGC deems that nothing can be gained from further evidence presentation, the grievant and respondent may present summary/closing statements (5 minutes each).

### 3. Grievance Findings and Recommendation

The UFGC meets immediately after the hearing takes place to make findings of fact and recommendations. If there is not a unanimous recommendation, the UFGC may adjourn and resume discussion the next business day. The UFGC will write and submit a written report to the president within ten (10) business days from the hearing date/last meeting. Any minority recommendation must be submitted along with the majority report. The majority report presents the specific findings of fact/conclusions and a recommendation concerning whether the requested relief should be granted. The individual decisions of UFGC members are to remain confidential. The president must make a final decision on the grievance no later than twenty (20) business days from receipt of the UFGC report and notify the grievant, respondent, UFGC chair, appropriate dean, and provost.

#### ***E. Accepted Grievances Other Than RTP***

Grievances accepted by the UFGC outside RTP may be reviewed via a UFGC subcommittee and voted on by a UFGC quorum. The UFGC may use a hearing instead of assigning a subcommittee for grievances outside RTP. Hearings for grievances outside RTP must use the hearing format set out in this policy.

1. UFGC Subcommittee Assignment. Within ten (10) business days of the grievance acceptance, the UFGC chair must appoint a subcommittee charged with reviewing and presenting the grievance to the UFGC. A subcommittee must be composed of a minimum of three (3) UFGC members who are not in the grievant's home academic unit. Subcommittee efforts must be directed to fact-finding. Reviews may include the involved academic administrators, committees, and faculty members, as well as the respondent. The subcommittee must prepare a report and present it to the UFGC within forty (40) business days from the date of subcommittee appointment.
2. A quorum of the UFGC must vote on the report and render a recommendation to the provost no later than ten (10) business days following the UFGC vote and provide a copy to the grievant and respondent.
3. The provost must make a final decision on the grievance no later than twenty (20) business days from receipt of the UFGC report and notify the grievant, respondent, UFGC chair, and appropriate dean.

#### ***F. Professional Faculty Member Reappointment and Part-Time Faculty Member Grievances***

Professional faculty member grievances related to reappointment and all part-time faculty grievances are heard at the unit- and college-level grievance committees. The dean is the final decision-maker in professional faculty reappointment and part-time faculty grievances.

#### ***G. Professional Faculty Member Promotion Grievances***

For professional faculty member grievances related to promotion where the dean is a party, the aggrieved faculty member must be granted a hearing by the UFGC. The UFGC would then

make a recommendation to the provost.

**V. References and Cross-References**

- [Texas Civil Practice and Remedies Code, Chapter 154](#)
- [Texas Education Code § 51.960, Grievance Rights on Certain Personnel Issues](#)
- [Texas Government Code § 617.005](#)
- [UNT Board of Regents Rule 06.1200, Termination and Revocation of Tenure](#)
- [UNT Policy 04.008, Records Management and Retention](#)
- [UNT Policy 06.002, Academic Appointments and Titles](#)
- [UNT Policy 06.004, Faculty Reappointment, Tenure, and Promotion](#)
- [UNT Policy 06.019, Financial Exigency](#)
- [UNT Policy 06.029, Academic Program Review and Discontinuation](#)
- [UNT Policy 06.035, Academic Freedom and Academic Responsibility](#)
- [UNT Policy 16.004, Prohibition of Discrimination, Harassment, and Retaliation](#)
- [UNT Academic Titles](#)

**VI. Revision History**

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