

Policies of the University of North Texas	Chapter 6
<b>06.051 University Faculty Grievance</b>	Faculty Affairs

**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.

**Application of Policy.** All faculty members

**Definitions.**

1. Academic Administrator. “Academic administrator” means a UNT official in the position of unit administrator, dean, provost, or that official’s designee.
2. Advocate. For the purposes of this policy, an “Advocate” 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.
3. Business Day. “Business day” means Monday through Friday during regular university business hours (8:00 am – 5:00 pm), when university offices are open.
4. Dismissal for Adequate Cause. “Dismissal for adequate cause” means dismissal of a tenured or non-tenured faculty member for reasons that may include, but is not limited to: (a) professional incompetence; (b) continuing or repeated failure to perform duties or meet responsibilities to UNT, the UNT System, students, or associates; (c) failure to successfully complete a post-tenure review professional development program; (d) conduct adversely affecting the performance of duties or the meeting of responsibilities to UNT, students, or associates; (e) violation of UNT or UNT System policies or regulations, or laws substantially related to performance of faculty duties; (f) conviction of a crime substantially related to the duties and responsibilities associated with teaching, research, professional service, and/or administration, or failure to disclose/misrepresentation of criminal history background information; (g) 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 (h) falsification of academic credentials.
5. Faculty Member. “Faculty member” means a person employed by UNT as a member of the university’s 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.

6. Grievance. “Grievance” 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, 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: (a) equal opportunity, (b) harassment, (c) retaliation and compliance violations, (d) health and safety inspections, and (e) 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.
7. Grievant. “Grievant” means a faculty member who files a grievance.
8. Hearing. “Hearing” 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.
9. Non-Tenure Track Faculty. “Non-tenure track faculty” means faculty members with a non-tenure track appointment.
10. Non-Tenure Track Appointment. “Non-tenure track appointment” 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. Non-tenure track appointment titles are maintained by the Office of Academic Resources.
11. Part-time Faculty Member. “Part-time faculty member” means a faculty member that works less than a 100% workload in time and effort.
12. Preliminary Review. “Preliminary review” 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.

13. Quorum. “Quorum” 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 50% plus one (1).
14. Respondent. “Respondent” means the person(s) against whom the grievance is filed.
15. Tenure-Track Appointment. “Tenure-track appointment” means an appointment that includes a period of probationary employment preceding determination of tenure status.
16. Tenured Appointment. “Tenured appointment” means an appointment awarded to a faculty member after successful completion of the probationary period during which stated criteria are met.
17. Unit. “Unit” means an academic department/division under the administration of a UNT official with responsibilities for personnel actions.

### **Procedures and Responsibilities.**

Faculty members are required to attempt to resolve disagreements by discussing them with the person(s) who took the disputed action prior to filing a grievance, except in cases where a faculty member believes they have been subjected to discrimination, harassment, or retaliation in violation of university policy, in which case the individual should report the conduct to the UNT Office of Equal Opportunity or the Office of Institutional Compliance, as appropriate.

Each unit and college will have a grievance committee and grievants 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 non-tenured faculty member reappointment or those made by part-time faculty. Non-tenured faculty member reappointment and part-time faculty grievances are heard at the unit- and college/school-levels, and end at the appropriate academic administrator.

The academic administrator with final decision authority for university grievances involving reappointment of tenure-track faculty, tenure and promotion (“RTP”) decisions is the UNT president. The academic administrator with final decision authority for university grievances other than RTP is the UNT provost. The academic administrator with final decision authority for non-tenured faculty reappointment grievances or part-time faculty grievances is the dean.

#### **I. UFGC Composition.**

- A. The university shall have a committee comprised of tenured, non-tenured, 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 University Faculty Grievance Committee

("UFGC") or as otherwise named by the FS. FS establishes UFGC operational procedures.

1. Composition. The UFGC shall be comprised of fifteen (15) full-time faculty members that are elected by UNT's full-time faculty. The UFGC will 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) non-tenure-system faculty members from any of the FS voting groups. Effort shall be made to balance the tenured UFGC membership between full and associate professors. The UFGC shall 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 shall preside in the absence of the chair. Non-tenure-system UFGC members may not vote when the grievant is a tenured or tenure-track faculty member.
2. Terms. One-third of the UFGC members shall be elected each year. Lots shall be drawn for terms of 1, 2, or 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 shall 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 will provide a mid-year and annual standing committee report to the FS each academic year.

Responsible Party: FS, UFGC

- II. 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.
  - A. 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 will automatically accept RTP grievances. The UFGC will conduct a preliminary review of a grievance for reasons other than RTP to determine

if the grievance will be accepted or rejected.

B. 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.

C. Grievance Documentation. The electronic copy of the grievance, at a minimum, must include:

1. Background Information:

- a. Identification of the action with which the grievant disagrees and the person/body who took the action,
- b. A timeline or chronology of the activity leading to the action with which the grievant disagrees,
- c. A copy of the material submitted to the respondent in support of the aggrieved action, and
- d. All documents explaining the reasons the respondent gave the grievant for taking the action, if applicable.

2. Grievance Statement, Including:

- a. Identification of the perceived process/procedural error during the unit- or college-level grievance proceeding(s),
- b. Identification of provisions from UNT policy under which redress is sought, and
- c. A statement of the desired remedy.

3. 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.

D. Preliminary Review of Grievances Other Than RTP. Preliminary reviews for grievances other than RTP, will be conducted with a quorum of UFGC members. The UFGC will immediately notify the grievant when it receives the grievance submission from the provost's office. The UFGC will 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 that there was a process/procedural error at the unit- or college-level. If required, the UFGC will ask for additional evidence. The preliminary review will result in either a grievance rejection or grievance acceptance.

1. Grievance Rejection. The UFGC may reject a grievance submission when the grievance provides no basis for redress. If the UFGC rejects a grievance, the grievant will 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 will request the appropriate academic administrator dismiss the grievance and notify the grievant in writing. Prospective respondents in grievance rejections will not be notified. The UFGC can request that the appropriate academic administrator dismiss a grievance at any point of the process.

2. Grievance Acceptance. If the UFGC determines that the grievant has presented enough evidence to support the grievance, the UFGC will notify the grievant and the respondent in writing of its intention to formally accept the grievance. The UFGC will send the respondent the points in the grievant's initial statement on which the UFGC will 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.

3. Accepted grievances will follow the process for grievances other than RTP.

Responsible Party: Grievant, UFGC, provost, president

### III. Grievances Related to RTP (Including Dismissal for Adequate Cause of Tenured Faculty).

Grievances related to RTP are reviewed via a UFGC hearing.

A. 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 shall 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 nonbinding 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.

- B. 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 will be present only during their testimony.
1. 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. The UFGC may proceed with a hearing if the grievant or respondent fails to appear at the scheduled date and time of the hearing.
  2. The grievant will 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.
  3. The grievant and respondent may be accompanied by an advocate for observation purposes. Advocates, as defined in this policy, are permitted to speak at grievance hearings.
  4. The grievant may be accompanied by an attorney. Attorneys are not permitted to speak at grievance hearings.
  5. The grievant and respondent are permitted to: (a) call witnesses on their behalf, (b) question any witness who testifies at the hearing, (c) introduce evidence, and (d) call additional witnesses to rebut previous testimony. All UFGC hearing communications will be carried out with an atmosphere of collegial inquiry. Disrespectful participants will be directed to leave the hearing.

6. The provost's office will arrange for an audio recording at no cost to the grievant/respondent. The provost's office will 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 audio file proceedings based on the UNT Record Retention Schedule.
7. 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:
  - a. Presiding. The UFGC chair presides over the UFGC hearing and is responsible for keeping the hearing on schedule. The UFGC vice chair will preside over the UFGC hearing if the UFGC chair is unavailable. The UFGC can ask questions of the grievant, respondent, or any witnesses.
  - b. 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).
  - c. 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).
  - d. 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).
  - e. Respondent's Evidence. Following the respondent's opening statement, the respondent may present evidence relevant to the issues presented by the grievant (15 minutes).
  - f. UFGC Witnesses. The UFGC may call its own witnesses through the UFGC chair. The UFGC chair will notify the grievant and respondent five (5) business days prior to the hearing of any witnesses the UFGC plans on calling (15 minutes).
  - g. 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).
  - h. Summary Statements. When the UFGC deems that nothing can be gained

from further evidence presentation, the grievant and respondent may present summary statements (5 minutes each).

- C. 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 a written report to the president within ten (10) business days from the hearing date/last meeting. The report (including minority opinions) 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 will 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.

Responsible Party: Grievant, respondent, UFGC, provost, president

- IV. Accepted Grievances Other Than RTP. UFGC-accepted university grievances outside RTP may be reviewed via UFGC subcommittee and voted on by at least a UFGC quorum. The UFGC may use a hearing instead of assigning a subcommittee for grievances outside RTP. Hearings for grievances outside RTP will use the hearing format set out in this policy.
- A. UFGC Subcommittee Assignment. Within ten (10) business days of the grievance acceptance, the UFGC chair will appoint a subcommittee charged with reviewing and presenting the grievance to the UFGC. A subcommittee will be composed of a minimum of three (3) UFGC members who are not in the grievant's home academic unit. Subcommittee efforts shall be directed to fact-finding. Reviews may include the involved academic administrators, committees, and faculty members, as well as the respondent. The subcommittee shall prepare a report and present it to the UFGC within forty (40) business days from the date of subcommittee appointment.
- B. The UFGC (at least a quorum) will vote on the report and render a final recommendation to the provost no later than ten (10) business days following the UFGC vote with a copy to the grievant and respondent.
- C. The provost will 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.

Responsible Party: Grievant, UFGC, provost

- V. Non-Tenured Faculty Member Reappointment and Part-Time Faculty Member Grievances. Non-tenured 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 non-tenured reappointment and part-time faculty grievances.

Responsible Party: Grievant, unit grievance committee, college grievance committee, dean

**References and Cross-references.**

UNT Academic Titles

UNT Board of Regents Rule 06.1200, Termination and Revocation of Tenure

Texas Education Code, Sec. 51.960, Grievance Rights on Certain Personnel Issues

Texas Government Code, Sec. 617.005, Effect of Chapter

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 04.008, Records Management and Retention

Texas Civil Practice and Remedies Code, Chapter 154

Approved: 07/09/2019

Effective: 07/19

Revised: 07/19; 06/20