

Memo to: All UH-Downtown/PS Holders
From: Juan Sánchez Muñoz, President
Subject: Faculty Grievance Policy

UH-Downtown/PS 10.A.02
Issue No. 7
Effective Date: 11/14/2017
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1. PURPOSE

This PS describes the procedure by which faculty members can file a formal grievance and the process by which such grievances are resolved.

2. DEFINITIONS

- 2.1 Faculty Member—a member of the Faculty Assembly or a full-time non-tenure-track faculty member.
- 2.2 Grievance—a written notification by a faculty member to the Grievance Committee charging that the faculty member has been materially affected as a result of the actions of a university entity or employee (specified in 3.1.1 below) and asking for redress; the ensuing hearing of that allegation.
- 2.3 Grievant—the faculty member who files a grievance.
- 2.4 Respondent(s)—the person(s), entities, committees, decision-makers, etc. named by the Grievant as having violated university policy.
- 2.5 Grievance Committee—the elected faculty committee that coordinates the grievance process.
- 2.6 Hearing Committee—a subcommittee of the Grievance Committee, appointed by the Chair of the Grievance Committee, to hear a grievance.
- 2.7 Faculty Ombuds—The Faculty Ombuds is a tenured member of the faculty assembly as defined in PS 10.A.18.
- 2.8 CR/AAO—The Campus Relations/Affirmative Action Officer is a full-time staff member who advises in conflicts between staff and other staff or between staff and the administration. The CR/AAO also has a role to play in faculty complaints which involve sexual harassment and harassment and discrimination, as specified below in 3.1.3.
- 2.9 Witness—a person called by either the grievant or respondent(s) to provide relevant evidence during a grievance hearing.
- 2.10 Participant(s)—the grievant, respondent(s), and the Hearing Committee.

2.11 Working Days—For purposes of this document, the term “working days” is defined as any workweek day (i.e., Monday through Friday), except an official university holiday.

2.12 Substantive Error—An error as a result of violation of rights or policy.

2.13 Procedural Error—An error as a result of violation of policy process, procedure, or timeline.

3. POLICY

3.1 Basis for Faculty Grievances

3.1.1 A faculty grievance may be initiated on the basis of academic freedom, promotion, performance evaluation (see below 3.1.2), salary, tenure, dismissal, non-reappointment, and/or materially adverse action.

3.1.1.1 Materially adverse actions include but are not limited to the following:

- A less distinguished job title
- A loss of benefits
- Significantly diminished job responsibilities
- Loss of seniority
- Undesirable reassignment or a pattern of work assignments that are grossly inequitable rather than minor inconveniences.

3.1.2 Faculty members who contemplate a grievance based on their annual performance evaluation must complete the steps outlined in [P.S.10.A.05, Faculty Performance Evaluations](#), before filing a grievance.

3.1.3 Faculty seeking redress for sexual harassment or for harassment and discrimination should not follow the procedures set forth in this PS. To make inquiries or initiate complaints, they should consult the relevant faculty policies ([SAM 01.D.08](#), for sexual harassment and [SAM 01.D.07](#), for harassment and discrimination) and may confer with the CR/AAO.

4. PROCEDURES

4.1 The Grievance Committee

4.1.1 Nominations and Elections to the Grievance Committee

4.1.1.1 To be eligible to serve on the Grievance Committee, a faculty member must have tenure.

- 4.1.1.2 By May 1 of the preceding academic year, the tenured and tenure-track faculty of each department elect two faculty members to serve on the Grievance Committee. Elections will be conducted by the Faculty Senate.
- 4.1.1.3 By July 1 the President of the Faculty Senate will send to the Senior Vice President for Academic Affairs and Provost the names of elected representatives. The Senior Vice President for Academic Affairs and Provost will arrange for official appointment letters to be sent to the elected members of the Grievance Committee and designate a member to call the first meeting of the Committee.
- 4.1.1.4 By September 1, the Grievance Committee will elect a Chair. Also at the first meeting with a quorum, the Faculty Ombuds will conduct an orientation of grievance policy and procedures.

4.1.2 Terms of Service

- 4.1.2.1 Each department elects two representatives to the Grievance Committee in two-year staggered terms.
- 4.1.2.2 A member of the Grievance Committee may not serve more than two consecutive terms.

4.2 Duties of the Grievance Committee Chair

- 4.2.1 The Chair monitors the Grievance Committee and Hearing Committee deadlines.
- 4.2.2 The Chair is responsible for disseminating the signed statement of grievance to all participants (as defined in section 2.10).
- 4.2.3 The Chair of the Grievance Committee is responsible for appointing members to Hearing Committees, paying special attention to the specifications of sections 4.2.3.1, 4.2.3.2, 4.2.3.3, 4.2.3.4, and 4.2.3.5 below.
 - 4.2.3.1 In appointing members to a Hearing Committee, the Grievance Chair should, whenever possible, ensure broad representation from the university's colleges.
 - 4.2.3.2 In cases of conflict of interest, members can recuse themselves in advance of the designation of a Hearing Committee.
 - 4.2.3.3 To the extent possible the Grievance Committee Chair is required to assign Hearing Committee memberships evenly among the Grievance Committee members.

4.2.3.4. A faculty member who is in the same department as the grievant or who has taken part in the decision-making process leading to the grievance cannot serve on the grievant's Hearing Committee.

4.2.3.5 Every Statement of Grievance is typically assigned a separate and unique Hearing Committee (i.e., no combining of grievances). In rare instances where duplicative grievance statements are submitted, the Grievance Committee Chair has discretion to consolidate the duplicative grievances and have them heard by the same committee.

4.2.4 The Chair coordinates all room scheduling and audio requirements.

4.2.5 The Chair arranges for secure storage of hearing documents once a grievance hearing has concluded, in accordance with 4.8.1 below.

4.2.6 The Chair may be removed by at least a two-thirds vote of the Grievance Committee. The Chair of the Grievance Committee must call a meeting for such a vote at the request of any member of the Grievance Committee, the President-elect of the Faculty Senate (or his/her designee) will preside, a quorum must be present for such an action to take place, members will vote by written ballot counted by the President-elect of the Faculty Senate (or his/her designee), and absent members may vote provided that they have given their proxy to the President-elect of the Faculty Senate in a sealed and signed envelope prior to the meeting.

4.3. The Hearing Committee

4.3.1 Each Statement of Grievance will be heard by a Hearing Committee (see section 4.2.3.5 for exception) of five members appointed by the Chair of the Grievance Committee.

4.3.2 The Hearing Committee provides an opportunity for the grievant to present the grievance to an impartial group of peers, and an opportunity for response from the party or parties grieved against.

4.3.3 Hearings will be heard in a timely fashion consistent with the due process rights of the participants.

4.4. Duties of the Hearing Committee Chair

4.4.1 Each Hearing Committee elects its own chair, who will serve only for that Hearing Committee.

4.4.2 The Hearing Committee Chair presides at the hearing and votes only in the case of a tie.

4.4.3 At the close of the hearing, the Hearing Committee Chair writes a report of the Committee's findings. See 4.7.1 below.

4.4.4 The Hearing Committee Chair submits all hearing documents, including the Hearing Committee Report, to the Grievance Committee Chair.

4.5 Grievance and Hearing Timetable

4.5.1 Within twenty working days of the situation and/or event being grieved (as listed in section 3.1), the faculty member must deliver a Statement of Grievance (see Exhibit A) to the Grievance Committee Chair. This deadline is automatically extended if the Grievance Committee Chair has not been elected yet to within twenty working days of the Grievance Chair being elected.

4.5.2 By the end of the fifth working day of the receipt of a Statement of Grievance by the Grievance Committee Chair, the Grievance Committee Chair appoints the Hearing Committee and disseminates the Statement of Grievance to all participants (as defined in section 2.10).

4.5.3. By the end of the fifteenth working day of the receipt of a Statement of Grievance by the Grievance Committee Chair, the Hearing Committee meets, elects a chair, and notifies all participants (as defined in section 2.10) of the membership of the Hearing Committee as well as the date of the hearing.

4.5.4 The hearing must be held no sooner than the 25th working day and no later than the 35th working day of the receipt of the Statement of Grievance by the Grievance Committee Chair.

4.5.5 Up until five working days before the hearing, the grievant and/or respondent(s) may request, in writing, the removal of a Hearing Committee member.

4.5.5.1 The grievant has the right to remove only one member from the Hearing Committee without cause.

4.5.5.2 The respondents, collectively, have the right to remove one member from the Hearing Committee without cause.

4.5.5.3 The grievant or the respondent(s) may petition the Chair of the Grievance Committee to remove other members of the Hearing Committee with cause. The decision of the Grievance Committee Chair is final.

4.5.5.4 Prior to the hearing, the Grievance Committee Chair shall designate and announce to all participants the replacements for removed Hearing Committee members.

- 4.5.6 At least five working days before the day of the hearing, the grievant and respondent(s) must present a list of witnesses and advisers to the Hearing Committee Chair who shall disseminate to all participants.
- 4.5.7 If the list of advisers includes legal counsel, the Chair of the Hearing Committee shall notify at once the Senior Vice President for Academic Affairs and Provost.
- 4.5.8 Any written documentation that the grievant or the respondent(s) wish to have the Committee consider must be provided to all participants (as defined in section 2.10) at least 48 hours prior to the beginning of the hearing.
- 4.5.9 Upon written petition by any party involved in the hearing, the President may extend any deadline in the process. Extensions may not exceed fifteen working days unless dates outside long semesters are involved.

4.6 Hearing Guidelines

4.6.1 Documentation

- 4.6.1.1 The grievant and the respondent(s) bear the responsibility for securing documentation that they wish to submit to the Committee.
- 4.6.1.2 If any participants have difficulty in obtaining documents in a timely manner, they may seek assistance from the Faculty Ombuds.

4.6.2 Witnesses

- 4.6.2.1 A witness will be present only when the witness is testifying.
- 4.6.2.2 The grievant and the respondent(s) bear the responsibility for arranging the prompt attendance of any witnesses they wish to call.

4.6.3 The Hearing Schedule

- 4.6.3.1 The Hearing will follow this schedule unless the Hearing Committee agrees to modify it upon petition from the grievant and/or respondent(s).

Opening statements

- Grievant (5 minutes)
- Respondent(s) (5 minutes total for all respondents)

Presentations

- Grievant (30 minutes)
- Respondent(s) (30 minutes total for all respondents)

Questions and queries

- The Hearing Committee may ask questions of the grievant and/or respondent(s); grievant and respondents may ask questions of each other, subject to approval of Chair (up to 30 minutes, but this time may be extended by majority vote of the Hearing Committee).

Closing Statements

- Respondent(s) (10 minutes total for all respondents)
- Grievant (10 minutes)

4.6.3.2 The purpose of the opening statement is to summarize one's case to the Hearing Committee. No witnesses will be heard, no evidence will be considered, and no questions will be asked during opening statements.

4.6.3.3 The Hearing Committee may ask questions of the grievant or respondent(s) during the Questions and queries portion of the hearing.

4.6.3.4 Witnesses will be heard during the Presentations period. The grievant and the respondent(s) have the right to question all witnesses. Any time spent questioning witnesses shall not reduce the time provided for presentations.

4.6.3.5 The purpose of the closing statement is to draw conclusions from the presentations, the witnesses, and the documentation, and to express those conclusions to the Hearing Committee. No witnesses will be heard during closing statements. Members of the Hearing Committee may not ask questions until the conclusion of both closing statements from the grievant and respondent(s).

4.6.4 Hearing Policies

4.6.4.1 At least five working days before the hearing the Hearing Committee Chair will provide a copy this Policy Statement to all participants prior to the hearing and ask them to read it thoroughly. The Hearing Committee will therefore assume that everyone is familiar with the hearing guidelines, and will not discuss or review them at any length during the hearing.

4.6.4.2 Except in the case of dismissal (as differentiated from decisions not to tenure or not to reappoint), the burden of proof rests with the grievant, who must clearly demonstrate that a substantive error, a mistake, an inappropriate action, a procedural error and/or a violation of due process has been made and that the remedy requested is warranted.

- 4.6.4.3 The Hearing Committee will make a good faith effort to answer any questions concerning policies and procedures prior to the hearing. Such questions must be submitted in writing (e-mail is an acceptable medium). The Hearing Committee will only respond to questions dealing with procedural matters and will not discuss the substance of the grievance with any participants.
- 4.6.4.4 The Hearing Committee assists the grievant and respondent(s) in securing witnesses. Witnesses may present only factual information to the Committee and may not advocate on behalf of the grievant or the respondent(s). The grievant and the respondent(s) should be careful to ask only questions that elicit factual information from witnesses.
- 4.6.4.5 Failure of either the grievant or respondent(s) to appear promptly at the hearing will NOT delay the hearing, except in documentable emergencies. The hearing will move forward with those parties who are present.
- 4.6.4.6 The hearing must be closed unless an open hearing is agreed to in advance by all participants. All information presented at a closed hearing should be treated by those present as confidential.
- 4.6.4.7 The Hearing Committee is not bound by strict rules of legal evidence and may admit, at its discretion, any evidence with the exception of hearsay which it deems to be valuable in reaching its recommendations.
- 4.6.4.8 Anyone wishing to speak during the hearing must first be recognized by the Chair of the Hearing Committee.
- 4.6.4.9 Advisers to participants, including legal counsel, may not address the Hearing Committee or other participants. Advisers and participants may consult privately in a way that does not disrupt the hearing.
- 4.6.4.10 A participant or witness who interrupts or disrupts the hearing, or who speaks without first being recognized by the Hearing Committee Chair, will receive a verbal warning. If, on a second occasion, a participant or witness interrupts or disrupts the hearing, or speaks without first being recognized by the Hearing Committee Chair, the Chair will ask that individual to leave the hearing room for the duration of the hearing.
- 4.6.4.11 The grievant and respondent(s) cannot be excluded from the hearing at any time unless they violate the provisions of 4.6.4.10.

4.6.4.12 The proceedings will be digitally recorded. The Hearing Committee agrees to make a copy of the recordings available to the Grievance Chair, the grievant, the respondent(s), the Senior Vice President for Academic Affairs and Provost, and the President upon request.

4.6.4.13 After a Grievance is concluded, the chair of the Grievance Committee is responsible for conveying all artifacts (digital and otherwise) from that Grievance to the Senior Vice President for Academic Affairs and Provost's office for storage.

4.7 Disposition of Recommendations from the Hearing Committee

4.7.1 At the conclusion of the hearing, the Hearing Committee Chair assembles the Hearing Committee's findings into a written report that is submitted within seven working days to the Grievance Committee Chair, the participants, the Senior Vice President for Academic Affairs and Provost, and the President.

4.7.1.1 The Hearing Committee may make recommendations on any matter before it. Recommendations from the Hearing committee may include, but are not limited to:

- That the grievant's portfolio may move forward to the University Rank and Tenure Committee along with the Hearing Committee's report.
- The grievant has an extension of the probationary period.
- In the case of tenure, promotion, and non-reappointment issues, the Hearing Committee may send the issue back for reconsideration to parties in recommending or decision-making roles (dean, chair, tenured faculty). The Provost will determine a timeline for the reconsideration.
- That the grievance is without merit.

4.7.2 Within five working days of the receipt of the report of the Hearing Committee from the Committee chair, the Senior Vice President for Academic Affairs and Provost delivers it to the President with the Senior Vice President's recommendation. This step is omitted if the Senior Vice President for Academic Affairs and Provost is one of the respondents.

4.7.3 The President must deliver his or her decision in writing to the grievant, the respondent(s), the Hearing Committee, and the Grievance Committee Chair within fifteen days of his or her receipt of the report from the Hearing Committee Chair. If the President's decision differs from that of the Hearing Committee, specific reasons must be delineated to the Hearing Committee, unless prohibited by law.

4.7.4 The President has final authority in all grievances, except in the dismissal of a tenured faculty member. In cases of dismissal of a tenured faculty member, the

President makes a recommendation to the Chancellor of the University of Houston System. The Chancellor accepts or rejects the recommendation of the President, then presents the decision to the Board of Regents for approval or disapproval.

4.8 Disposition of Documents

4.8.1 All hearing documents and recordings will be stored in the Senior Vice President for Academic Affairs and Provost's Office.

4.8.2 All hearing documents and recordings will be destroyed after three years, unless the case is still active legally or unless prohibited by law.

5. EXHIBITS

Exhibit A: Statement of Grievance

6. REVIEW PROCESS

Responsible Party (Reviewer): Faculty Affairs Committee and Provost

Review: Every five years or as needed

Signed original on file in Employment Services and Operations office.

7. POLICY HISTORY

Issue #1: 08/11/81

Issue #2: 01/16/85

Issue #3: 06/11/86

Issue #4: 10/09/89

Issue #5: 05/20/02

Issue #6: 08/01/08

Issue #7: 11/14/17

8. REFERENCES

[PS 10.A.05](#)

[SAM 01.D.07](#)

[SAM 01.D.08](#)

STATEMENT OF GRIEVANCE

NAME _____

DEPARTMENT _____ OFFICE _____ UHD EMAIL _____

TITLE _____

DATE OF GRIEVANCE _____

INDIVIDUAL(S) WITH WHOM GRIEVANCE OCCURRED _____

STATEMENT OF GRIEVANCE (Please be as succinct as possible. Give only the point(s) of the grievance. Details on each point may be presented on a separate sheet.)

LAW OR POLICY VIOLATED _____

REMEDY(IES) REQUESTED _____

NOTICE: This Statement of Grievance is being filed in compliance with PS document 10.A.02 Faculty Grievance Procedures.

Signature of Grievant Date_____

Signature of Grievance Chair Date_____

Distribution Copy: Hearing Committee
Grievant
Respondent(s)