

SYNOPSIS:

Faculty in various colleges and departments report filing grievances and being informed by the Grievance Committee Chairperson that their grievance is not meritorious, without the due process protections of the policy being fully effectuated or a grievance committee being established. Furthermore, as FSEC and Faculty Senate understands, the Grievance Committee Chairperson, in the past, contacted the Provost's Office seeking guidance on whether a particular issue or question is grievable under the policy.

RATIONALE:

WHEREAS, PS 10.A.02 specifically states that the "Faculty Grievance process is a faculty-driven and -run process" without reference to a role of the President or Provost in screening filed grievances; and

WHEREAS, PS 10.A.02, in faculty-centric manner, provides that the "grievance process is designed to ensure that the principles of academic freedom, equity, and due process are afforded to faculty and provide a mechanism for conflict resolution by an impartial group of peers"; and

WHEREAS, PS 10.A.02 maintains that a faculty grievance "may be initiated on the basis of academic freedom, promotion, performance evaluation (see below 3.2.2), salary, tenure, dismissal, non-reappointment, and/or materially adverse action"; and

WHEREAS, PS 10.A.02 *broadly* defines "materially adverse actions" as including 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"; and

WHEREAS, PS 10.A.02 grants the Grievance Hearing Chairperson only administrative coordination, appointment, and oversight responsibilities, specifically recognizes the Grievance Hearing Committee as the mechanism to make a recommendation on the merit of a filed grievance, and explicitly provides that, "Each Statement of Grievance will be heard by a Hearing Committee of all five members appointed by the Chair of the Grievance Committee"; and

WHEREAS, PS 10.A.02 limits the Grievance Hearing Committee's findings and recommendations to "the scope of the specific material issues and questions specified in the statement of grievance. The charge of a Hearing Committee is to determine if a grievant has been unduly harmed by a prior event, not to introduce or litigate additional assertions against a grievant and impose additional harm."; and

THEREFORE, BE IT RESOLVED BY THE UNIVERSITY OF HOUSTON-DOWNTOWN FACULTY SENATE, that we reaffirm the essential principles of the PS 10.A.02 Faculty Grievance Policy, namely that, faculty grievance is a faculty-driven and -run process that exists to uphold the core values of academic freedom, equity, and due process.

BE IT FURTHER RESOLVED that the Faculty Senate believes the circumstances described in the above synopsis do not comport with the notion of a faculty-driven and -run process that fully respects and advances faculty members' expectations of academic freedom, equity, and due process.

BE IT FURTHER RESOLVED that the Faculty Senate recommends that the Faculty Grievance Committee establish a process to identify recent instances where a faculty member's grievance statement was unduly disposed of without benefit of a grievance hearing and regardless of written policy deadlines to provide a hearing on the merit of the grievance.

BE IT FURTHER RESOLVED that the Faculty Senate recommends that at the beginning of the year Grievance Committee meeting with the Faculty Ombuds, the Faculty Grievance Committee members systematically and carefully review and discuss the provisions of the Faculty Grievance Policy (PS 10.A.02) and their proper operationalization and implementation.