

STANDARD ADMINISTRATIVE PROCEDURE

12.99.99.M0.01 Grievance and Appeal Process for Faculty Members

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Standard Administrative Procedure Statement

This standard administrative procedure establishes the process for faculty grievances pertaining to conditions of work or hours of work resulting from a decision issued by a Department Head, college/school Dean, or university administrator, as well as salary grievances. In addition, this SAP describes the appeal process to university administrators, school/college grievance committees and the University Grievance Committee. Furthermore, this standard administrative procedure establishes the procedure for the appeal of salary grievances. This procedure does not apply to appeals to summary dismissals for cause or dismissals for cause of faculty members.

Official Procedure

A. FACULTY COMPLAINTS

1. INITIAL INFORMAL RESOLUTION EFFORT

- 1.1. Faculty members believing that they have cause for complaints based on the conditions of work or hours of work should discuss the matter in a personal conference with their department head. This includes appeals of sanctions placed on a faculty member by a supervisor for misconduct or unsatisfactory performance. If the matter cannot be resolved by mutual consent, the issue should be discussed in a personal conference with the Dean unless the grievance is against the Dean, or would be otherwise inappropriate to be heard at the college/school level, as indicated in section 1.3 below.

- 1.2. The faculty Member will have ten (10) business days from the date the conference with the department head ended to elevate the matter to the Dean. If the matter is elevated to the Dean, the faculty member must document in writing the complaint. The written complaint must describe in detail the nature of the grievance and state to whom the grievance is directed (respondent(s)). The faculty member may attach any other supporting documentation, as the faculty member deems necessary. The complainant may request that the Dean refer the complaint to the college/school-wide committee or an *ad hoc* committee appointed by the Dean for recommendation before deciding. The Dean shall have ten (10) business days to (a) decide on the complaint, or (b) refer the complaint to the college/school-wide committee or an *ad hoc* committee appointed by the Dean for recommendation before deciding. If an *ad hoc* committee is to be appointed, the Dean will appoint faculty members not currently serving in administrative positions, that are not part of the academic department of the grievant. The *ad hoc* committee will be comprised of a minimum of three to a maximum of five faculty members normally chosen from within the grievant's college/school. Prior to convening, the grievant may provide a list of two to three faculty members of their choice to be appointed to serve on the *ad hoc* committee of which the Dean will choose one to serve on the committee. The Dean's decision will be final regarding the formation of the *ad hoc* committee.
- 1.2.1. If the Dean chooses to decide on the complaint without a committee recommendation, the Dean will review the complaint, and supporting documentation if any, and meet with the parties and witnesses, if any. The Dean will communicate the decision in writing to the parties. The decision of the Dean may be appealed by the complainant and or the respondent to the UGC as set forth in section 5 below.
- 1.2.2. If the Dean chooses or has been requested to send the matter to the college/school-wide committee or *ad hoc* committee, it shall follow the process set forth in section 3 below.
- 1.3 When the grievance is against the Dean, the complainant must file the grievance directly with the Vice Provost for Faculty Affairs. The grievance shall contain all factual or other data or documentation that the complainant deems pertinent to the case. The complainant may request from the Vice Provost for Faculty Affairs that the complaint be referred to an *ad hoc* committee in accordance with this section. Within ten (10) business days from the day of receipt of the grievance the Vice Provost for Faculty Affairs shall (a) decide on the complaint, or (b) refer the complaint to an *ad hoc* committee consisting of three faculty members that have served on the Committee for Academic Freedom, Responsibility, and Tenure (CAFRT) or the University Grievance Committee (UGC) that are from a different college/school than that of the grievant. If the Vice Provost for Faculty Affairs chooses or has been requested to send the matter to an *ad hoc* committee, it shall follow the process outlined in section 3 below. The Vice Provost for Faculty Affairs will decide on the complaint. Decisions by the Vice Provost for Faculty Affairs may be appealed to the UGC as outlined in section 5 below.

- 1.4 If a faculty member believes their grievance was the result of a violation of their academic freedom, they should report the issue to the office of Faculty Affairs who will refer the matter to the Academic Freedom Council (AFC). The results of the evaluation by the AFC will be submitted with the grievance as documentation.
- 1.5 If a faculty member believes their grievance was the result of a violation of their civil rights, the faculty member should report it to the office of Civil Right and Title IX (CR/T9) in accordance with University Rule 08.01.01.M1.

2. COLLEGES AND SCHOOLS INTERNAL GUIDELINES FOR REVIEWING GRIEVANCES

- 2.1. All colleges and schools should have internal procedures for reviewing grievances at the college/school level by a standing college/school-wide or *ad hoc* committee. The college/school procedures must comply with the principles of this SAP. If a college/school does not have such procedures, the process and procedures contained in this SAP will serve as the processes and procedures to be followed by the college/school in the review of the college-level grievances and recommendation thereof to the Dean.

3. SUBMISSION OF A FORMAL WRITTEN GRIEVANCE TO THE COLLEGE OR SCHOOL LEVEL COMMITTEE

- 3.1. The Dean shall refer the grievance to the committee within ten (10) business days from receipt of the grievance, and notify the parties. Within 30 business days from the receipt of the formal letter of grievance from the Dean, the committee shall hold a meeting to investigate the grievance, unless circumstances require additional time. If additional time is required, the chair of the college/school-wide committee will request in writing from the Dean an extension of time. If an extension of time is granted, such extension shall be communicated to the parties by the chair of the grievance committee. The committee may solicit, as it deems necessary, documentation, names of witnesses, and testimony from the grievant and the respondent. The committee's decision shall be presented to the Dean, as a non-binding written recommendation on the entirety of the grievance, within ten (10) business days of the conclusion of the hearing, unless circumstances require additional time. If additional time is required, the chair of the college-wide committee will request it in writing from the Dean. If an extension of time is granted, such extension shall be communicated to the parties by the chair of the grievance committee.
- 3.2. The Dean shall issue a decision within ten (10) business days of receipt of the committee's recommendation, and such decision shall be communicated to the parties. The decision of the Dean shall include a copy of the committee's recommendation, report, and any documentary evidence.
- 3.3. The decision from the Dean may be appealed to the UGC as outlined in section 5 below.

4. COMPOSITION OF THE UNIVERSITY GRIEVANCE COMMITTEE

- 4.1. The UGC is a university elected standing committee of faculty members, with one representative per college/school. The UGC is charged with the duty and responsibility of hearing appeals on decisions regarding faculty complaints or disciplinary sanctions resulting from the misconduct of any faculty member, tenured or non-tenured.
- 4.2. The faculty of each college/school shall elect from their faculty, tenure track or academic professional track at the associate rank or above, one representative to serve on the UGC. All elected faculty members must be willing, able, and available to serve for three (3) years on the UGC. A member's three (3) year appointment will commence on September 1 and shall end on August 31, three years later. UGC members are eligible to be re-elected to serve for additional terms. The office of the Vice Provost for Faculty Affairs, in coordination with the Faculty Senate, will manage the election process during the second year of each member's three (3) year term. If a UGC member is not able to complete their term or no faculty member is identified through the election process, the Vice Provost for Faculty Affairs will appoint *ad hoc* another faculty member to serve for the term.
- 4.3. No administrative officer shall serve in the UGC. For the purposes of this SAP administrative officer is defined as administrative positions at or above the department head,
- 4.4. The chair and vice chair of the UGC will be elected from among the members of UGC. The chair and vice chair shall be appointed for a term of three (3) years. Their terms will be staggered whenever possible.
- 4.5. UGC members will receive yearly training on the conduct of appeal hearings of grievances and dismissal for cause. This training is mandatory for all UGC members. Members may not participate in a hearing committee until completing the yearly UGC training.
- 4.6. A Hearing Committee will consist of seven (7) voting UGC members who are assigned by the chair or the vice chair of the UGC. A quorum of four (4) members must be present to hold the hearing. For the administration of the hearing, the chair or vice chair of the UGC will chair the Hearing Committee but will not vote on the recommendation. An effort will be made to distribute participation on Hearing Committees when multiple cases are heard during an academic year.
- 4.7. If a member of the Hearing Committee who is physically present or virtually present via video conference, must leave for a period of time during a hearing day in case of emergency or unavoidable circumstance, the chair of the Hearing Committee may allow the member to still vote provided the absence is no longer than two (2) hours and only if the member is able to obtain and watch the recording and the absence is not within the time proposed for discussion and decision of the matter. Otherwise, the

member will become ineligible to vote. In such circumstances, the hearing officer shall inform the parties of the ineligibility of the member of the Hearing Committee to vote but will provide the parties the opportunity to waive such ineligibility if both parties agree to allow that member to vote.

- 4.8. Each Hearing Committee member is subject to challenge for cause. The chair or vice chair of UGC will rule on the validity of any challenge, and appoint replacement voting members, if necessary. (Note: Such challenges relate to the ability of a member to render an unbiased decision. The mere fact that individuals are acquainted or have had previous contacts between a Hearing Committee member and other individuals does not necessarily constitute bias.)
- 4.9. The UGC shall operate in accordance with System policies, regulations, and university rules.

5. APPEALING DECISIONS ON FACULTY GRIEVANCES TO THE UNIVERSITY GRIEVANCE COMMITTEE

- 5.1. The grievant or the respondent(s) to the grievance may appeal the decision of the Dean within ten (10) business days from receipt of the decision, by filing the written appeal directly with the Faculty Affairs Office petitioning the UGC for redress.
- 5.2. The grievant or the respondent(s) to the grievance against the Dean may appeal the decision of the Vice Provost for Faculty Affairs, as per section 1.3 above, within ten (10) business days from receipt of the decision, by filing the written appeal directly with the Faculty Affairs Office petitioning the UGC for redress.
- 5.3. Upon receipt of an appeal to the UGC, the Faculty Affairs Office will refer the appeal to the UGC. The UGC will consider whether the appeal has merit for a hearing within five (5) business days after its receipt.
- 5.4. Appeals concerning decisions made by a Dean or the Vice Provost for Faculty Affairs will be heard by the UGC Hearing Committee as selected in accordance with section 4.6 above with the exception that UGC members should not be from the same college/school as the faculty member making the appeal.
- 5.5. Appeals must be submitted in writing with any existing evidence in support of the appeal. The appeal must clearly indicate the basis for the appeal. The basis for the appeal is limited to a procedural error(s) of the Dean's or the Vice Provost for Faculty Affairs if grievance is against the Dean, that substantially impacted the outcome of the decision in which the appeal is based. A procedural error relates to whether the Dean or the Vice Provost for Faculty Affairs failed to follow the process outlined in this SAP or failed to consider evidence submitted with the appeal. The procedural error(s) must be identified in the appeal by the appellant. It is not the responsibility or charge of the UGC to identify a procedural error that has not been clearly outlined by the appellant.

The UGC must adhere to its charge and not take a role of mediator, conciliator, or deviate into matters that have not been alleged in the appeal.

- 5.6. The UGC Hearing Committee will have thirty (30) days to hear the appeal and issue a recommendation through the chair or vice chair of the UGC to the Vice Provost for Faculty Affairs on decisions made by the Dean, or to the Provost on decisions made by the Vice Provost on grievances against the Dean, as applicable. In its recommendation, the UGC may (i) find that the appeal lacks sufficient merit to be considered by the UGC, (ii) affirm the Dean's or Vice Provost for Faculty Affairs decision by agreeing with the decision, or (iii) request that the Dean's or Vice Provost for Faculty Affairs decision be remanded due to a procedural error that substantially impacted the outcome of the decision.
- 5.7. Notwithstanding the foregoing, if additional time is required for rendering any of the actions outlined in the subsections above, extensions of time shall be requested in writing by:
 - The chair of the UGC from the Vice Provost for Faculty Affairs on appeals of decisions from Deans.
 - The Provost for Faculty Affairs from the Provost on appeals of decisions from the Vice Provost.
- 5.8. Decisions made by the Vice Provost for Faculty Affairs or designee on a recommendation from the UGC on an appeal of a decision made by the Dean are final.
- 5.9. Decisions made by the Vice Provost for Faculty Affairs on a recommendation from the UGC on a grievance(s) against the Dean may be appealed by the appellant within ten (10) business days of the Vice Provost for Faculty Affairs decision, as per section 5.2 above to the Provost. Appeal to the Provost must be received by the Faculty Affairs Office on or before the tenth (10) business day. If no appeal is received or if the appeal is received after the stated appeal period, the Senior Associate Vice Provost for Faculty Affairs decision will become final.

B. SALARY COMPLAINTS

6. SALARY COMPLAINTS

Faculty members believing that they have cause to complaint based on their salary should follow the following procedure for addressing their salary complaint:

- 6.1 Salary grievances are to be handled primarily through administrative appeal. A faculty member who wishes to file a salary grievance should first have a personal conference with their department head. If the result of that conference is not satisfactory to the grievant, the faculty member may appeal to the college/school Dean. If a satisfactory outcome is not reached, an appeal may be made to the Senior Associate Provost for

Faculty Affairs, who will act as ombudsperson in attempting to resolve the case through discussions with the college/school dean and the grievant. The Senior Associate Provost for Faculty Affairs may choose to have an *ad hoc* faculty committee appointed to advise the Senior Associate Provost for Faculty Affairs. Likewise, the complainant may request in the appeal that the Senior Associate Provost for Faculty Affairs appoint an *ad hoc* committee to advise the Senior Associate Provost for Faculty Affairs.

- 6.2 The *ad hoc* faculty committees shall be appointed by the Senior Associate Provost for Faculty Affairs and be comprised of three faculty members normally chosen from within the grievant's college. Prior to convening, the grievant may provide a list of two to three faculty members of their choice to be appointed to serve on the *ad hoc* committee of which the Senior Associate Provost for Faculty Affairs will choose one to serve on the committee. The Senior Associate Provost for Faculty Affairs' decision will be final in regard to the formation of the *ad hoc* committee. The committee's rules of operations are delineated below:
 - 6.2.1 The grievant will provide a written statement of the basis for their appeal, and the committee will then decide whether the grievance merits a detailed investigation. If so, the grievant will have the opportunity to meet with the committee. If such an investigation is undertaken the committee will determine what materials it needs for the investigation. Materials which may be consulted include (but are not limited to) a salary history of the grievant in comparison with other members of the department and a curriculum vitae for the grievant as well as for other members of the department as deemed necessary.
 - 6.2.2 The recommendation of the committee, including a description of the committee's proceedings and reasons for its recommendation, will be reported to the Senior Associate Provost for Faculty Affairs and to the grievant.
- 6.3 The Senior Associate Provost for Faculty Affairs will report their decision to the grievant and the dean and department head. If procedures in 6.1 and 6.2 do not produce a resolution acceptable to the grievant, the grievant may make a final appeal directly to the Vice Provost for Faculty Affairs, who will review the case procedurally before making a final decision.
- 6.4 The appeal process should normally be completed within a single fiscal year and should be handled as expeditiously as circumstances permit.

Related Statutes, Policies, or Requirements

[System Regulation 32.01.01, Complaint and Appeal Process for Faculty Members](#)

Contact Office

[Faculty Affairs](#)
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