Faculty Grievance Policy
(Handbook for Faculty & Staff, TCU 2005-2006)

**Notification**

**Step 1: Administrative Appellate Processes (AAP)**
- Within 15 days of the grievant becoming aware of the issue for which the grievance is based, the AAP must be initiated. (III.D)
- The grievant is to notify the department chair, Dean, or Prevost, respectively.
- The AAP must be completed within 10 academic days. At the conclusion of the AAP, the grievant has 5 days to begin the grievance process. (III.D)

**Informal (Mediation)**

**Step 2: Mediator’s Committee**
- A grievance must be initiated within 5 days of the completion of the appellate process. (IV.A.3.a)
- The grievant must present a written, signed statement of the grievance along with an explicit statement that this material constitutes an informal grievance.
- The chair of the Grievance Committee will confirm that the individual against whom the grievance is being lodged has been notified and is aware of informal proceedings.
- The first meeting between mediators and grievant begins a time limit of 20 academic days for filing a formal grievance. This time limit may be waived with consent of both parties and the Grievance Committee. If mediation procedures are unable to resolve issue, a written grievance report must be filed by the grievant with the Grievance Committee. (IV.B.3.a)

**Formal (Grand Jury)**

**Step 3: Grievance Committee (Faculty Senate Executive Committee)**
- The Grievance Committee may interview the grievant or the defendant, as well as any other individuals pertinent to the case, to determine validity of the grievance.
- Within 15 academic days, the Grievance Committee will issue a written report which will either document the grievable issues referred to the Hearing Committee, or explain to the grievant and defendant that there is no reasonable information to conclude that a grievance has occurred. (IV.B.3.c)
- If the Grievance Committee recommends that the case be heard by the Hearing Committee, a date will be set, normally within 10 academic days, when the hearing will begin. (IV.B.3.e)

**Formal (Jury)**

**Step 4: Hearing Committee**
- Documents and statements will be made available to both parties at least 5 academic days prior to hearing. (IV.C.3.a)
- During proceedings, both parties are entitled to an academic advisor. Should the grievant engage legal counsel, the defendant may also engage legal counsel. If legal counsel is engaged, the Hearing Committee must be notified at least 5 days prior to hearing. Legal counsel may only act as advisors during proceedings, and may not participate directly. (IV.B.3.b)
- Verbatim records will be kept during proceedings, but will not be reproduced. Access will be given to grievant or defendant upon request.
- The Hearing Committee should complete hearing and deliberations as promptly as permits and report conclusions and recommendations as quickly as reasonable.
- The Hearing Committee will file a written report containing the nature of the grievance, the conclusions, and recommendations with the disputants, Grievance Committee and the Chancellor.
- Once the Chancellor receives the report, the Chancellor has the responsibility to accept or reject the findings of the report. If accepted, resolutions/recommendations should be implemented in a timely manner. If rejected, a written statement by the Chancellor giving reasons as to rejection shall be issued to both parties and the Hearing Committee.

**Formal (Chancellor Recommends to Board)**

**Step 5: Chancellor recommends tenure, advancement, or appointment to the Board of Trustees.**
Committee Definitions

Mediator’s Committee
The Mediator’s Committee consists of 5 tenured faculty members. These faculty members are nominated by the Committee on Committees of the Faculty Senate, approved by the Senate, and appointed by the Chancellor. Members of the Mediator’s Committee are appointed for 3 year terms, with no more than two terms expiring each year. The Chair of the Mediator’s Committee is appointed by the Chancellor.

Faculty Executive Senate Committee
The Faculty Executive Senate Committee consists of the Chair, the Secretary, the Chair-elect, the Assistant Secretary, and the immediate past Chair of the Faculty Senate.

Hearing Committee
The Hearing Committee consists of 3 tenured faculty members and 5 alternate faculty members. These faculty members are nominated by the Committee on Committees of the Faculty Senate, approved by the Senate, and appointed by the Chancellor. Members of the Hearing Committee are appointed for 3 year terms, which are staggered to ensure continuity. The Chair of the Hearing Committee is appointed by the Grievance Committee.

Key Considerations for a revised Faculty Grievance Process

Promptness - reconcile the current administrative appellate process (AAP) with the informal/formal steps of the grievance policy. The AAP step appears to be used procedurally for notification rather than resolution. Create a simpler, progressively stepped policy. Address tenure/promotion disputes where they begin, at the academic unit level.

Responsive – The procedure will spell out time lines to be followed unless extensions of the process are negotiated and mutually agreed upon.

Autonomy of Academic Units – the process will respect the autonomy of academic units to make promotion and tenure decisions in conformance with agreed upon TCU standards. Remove the Faculty Senate from the formal grievance process.

Ombudsperson - Consider the appointment of a trained university Ombudsperson who will serve the informal and formal roles assumed by the Faculty Senate Chair and the Chair of the University Mediators Committee under the current process.

Due Process – Permit both substantive and procedural grievances at the department or college level. Procedural appeals only, may be addressed at the Provost and/or Chancellor levels.

Alternative Dispute Resolution – permit the use of mediation at the Department and/or College level to address substantive and/or procedurally-based promotion and tenure disputes. ADR encourages the use of informal procedures early in the dispute process.

Confidentiality – Encourage and enforce confidentiality of procedures during both informal and formal stages of the process.