

Texas Woman's University University Regulation and Procedure

**Regulation and Procedure Name: Faculty Review Policy and Procedures
(Grievance)**

**Regulation and Procedure
Number: URP: 02.350**

Policy Owner: Academic Affairs

POLICY STATEMENT

It is the objective of Texas Woman's University (TWU) to assure fair and equitable treatment of all faculty members and professional librarians and to provide for resolution of grievances through review and appeal proceedings as set out in these policies and procedures. It is the policy of TWU that any faculty member or professional librarian who believes that she or he has not received fair treatment under the terms of this policy has a right to a review of her or his grievance within a reasonable time.

APPLICABILITY

This policy is applicable to TWU Faculty.

DEFINITIONS

None

REGULATION AND PROCEDURE

I. Issues Subject to Review

Issues that are subject to review under this policy may include, but are not limited to, one of the following categories: salary, working conditions, workload allocation, teaching assignments, academic freedom not related to non-reappointment or termination, performance review, grants administration, student-faculty relations, professional treatment, promotion, and tenure. Non-reappointment and termination of employment are not subject to review. This policy does not apply to Title IX Disability/Handicap, Title VI Racial Discrimination, Sexual Harassment or other Federal or State Regulations or Statutes, which are under the purview of other policies and procedures.

II. Faculty Review Committee

A. The Faculty Review Committee (FRC) is advisory to the Chancellor. The purpose of the FRC is to hear any faculty member or professional librarian who believes that she/he has not received equitable treatment under the terms of this policy, to hear the appropriate respondent or respondent's designee, determine findings, and make recommendations to the Chancellor.

B. Membership

1. The FRC is a standing committee of the University and consists of elected, full-time faculty members and professional librarians, excluding those faculty members or professional librarians holding "line" administrative appointments. Each group of components shall have one FRC member for each 15 FTE faculty members or professional librarians or major fraction thereof.

2. Members from each college or group of components shall be elected at-large within the components. Those eligible to vote in the elections for members of the FRC are the same as those outlined in Article IV, Section 1: Membership, of the Constitution of the Faculty Senate as voters in Faculty Senate elections. For the purpose of nominating and electing members of the FRC, the voting faculty shall consist of all faculty holding appointment of at least one-half time in the tenure or non-tenure track (lecturer, clinical, research); full-time professional librarians; and department chairs who hold the rank of professor, associate professor, assistant professor, instructor, or lecturer. Faculty who are not eligible to vote in FRC elections include: visiting professors, adjunct faculty, persons on leaves of absence, and administrators above the level of department chair.

3. The term of office of each member of FRC is two years, corresponding with the academic year. Members may be re-elected. The Faculty Senate Elections Committee conducts elections for membership on the FRC in the fall of each academic year. Terms will be staggered to provide for continuity on the committee.

4. In the event of a vacancy on the committee, the position shall remain open until the next regular election for that position or until the beginning of the following academic year, whichever comes first.

C. Officers

1. The committee elects its own chairperson and vice chairperson for a term of two years. These individuals may be elected for additional terms. Elections for chairperson and vice chairperson should be held within 30 days of election of the FRC. The Faculty Senate Elections Committee will designate one elected member to serve as a temporary chairperson to oversee the election of the chairperson and vice chairperson.
2. Should there be an appeal before the election of the committee or the chairperson and vice chairperson, the previous year's chairperson will handle initiating the appeal process.
3. The vice chairperson will serve as chairperson in the absence of the chairperson.

III. Levels of Review

- A. If a faculty member or professional librarian believes that she/he has not received equitable treatment under the terms of this policy, there are two levels of review to deal with the concern.
- B. The first level is an administrative review and the second is an appeal to the Faculty Review Committee.
- C. In the event of an appeal on faculty promotion or tenure following administrative review and notice of decision from the Chancellor, the faculty member may file an appeal with the FRC without further administrative review. The appellant in a promotion or tenure grievance must file a written request for hearing with the chairperson of the FRC within ten (10) working days of the decision from the Chancellor.
- D. All other issues besides faculty promotion and tenure review must be considered first through administrative review and then by the FRC if the matter is unresolved.

IV. Administrative Review:

- A. If a faculty member or professional librarian believes there is cause for a review under this policy, she/he will write a statement citing the issue/s to be reviewed; the reason/s she/he believes she/he has not received equitable treatment under the terms of this policy; and the resolution sought. Any supporting materials are submitted with the written statement. If a University policy is in question, the appellant must include a copy of the

policy and document how the policy was violated. If the issue of the appeal relates to promotion or tenure decisions, the faculty member may submit copies of annual review materials for the period in question and copies of previous reviews. The faculty member or professional librarian should take care to include only materials germane to the specific appeal. The completed dossier must contain the Transmittal of Grievance form ([Attachment A](#)). The faculty member's statement, transmittal of grievance form, and supporting materials presented to the administrator shall constitute the "dossier." Once the dossier is submitted for review, the contents must remain the same throughout the review and appeal process.

- B. The request for review must be submitted to the first administrative level within one calendar month of the action which is the basis of the review. The faculty member or professional librarian will seek resolution through all appropriate administrative channels: department chair/associate dean/program director, director, dean, and Provost and Vice President for Academic Affairs. The administrative review will be handled expeditiously at each level of administration, and a written response to the faculty member or professional librarian is expected within ten (10) working days at each level. The faculty member or professional librarian must respond in writing following the receipt of response from each level of review through the administrative channels. It is the responsibility of the faculty member or professional librarian to submit the written request and dossier to each administrative level within ten (10) working days of receiving a response from one administrative level.
 - C. If, after an appeal to the Provost and Vice President for Academic Affairs, the issue remains unresolved to the satisfaction of the faculty member or professional librarian, she/he may file an appeal with the FRC.
- V. Appeal to Faculty Review Committee

A. Initiation of Appeal

1. If, after completing the administrative review process, a faculty member or professional librarian feels the issue/s is/are unresolved, she/he may file an appeal with the FRC. The written appeal must be submitted to the chairperson of the FRC within ten (10) working days of receipt of the decision of the Provost and Vice President for Academic Affairs. The written appeal must include the complete dossier submitted through the administrative review process and the Transmittal of Grievance form. The faculty member

or professional librarian filing the appeal must provide a list of all witnesses who will be called and a brief statement defining how the witness is important to the issue/s under review prior to the hearing.

2. When the chairperson of the FRC receives the written request for hearing and accompanying dossier, she/he initiates the hearing process within ten (10) working days. The chairperson of the FRC informs the Chancellor of the request for the hearing and requests identification of the respondent for the University, if applicable. If the University or general administrative official of the University is named as a respondent, the Chancellor may appoint an appropriate designee to appear before the subcommittee. The respondent must provide the chairperson of the FRC with a list of all witnesses to be called and a brief statement defining how the witness is important to the issue/s under review within five (5) working days of receiving such lists for the appellant.

B. Selection of Appeal Subcommittee

1. Five members of the elected FRC will be drawn by lot to serve as a subcommittee for the appeal hearing. Members of the appellant's component (department) may not serve on the appeal subcommittee. If an appeal is filed against a member of the FRC or that person will serve as a witness, that member shall not participate in the hearing. When tenure is an issue under this policy, the appeal subcommittee shall consist only of tenured faculty members.
2. The names of the five members will be provided to the appellant and respondent prior to the hearing, and each has the right to strike one member of the subcommittee without specifying cause. In the event that a member is struck from the subcommittee, another member of the FRC drawn by lot will serve as a replacement. The members of the appeal subcommittee will elect one of its members to serve as the chairperson for the appeal.

C. Appeal Hearings

1. The appeal subcommittee will review the written appeal and dossier. The subcommittee may deny a hearing where there is no showing of probable cause that a bona fide basis for review exists.

2. If a hearing is warranted, the appeal subcommittee will schedule a hearing in which the appellant and respondent will have an opportunity to meet with the subcommittee. At the time the hearing is scheduled, the appellant must submit to the chairperson of the appeal subcommittee six copies of the dossier. The respondent will be provided the opportunity to submit six copies of written information supporting the recommendation or action that is the issue of the appeal.
3. [Attachment B](#) includes the procedures to be followed during the hearing. Each side to the appeal may bring a peer or representative to the hearing. The peer or representative is not permitted to address the FRC but may confer with the appellant or respondent during the hearing.
4. The subcommittee may request additional information from any faculty member, librarian, student, the appellant, any component review committee, any component administrator, dean, or the Provost and Vice President for Academic Affairs at anytime during the review proceedings. If requested to appear in person, the Chancellor or a Vice President may appoint an appropriate designee to appear before the subcommittee for such individual.
5. A majority of the members of the subcommittee shall constitute a quorum. Decisions of the subcommittee must be reached with a majority vote of the members present, with the number of yes, no, and abstention votes recorded without designating the names of the persons who cast the votes.

D. Confidentiality

1. The only individuals present during the subcommittee hearings shall be the subcommittee members, the parties to review, their representatives, and a witness while giving testimony. There will be no recording, electronic transmission, or telephone or video communication during an appeal hearing to encourage confidentiality. All members of the subcommittee, the appellant, the respondent or the respondent's designee where applicable, the representative of each party, and all witnesses, while providing information, will be the only persons present for the hearing.

2. No persons other than subcommittee members may be present during the deliberations of the subcommittee concerning an appeal.
3. It is anticipated that all parties to an appeal will respect the confidential nature of information and proceedings and respect the right of faculty and professional librarians to participate in the appeal process.

E. Findings and Recommendations

1. When the appeal has been thoroughly heard and investigated, the appeal subcommittee shall determine its findings and recommendations. The subcommittee shall, as expeditiously as possible, report the written recommendations to the chairperson of the FRC who shall, as expeditiously as possible, report the recommendations by certified mail or in person to the faculty member or professional librarian and to the Chancellor, who will make the final determination. In those reviews regarding tenure decisions and faculty promotions, the written report of the appeal subcommittee is transmitted to the Chancellor and the Chair/Presiding Officer of the Board of Regents through the Chancellor for consideration under existing policies.
2. The report of the Faculty Review Committee shall be included in materials presented to the Board of Regents.

VI. Final Appeal

- A. The faculty member may seek an appeal of the Board's decision to the Board of Regents pursuant to any procedures established by the Board.
- B. To seek an appeal for reconsideration of the Board of Regents' decision concerning tenure or promotion, the faculty member shall submit a written request for reconsideration, which must be received by the Office of the Secretary of the Board within ten (10) days after the faculty member, is notified of the Board's original decision. Whether to reconsider is within the discretion of the Board.
- C. If a request for reconsideration is declined, the prior decision is final. If a request for reconsideration is granted, the Board or a subcommittee of the Board designated for this purpose will consider written material submitted

to the Board or subcommittee by the faculty member and by the respondents and will communicate its decision in writing to the parties.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

None

FORMS AND TOOLS

[Texas Woman's University Transmittal of Grievance](#)

[Texas Woman's University Faculty Review Committee Procedure for Hearing](#)

Publication Date:

Next Review: