

UNIVERSITY of **HOUSTON**

COLLEGE of EDUCATION

Educational Leadership & Policy Studies

Faculty Grievance Policy and Procedures*

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ELPS FACULTY GRIEVANCE POLICY AND PROCEDURES

I. FACULTY GRIEVANCE POLICY

The University of Houston Faculty Handbook and the College of Education require that all faculty be treated fairly and consistently in all matters related to their employment and provides faculty with the right to express their grievances through informal and formal channels.

Retaliation in any form against any faculty member for presenting a grievance is prohibited and is grievable as well. This policy applies to grievances of any kind not covered by specific grievance policies, including but not limited to, matters of academic freedom, salary, hours, conditions, equitable application of employment procedures, assignment of teaching duties, and allotment of resources and facilities.

The grievance process provides a means to resolve disputes that have not been resolved through the normal process of reasonable discussion. The grievance process is aimed to define clearly the matters that are at issue; to assure the faculty member that their complaint or problem has been presented to and considered by the appropriate officials and bodies; and to assure the ELPS faculty that decisions involving faculty members in their relationship to the ELPS Department are fully considered. A faculty member may utilize the services of the faculty ombudsperson throughout the grievance process.¹

The following actions or decisions are not grievable under this policy because they are reviewable pursuant to other procedures provided by the university. These actions include, but are not limited to:

1. Complaints related to discrimination if based on race, color, national origin, sex, age, religion, disability, sexual orientation, gender identity or expression, genetic information, or veteran status. See UH Faculty Handbook http://fs.uh.edu/documents/2013_Faculty_Handbook.pdf
2. Decisions related to appointment, promotion, or tenure. See UH Faculty Handbook http://fs.uh.edu/documents/2013_Faculty_Handbook.pdf
3. Non-renewals of tenure-track. A faculty member grieving the non-renewal of a faculty appointment must file a grievance directly with the Provost. See UH Faculty Handbook http://fs.uh.edu/documents/2013_Faculty_Handbook.pdf
4. Matters pertaining to fiscal management, staffing or structure of the University, non-academic matters pertaining to activities of administrative offices reporting to the president or vice presidents, or conditions that are clearly beyond the control of the University. See UH Faculty Handbook http://fs.uh.edu/documents/2013_Faculty_Handbook.pdf

¹ To the extent allowed by Texas law, grievance materials will be considered confidential. When revisions are made to this policy, all grievances will follow the policy that is in effect at the time the grievance was filed.

II. INFORMAL FACULTY MODES OF RESOLUTION

A multilevel procedure for redress of grievance is available pursuant to this policy. Wherever possible, collegial and informal resolution of problems, such as through discussion, negotiation, and informal mediation is encouraged and should be facilitated. It is expected that the majority of grievances will be resolved at this level. A formal grievance process can then be pursued if the grievance is not resolved informally.

Discussion and Negotiation

Prior to seeking relief and before a grievance complaint is filed, the faculty member is encouraged to attempt to resolve the dispute through discussion and negotiation privately between all parties or with the assistance of the faculty ombudsperson.

The Office of Ombuds Services provides the University of Houston faculty with an informal mechanism for resolving workplace conflicts and addressing questions and concerns related to their employment with the University. The Faculty Ombudsperson is independent, neutral, and maintains confidentiality to the extent allowed by law. This preliminary action requires no documentation

Ombuds Services

The faculty ombudsperson may assist the faculty member through any or all of the following services:

1. Listen to faculty members' concerns and complaints regarding workplace and employment issues
2. Provide a confidential, objective place for faculty to discuss issues and possible resolution
3. Provide ongoing counseling/coaching in addressing and managing conflict
4. Answer questions related to policy and options available
5. Assist in the development of plans to improve working relationships
6. Facilitate communication and mediating conflict between disputing parties
7. Investigate a situation at the request of a faculty member to aid in resolution
8. Assist faculty member in developing required documentation if informal resolution is unsuccessful
9. Apprise trends in concerns and complaints
10. Recommend changes in policies and procedures to the President and Provost that may eliminate or reduce recurring workplace problems, enhance the effectiveness of University resources, or increase the quality of work life of faculty.

The faculty ombudsperson may not do the following:

1. Provide legal advice or representation
2. Represent or advocate at any grievance, disciplinary, or judicial procedure
3. Assist with non-university related issues
4. Engage in administrative decisions
5. Receive official "notice" to the University

6. Disclose information provided in confidence
7. Maintain official records
8. Conduct formal investigations
9. Provide psychological counseling

Ombuds Office Contact Information:

Main Web Site: <http://www.uh.edu/ombuds/>

Email: ombudsperson@uh.edu

Ombuds Office : 713-743-2417

Faculty Office : 713-743-2413

Unit/Department Resolution

If attempts at discussion and/or negotiation are unsuccessful, the faculty member should contact the department chair or dean personally or through the faculty ombudsperson to discuss the situation informally. If there is no satisfactory resolution by department chair or dean, the faculty member may file a formal grievance. While informal mediation is encouraged, it is not mandatory. Throughout, the faculty member should remain aware of the formal grievance filing deadline.

III. FORMAL FACULTY GRIEVANCE PROCESS

If the informal process does not resolve the grievance, then the faculty member may file a formal written grievance to the Department Chair. If the grievance is against the Department Chair, the faculty member should file the grievance with the Faculty Executive Committee (FEC).

Faculty Grievance Committee Composition

The role of the ELPS Faculty Grievance Committee is to be an advocate for the grievance process, while remaining neutral with respect to the parties. The intent is to model positive faculty relations and dispute management. This committee will consist of three tenured faculty members and an associate/full clinical faculty of the ELPS Department and two additional faculty members (associate/full tenured or clinical) who will serve as alternates. All committee members are elected by the department faculty according to published procedures. If there is no standing Grievance Committee, the Chair of the Department will request the Departments Nominations and Elections Committee oversee the election of an ad hoc Grievance Committee.

The acting committee members will select a chair and will participate in all preparatory meetings and readings. Alternates will assume the role of a full committee member if an elected member is unable to participate, in the order of votes collected or, in the case of tie, random selection (e.g., a coin toss). Alternates who do not attend the hearing will not deliberate or vote on the final disposition.

Committee members will be recused from hearing any grievances in which they were involved at a previous level of review or in which they have a personal involvement or serve as a witness. Any of the parties involved in the grievance process may request that one or more elected members of the Grievance Committee be recused owing to a potential conflict of interest. Committee members who are

recused will not participate in the grievance process and will be replaced by an elected alternate in order of number of votes received. If Committee members cannot agree if a member should be recused, the Committee will submit pertinent information (i.e., a request for a recusal and a rebuttal) to the Hearing Officer (see below for role of Hearing Officer) and the final decision will be made by the Hearing Officer.

No member of the administration including deans, assistant or associate deans, and department chairs shall be eligible for membership on the grievance committee. Associate and assistant chairs are eligible.

Hearing Officer Role

The Associate Department Chair, or designee, will serve as the Hearing Officer, but not as a member of the Grievance Committee or as a participant in the deliberations and final disposition of the grievance. The Hearing Officer is charged with ensuring that the Committee acts in accordance with the written grievance committee procedures. Following the election of the Grievance Committee and alternates, the Hearing Officer will charge the faculty Grievance Committee to elect a Committee Chair and, under conditions of strict confidentiality, Committee members will review the grievance.

Formal Grievance Process Steps

Step 1. A grievance must be submitted by petitioner in writing to the Grievance Committee Chair (GCC) using the Grievance Form no later than 30 working days from the time the event initiating the grievance occurred or from the time that the faculty member, with due diligence, should have become aware of the action causing the grievance. If the faculty member has begun efforts to resolve the complaint informally, the 30-calendar day time period will not begin until the informal efforts are exhausted.²

Step 2. The GCC presents the formal grievance to the Associate Department Chair (providing that the formal grievance does not involve the Associate Department Chair). Within 20 working days, the Associate Department Chair renders a decision regarding the grievance and notifies all involved parties.

Step 3. If the aggrieved person is not satisfied with the disposition of their grievance and wishes to appeal it, they must submit an appeal in writing to the Department Grievance Committee within 10 working days of notification of the Associate Department Chair's decision. When it is moved to the Department Grievance Committee, the committee chair or designee will serve as the Hearing Officer to manage the hearing procedures.

Step 4. If the aggrieved person is not satisfied with the disposition of their grievance and wishes to appeal it, they must submit the appeal in writing to their College Grievance Committee within 10 working days of notification of the Department Grievance Committee's decision. When it is moved to the College, the FEC Chair or designee will serve as the Hearing Officer to manage the hearing procedures. This ends the process for the Department's involvement in the grievance process.

2 SOP for guidance on process is under development as of May 2020.

Faculty Grievance Hearing Panel Format

The Hearing Officer in collaboration with the Grievance Committee Chair will conduct the hearing utilizing the following format:

1. The petitioner and the respondent will each provide a brief opening statement (maximum 10 minutes per person).
2. The petitioner will provide a presentation of position and evidence. Witnesses may be called at this time. If a witness is unable to attend hearing in person, a written statement or testimonial via skype/phone will be acceptable. Questioning will be restricted to members of the Grievance Committee (total time allocated for presentation and questions is 60 minutes). Questions by the involved parties to the witnesses will be addressed through the Hearing Officer. Following this presentation, the respondent will have the opportunity for rebuttal during which additional evidence may be introduced only to refute points made by the other party (maximum 10 minutes).
3. Next, the respondent will provide a presentation of position and evidence. Witnesses may be called at this time. Questioning will be restricted to members of the Grievance Committee and the Hearing Officer (total time allocated for presentation and questions is 60 minutes). Questions by the involved parties to the witnesses will be addressed through the Hearing Officer. Following this presentation, the petitioner will have the opportunity for rebuttal during which additional evidence may be introduced only to refute points made by the other party (maximum 10 minutes).
4. Each party will make a brief summary statement (maximum 5 minutes per person), beginning with the respondent.
5. Attendance at evidentiary hearings is limited to the Hearing Officer, Grievance Committee, the petitioner, the respondent, and their respective witnesses. Witnesses may be present only during their own testimony.

A maximum of 3 hours will be allowed in these hearings. All hearings will be recorded using an electronic recording device. Electronic files of the recorded hearing will be maintained by the Hearing Officer in a secure and password-protected format for at least 18 months following the grievance hearing. Only officials involved in subsequent appeals will have access and only upon written request to the Chair of the Grievance Committee.

After the Hearing

1. Immediately after the hearing, the Grievance Committee members (excluding Hearing Officer) will meet in closed session to determine and finalize its recommendations.
2. The written recommendations of the Committee will include a finding of fact regarding the incident and application of College or University policy.

3. The Chair of the Grievance Committee will draft a letter of recommendation articulating the Committee's recommendations and circulate it for review and acceptance by Committee members. Within 3 business days, the Grievance Committee members will provide feedback to the Department Chair concerning the recommendation letter. If there are major disagreements among Committee members regarding the content of the letter, the Chair of the Grievance Committee will reconvene a meeting with Committee members to discuss disagreements. A final letter is affirmed (and vote reflected) in writing and forwarded to the Department Chair within 10 working days after the conclusion of the hearing.
4. The Department Chair will respond to Department Grievance Committee's recommendations within 10 working days with determination and discussion of why each recommendation of the Committee is acceptable, unacceptable, or impossible to implement. In case that the Department Chair agrees with all recommendations made by the Grievance Committee, he or she may simply affirm the Committee's recommendations without further explanation. The written response from the Department Chair will be sent to the Committee, the aggrieved person, and the respondent.
5. If the grievant is dissatisfied with the Department Chair's decision, he/she may appeal to the College of Education's Grievance Committee (See Faculty handbook http://fs.uh.edu/documents/2013_Faculty_Handbook.pdf).

² In circumstances where a grieving party chooses to retain counsel and have that person as part of the hearing, please refer to UH Policy for further guideline.

**COLLEGE OF EDUCATION
FACULTY GRIEVANCE FORM**

PLEASE COMPLETE BELOW FORM AND SUBMIT IT TO THE DEPARTMENT CHAIR NO LATER THAN 30 WORKING DAYS FROM THE TIME THE EVENT INITIATING THE GRIEVANCE OCCURRED

Name:	PSID:
Address:	Cell Phone:
City, State, Zip:	Business Phone:
Department:	E-mail:
Most Recent Faculty Position:	

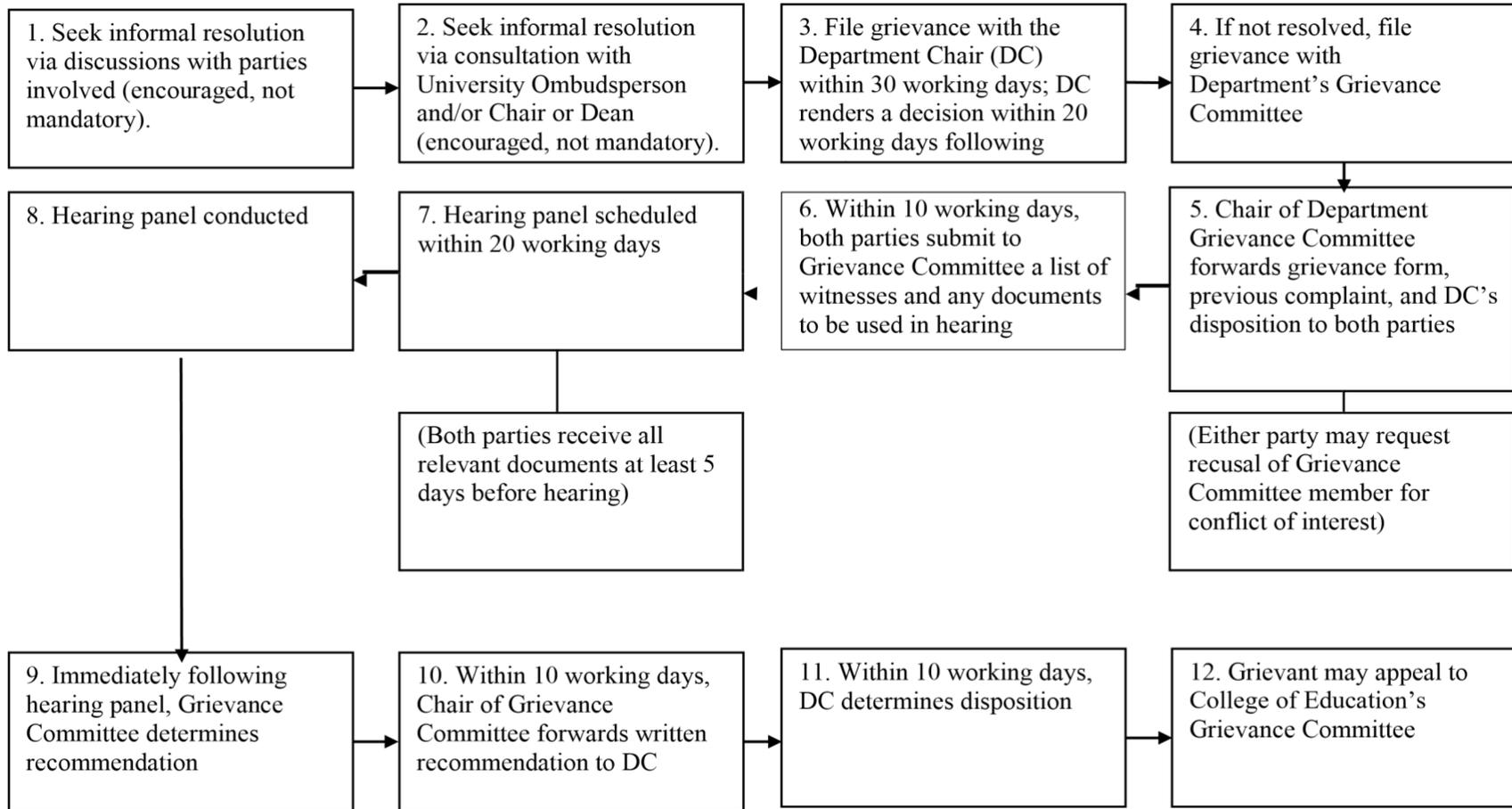
Summary statement of the problem being grieved:

Brief statement of remedy or action being requested:

How did you try to resolve the problem being grieved through informal channels?

(Please attach additional documents or other materials pertinent to the grievance and/or remedy requested).

ELPS GRIEVANCE PROCEDURES FLOWCHART



- Grievances against the dean are handled through the University Grievance Committee
- Title IX grievances are handled through Office of Equal Opportunity Services
- Tenure and promotion grievances can be addressed by Provost, University Grievance Committee, or College Grievance Committee

REVISION LOG

Revision Title	Inserted Revision	Date and Recorded Vote of Faculty Approval (including vote of chair)	COE Dean's Approval and Date	UH Provost Approval and Date
Original development of full policy	Full policy	May 5, 2020		