

Memo to: All UH-Downtown/PS Holders  
From: Loren J. Blanchard, President  
Subject: Faculty Grievance Policy

UH-Downtown/PS 10.A.02  
Issue No. 8  
Effective Date: 09/01/2023  
Page 1 of 16

## **1. PURPOSE**

This PS describes the procedure by which faculty members can file a formal grievance and the process by which such grievances are resolved.

## **2. DEFINITIONS**

- 2.1 Faculty Member: A member of the Faculty Assembly, as defined by the Faculty Senate Constitution.
- 2.2 Grievance: A written notification by a faculty member to the Grievance Committee Chair charging that the faculty member has been materially affected as a result of the actions of a university entity or employee (specified in 3.2.1 below) and asking for redress; the ensuing hearing of that allegation.
- 2.3 Grievant: The faculty member who files a grievance.
- 2.4 Respondent(s): The person(s), entities, committees, decision-makers, etc. named by the Grievant as having violated university policy.
- 2.5 Grievance Committee: The elected faculty committee that coordinates the grievance process.
- 2.6 Hearing Committee: The five Grievance Committee members appointed by the Chair of the Grievance Committee, to hear a particular grievance.
- 2.7 Witness: A person called by either the grievant or respondent(s) to provide relevant evidence during a grievance hearing.
- 2.8 Participant(s): The grievant, respondent(s), and the Hearing Committee.
- 2.9 Working Days: For purposes of this policy, the term “working days” is defined as any workweek day (i.e., Monday through Friday), except an official university holiday.
- 2.10 Substantive Error: An error as a result of violation of rights or policy.
- 2.11 Procedural Error: An error as a result of violation of policy process, procedure, or timeline.

- 2.12 Adviser: a person who provides guidance or advice to the grievant or respondent(s) in relation to the grievance proceeding, including but not limited to, legal counsel.

### 3. POLICY

#### 3.1 Guiding Principles

- 3.1.1 The Faculty Grievance process is a faculty-driven and –run process.
- 3.1.2 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.

#### 3.2 Basis for Faculty Grievances

- 3.2.1 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.
- 3.2.1.1 Materially adverse actions include 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.
- 3.2.2 Faculty members who contemplate a grievance based on their annual performance evaluation must complete the steps outlined in [PS 10.A.05 Faculty Performance Evaluations](#), before filing a grievance.
- 3.2.3 Faculty seeking redress for Sexual Misconduct (sexual harassment, sexual assault, sexual exploitation, non-consensual sexual touching, stalking, intimate partner violence or sexual intimidation), discrimination or harassment should not follow the procedures set forth in this PS. To make inquiries or initiate complaints, faculty should consult with relevant UH- System Policies (Sexual

Misconduct Policy SAM 01.D.08 and the Anti- Discrimination Policy SAM 01.D.07) and may consult with the Title IX Coordinator.

## **4. PROCEDURES**

### 4.1 The Grievance Committee

#### 4.1.1 Nominations and Elections to the Grievance Committee

4.1.1.1 To be eligible to serve on the Grievance Committee, a faculty member must have tenure.

4.1.1.2 By May 1 of the preceding academic year, the tenured and tenure-track faculty of each department elect two faculty members to serve on the Grievance Committee. Elections will be conducted by the Faculty Senate.

4.1.1.3 By July 1 the President of the Faculty Senate will send to the Senior Vice President for Academic Affairs and Provost the names of elected representatives. The Senior Vice President for Academic Affairs and Provost will arrange for official appointment letters to be sent to the elected members of the Grievance Committee and designate a member to call the first meeting of the Committee.

4.1.1.4 By September 1, the Grievance Committee will elect a Chair. Also at the first meeting with a quorum, the Faculty Ombuds will conduct an orientation on grievance policy and procedures. In addition, the Faculty Ombuds will meet with each seated Hearing Committee to conduct an orientation on grievance policy and procedures.

#### 4.1.2 Terms of Service

4.1.2.1 Each department elects two representatives to the Grievance Committee in two-year staggered terms.

4.1.2.2 A member of the Grievance Committee may not serve more than two consecutive terms.

### 4.2 Duties of the Grievance Committee Chair

4.2.1 The Chair monitors and ensures compliance with the Grievance Committee and Hearing Committee deadlines.

4.2.2 The Chair is responsible for disseminating the signed statement of grievance to all participants (as defined in section 2.8).

- 4.2.3 The Chair is responsible for appointing members to Hearing Committees, paying special attention to the specifications of sections 4.2.3.1, 4.2.3.2, 4.2.3.3, 4.2.3.4, 4.2.3.5, and 4.2.3.6 below.
- 4.2.3.1 In appointing members to a Hearing Committee, the Grievance Chair should, whenever possible, seek representative composition from the academic colleges. This does not guarantee or mandate equal representation from the academic colleges.
- 4.2.3.2 In cases of conflict of interest or lack of impartiality, Grievance Committee members can recuse themselves and inform the Grievance Committee Chair in advance of the designation of a Hearing Committee.
- 4.2.3.3 To the extent possible and recognizing the limitations placed on the Grievance Committee Chair by sections 4.2.3.1, 4.2.3.2, 4.2.3.4, 4.2.3.5, and 4.2.3.6, the Grievance Committee Chair shall assign Hearing Committee memberships evenly among the Grievance Committee members.
- 4.2.3.4. A faculty member who is in the same department as the grievant or who has taken part in the decision-making process leading to the grievance cannot serve on the grievant's Hearing Committee.
- 4.2.3.5 Every Statement of Grievance is typically assigned a separate and unique Hearing Committee (i.e., no combining of grievances). In rare instances where duplicative grievance statements are submitted, the Grievance Committee Chair has discretion to consolidate the duplicative grievances and have them heard by the same Hearing Committee.
- 4.2.3.6 The Grievance Committee Chair has a duty to coordinate the grievance process to maximize the potential for impartiality. Prior to the commencement of a grievance hearing, the Grievance Committee Chair has the discretion to, either upon their own judgment or upon recommendation from a Hearing Committee Chair, remove a member of a Hearing Committee and replace that member with another member of the Grievance Committee.
- 4.2.4 The Chair coordinates all room scheduling and audio requirements.
- 4.2.5 The Chair arranges for secure storage of hearing documents once a grievance hearing has concluded, in accordance with 4.9.1 below.

4.2.6 The Chair may be removed by at least a two-thirds vote of the full Grievance Committee. The Chair of the Grievance Committee must call a meeting for such a vote at the request of any member of the Grievance Committee, the President-elect of the Faculty Senate (or his/her designee) will preside, a quorum must be present for such an action to take place, members will vote by written ballot counted by the President-elect of the Faculty Senate (or his/her designee), and absent members may vote provided that they have given their proxy to the President-elect of the Faculty Senate in electronic communication or in a sealed and signed envelope.

#### 4.3. The Hearing Committee

4.3.1 Each Statement of Grievance will be heard by a Hearing Committee of all five members appointed by the Chair of the Grievance Committee. In the case of a significant unforeseen circumstance the Hearing Committee may reschedule the hearing, provided that the new date is within the timeline required by 4.6.4 below. If the rescheduled hearing date does not permit the Hearing to be within such timeline, the Chair of the Hearing Committee will inform the Grievance Committee Chair who will then make a request to the President for an extension of time (see 4.6.9 below).

4.3.2 The Hearing Committee provides an opportunity for the grievant to present the grievance to an impartial group of peers, and an opportunity for response from the respondent(s).

4.3.3 A Hearing Committee must determine, prior to a hearing, what 'present' means for witnesses (as specified in 4.7.2.1 below). If the participation of one or more witnesses physically (in person) creates an undue burden, the Hearing Committee may determine that witnesses may be present virtually via university-supported meeting software. This decision shall be communicated to all Hearing Committee participants within five working days of the hearing.

4.3.4 Hearings will be heard in a timely fashion consistent with the due process rights of the grievant and respondents.

#### 4.4. Duties of the Hearing Committee Chair

4.4.1 Each Hearing Committee elects its own chair, who will serve as Hearing Committee Chair only for that particular Hearing Committee.

4.4.2 Prior to the commencement of the Hearing, the Hearing Committee Chair may request that the Grievance Committee Chair replace a member of the

Hearing Committee upon evidence of partiality to a particular Grievant or Respondent.

- 4.4.3 The Hearing Committee Chair presides at the hearing and votes only in the case of a tie.
  - 4.4.4 At the close of the hearing, the Hearing Committee Chair writes a report of the Committee's findings. See 4.8.1 below.
  - 4.4.5 The Hearing Committee Chair submits all hearing documents, including the Hearing Committee Report, to the Grievance Committee Chair.
- 4.5 Communication from the Grievant/Respondent(s). The following provisions concern only communication that is material to a specific grievance.
- 4.5.1 All communication between parties must be written, to include email.
  - 4.5.2 The Grievance Committee Chair and the Hearing Committee Chair do not have overlapping responsibilities. The Grievant and the Respondent(s) shall be diligent in directing particular questions and/or requests either to the Grievance Committee Chair or the Hearing Committee Chair.
  - 4.5.3 A Grievant or Respondent(s) should only contact the Chair of the Grievance Committee or the Chair of the Hearing Committee. Voting members of the Hearing Committee shall not be directly contacted.
  - 4.5.4 Questions about the composition of a Hearing Committee shall only be addressed to the Chair of the Grievance Committee.
  - 4.5.5 Communication with the Hearing Committee Chair shall be limited to procedural and logistical issues (a request to take witness testimony via a virtual meeting software, listing witnesses, uploading materials, timeline, etc.).
  - 4.5.6 Any request made by a Grievant or a Respondent(s) to be decided by the Hearing Committee shall be provided to the members of the Hearing Committee in its entire and original form prior to the hearing.
  - 4.5.7 Documentation and the list of witnesses that the Grievant or Respondent(s) will present to the Hearing Committee on the date of the hearing shall be sent to the Hearing Committee Chair. The Hearing Committee Chair, provided that the notice requirements specified in 4.5.8 are met, shall forward the documentation in its entire and original form to members of the Hearing Committee prior to the hearing.

- 4.5.8 Witnesses scheduled to attend the hearing shall not contact the Grievance Committee Chair, the Hearing Committee Chair, or the voting members of the Hearing Committee. In limited circumstances on the date of the hearing, a witness and the Hearing Committee Chair may communicate on logistical issues.
- 4.5.9 In instances where the grievant and/or respondent(s) engage in unprofessional and/or retaliatory behavior and/or flagrantly do not respect the processes outlined in this policy, the Grievance Committee Chair may notify the Senior Vice President of Academic Affairs and Provost for redress. Upon notification, the SVPAA/Provost shall provide timely, instructive, and meaningful feedback.

#### 4.6 Grievance and Hearing Timetable

- 4.6.1 Within twenty days from receiving notice of denial of promotion and/or tenure decisions or the resolution of any appeals regarding annual merit scores as described in PS 10.A.05 the faculty member must deliver a Statement of Grievance (see Exhibit A) to the Grievance Committee Chair. In all other cases, a grievant has Sixty working days from the situation and/or event being grieved (as listed in section 3.1), the faculty member must deliver a Statement of Grievance (see Exhibit A) to the Grievance Committee Chair. This deadline is extended if the Grievance Committee Chair has not yet been elected; in such a circumstance the deadline becomes within twenty working days of the Grievance Chair being elected. Grievance processes will be conducted during the 9-month contract, and grievance processes that would fall outside this period will be suspended until the next 9-month contract period, unless the issue that is grieved entails a significant loss of benefits or termination. If a grievance is scheduled in the summer, members of the Grievance Committee Hearing shall be compensated.
- 4.6.2 By the end of the fifth working day of the receipt of a Statement of Grievance by the Grievance Committee Chair, the Grievance Committee Chair appoints the Hearing Committee and disseminates the Statement of Grievance to all participants (as defined in section 2.8).
- 4.6.3 By the end of the fifteenth working day of the receipt of a Statement of Grievance by the Grievance Committee Chair, the Hearing Committee meets, elects a chair, and notifies all participants (as defined in section 2.8) of the membership of the Hearing Committee as well as the date of the hearing. The Faculty Ombuds will meet with the Hearing Committee to conduct an orientation on grievance policy and procedures.
- 4.6.4 The hearing must be held no sooner than the 25th working day and no later than the 35th working day of the receipt of the Statement of Grievance by the Grievance Committee Chair.

- 4.6.5 Up until five working days before the hearing, the grievant and/or respondent(s) may request, in writing, that the Grievance Committee Chair remove a particular Hearing Committee member.
- 4.6.5.1 The grievant has the right to remove only one member from the Hearing Committee without cause.
  - 4.6.5.2 The respondents, collectively, have the right to remove one member from the Hearing Committee without cause.
  - 4.6.5.3 The grievant or the respondent(s) may petition the Chair of the Grievance Committee to remove other members of the Hearing Committee with cause. The decision of the Grievance Committee Chair is final.
  - 4.6.5.4 Prior to the hearing, the Grievance Committee Chair shall designate and announce to all participants the replacements for removed Hearing Committee members.
- 4.6.6 At least five working days before the day of the hearing, the grievant and respondent(s) must present a list of witnesses and advisers to the Hearing Committee Chair who shall disseminate to all participants.
- 4.6.7 If the list of advisers includes legal counsel, the Chair of the Hearing Committee shall notify at once the Senior Vice President for Academic Affairs and Provost.
- 4.6.8 Any documentation that the grievant or the respondent(s) wish to have the Committee consider and will be introduced at the Grievance Hearing must be provided to all participants (as defined in section 2.8) at least 48 hours prior to the beginning of the hearing. This includes presentation materials, exhibits, etc., that will be made available at any time during the hearing and its related deliberations. There are no exceptions to this provision, and the Hearing Committee Chair will immediately stop the presentation of such materials.
- 4.6.9 Upon written petition by any Grievant or Respondent involved in the hearing, the President may extend any deadline in the process. The President may also extend any deadline in the process upon request of the Grievance Committee Chair. Extensions may not exceed fifteen working days unless dates outside long semesters are involved. In cases of extenuating circumstances not covered by this policy, timelines may be extended beyond the 15 days with written approval of the President.

#### 4.7 Hearing Guidelines

#### 4.7.1 Documentation

- 4.7.1.1 The grievant and the respondent(s) bear the responsibility for securing any and all documentation that they wish to submit to the Committee.
- 4.7.1.2 If the grievant or respondent(s) have difficulty in obtaining documents in a timely manner, they may seek assistance from the Faculty Ombuds.

#### 4.7.2 Witnesses

- 4.7.2.1 A witness will be present only when the witness is testifying.
- 4.7.2.2 The grievant and the respondent(s) bear the responsibility for arranging the prompt attendance of any witnesses they wish to call.

#### 4.7.3 The Hearing Schedule

- 4.7.3.1 The Hearing will follow this schedule unless the Hearing Committee agrees to modify it upon petition from the grievant and/or respondent(s).

##### Opening statements

- Grievant (5 minutes)
- Respondent(s) (5 minutes total for all respondents)

##### Presentations

- Grievant (30 minutes)
- Respondent(s) (30 minutes total for all respondents)
- Questions from Hearing Committee members may come at any point during the presentation. In instances where questions to the grievant/respondent(s) harm the ability of the party to complete the presentation, there is a presumption that time shall be extended.
- Questions and queries (up to 30 minutes, but this time may be extended by majority vote of the Hearing Committee)
- The Hearing Committee members may ask questions of the grievant and/or respondent(s) and witnesses; grievant and respondents may ask questions of each other and of the witnesses, subject to approval of Chair.

##### Closing Statements

- Respondent(s) (10 minutes total for all respondents)
- Grievant (10 minutes)

4.7.3.2 The purpose of the opening statement is to summarize one's case to the Hearing Committee. No witnesses will be heard, no evidence will be considered, and no questions will be asked during opening statements. No hardcopy or document of this will be uploaded after the hearing.

4.7.3.3 The Hearing Committee may ask questions of the grievant or respondent(s) during the Questions and queries portion of the hearing.

4.7.3.4 Witnesses will be heard during the Presentations period. The grievant and the respondent(s) have the right to question all witnesses. Any time spent questioning witnesses shall not reduce the time provided for presentations. No hardcopy or document of this will be uploaded after the hearing.

4.7.3.5 The purpose of the closing statement is to draw conclusions from the presentations, the witnesses, and the documentation, and to express those conclusions to the Hearing Committee. No witnesses will be heard during closing statements. Members of the Hearing Committee may not ask questions until the conclusion of both closing statements from the grievant and respondent(s). No hardcopy or document of this will be uploaded after the hearing.

#### 4.7.4 Hearing Policies

4.7.4.1 At least five working days before the hearing the Hearing Committee Chair will provide a copy this Policy Statement to all participants prior to the hearing and ask them to read it thoroughly. The Hearing Committee will therefore assume that everyone is familiar with the hearing guidelines, and will not discuss or review them at any length during the hearing.

4.7.4.2 Except in the case of dismissal (as differentiated from decisions not to tenure or not to reappoint), the burden of proof rests with the grievant, who must clearly demonstrate that a substantive error, a mistake, an inappropriate action, a procedural error and/or a violation of due process has been made and that the remedy requested is warranted.

4.7.4.3 The Hearing Committee will make a good faith effort to answer any questions concerning policies and procedures prior to the hearing. Such questions must be submitted in writing (e-mail is an

acceptable medium). The Hearing Committee will only respond to questions dealing with procedural matters and will not discuss the substance of the grievance with any grievant or respondent.

- 4.7.4.4 The Hearing Committee assists the grievant and respondent(s) in securing witnesses. Witnesses may present only factual information to the Committee and may not advocate on behalf of the grievant or the respondent(s). The grievant and the respondent(s) should be careful to ask only questions that elicit factual information from witnesses.
- 4.7.4.5 Failure of either the grievant or respondent(s) to appear by the beginning of the hearing will NOT delay the hearing, except in documentable emergencies. The hearing will move forward with those parties who are present. In a case of a documentable emergency, the Hearing Committee Chair shall request that the Grievance Committee Chair invoke the process outlined in section 4.6.9 of this policy.
- 4.7.4.6 The hearing must be closed unless an open hearing is agreed to in advance by all participants. All information presented at a closed hearing should be treated by those present as confidential.
- 4.7.4.7 The Hearing Committee is not bound by strict rules of legal evidence and may admit, at its discretion, and upon the request of the grievant or a respondent, evidence with the exception of hearsay, which it deems to be valuable in reaching its recommendations. This includes either 1) evidence that the Hearing Committee is notified about in advance of the hearing, or 2) documentation that a party may readily access in the course of a hearing to rebut testimonial evidence that is provided at the hearing.
- 4.7.4.8 Anyone wishing to speak during the hearing must first be recognized by the Chair of the Hearing Committee.
- 4.7.4.9 Advisers to the grievant and/or respondent(s), including legal counsel, may not address the other party, the Hearing Committee or witnesses. Advisers and participants may consult privately in a way that does not disrupt the hearing.
- 4.7.4.10 A grievant, respondent(s), adviser to a grievant or respondent, or witness who interrupts or disrupts the hearing, or who speaks without first being recognized by the Hearing Committee Chair, will receive a verbal warning. If, on a second occasion, a

participant or witness interrupts or disrupts the hearing, or speaks without first being recognized by the Hearing Committee Chair, the Chair will ask that individual to leave the hearing room for the duration of the hearing.

4.7.4.11 The grievant and respondent(s) cannot be excluded from the hearing at any time unless they violate the provisions of 4.7.4.10.

4.7.4.12 The proceedings are confidential and will be digitally recorded for internal purposes only. Any copies of the recordings shall be available only to the Grievance Chair, the grievant, the respondent(s), the Senior Vice President for Academic Affairs and Provost, and the President upon request.

4.7.4.13 After a Grievance is concluded, the chair of the Grievance Committee is responsible for conveying all artifacts (digital and otherwise) from that Grievance to the Senior Vice President for Academic Affairs and Provost's office for storage.

#### 4.8 Disposition of Recommendations from the Hearing Committee

4.8.1 At the conclusion of the hearing, the Hearing Committee Chair assembles the Hearing Committee's findings into a written report that is submitted via email attachment within seven working days to the Grievance Committee Chair, the participants, the Senior Vice President for Academic Affairs and Provost, and the President.

4.8.1.1 The Hearing Committee may make recommendations on any matter before it. Recommendations from the Hearing committee may include, but are not limited to:

- That the grievant's portfolio may move forward to the University Rank and Tenure Committee along with the Hearing Committee's report.
- The grievant has an extension of the probationary period.
- In the case of tenure, promotion, and non-reappointment issues, the Hearing Committee may send the issue back for reconsideration to parties in recommending or decision-making roles (dean, chair, tenured faculty). The Provost will determine a timeline for the reconsideration.
- That the grievance is without merit.

4.8.1.2 The Hearing Committee findings and recommendations must be confined 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.

- 4.8.2 Within five working days of the receipt of the report of the Hearing Committee from the Committee chair, the Senior Vice President for Academic Affairs and Provost delivers it to the President with the Senior Vice President's recommendation. This step is omitted if the Senior Vice President for Academic Affairs and Provost is one of the respondents.
- 4.8.3 The President must deliver his or her decision in writing to the grievant, the respondent(s), the Hearing Committee, and the Grievance Committee Chair within fifteen days of his or her receipt of the report from the Hearing Committee Chair. If the President's decision differs from that of the Hearing Committee, specific reasons must be delineated to the Hearing Committee, unless prohibited by law.
- 4.8.4 The President has final authority in all grievances, except in the dismissal of a tenured faculty member. In cases of dismissal of a tenured faculty member, the

President makes a recommendation to the Chancellor of the University of Houston System. The Chancellor accepts or rejects the recommendation of the President, then presents the decision to the Board of Regents for approval or disapproval.

#### 4.9 Disposition of Documents

- 4.9.1 All hearing documents and recordings will be stored in the Senior Vice President for Academic Affairs and Provost's Office.
- 4.9.2 All hearing documents and recordings will be destroyed after three years, unless the case is still active legally or unless prohibited by law.

### **5. REVIEW PROCESS**

Responsible Party (Reviewer): Provost and Senior Vice President for Academic Affairs

Review: Every five years or as needed

Signed original on file in the Office of Human Resources.

### **6. POLICY HISTORY**

- Issue #1: 08/11/81
- Issue #2: 01/16/85
- Issue #3: 06/11/86
- Issue #4: 10/09/89

Issue #5: 05/20/02  
Issue #6: 08/01/08  
Issue #7: 11/14/17

## **7. REFERENCES**

[PS 10.A.05 Faculty Performance  
Evaluations SAM 01.D.07  
SAM 01.D.08](#)

## **8. EXHIBITS**

Exhibit A: Statement of Grievance

**PS 10.A.2 Exhibit A**

(Page 1 of 2)

**UHD Statement of Grievance**

Name:

Department:

Office:

UHD Email:

Title:

Date of Grievance:

Individual(s) With Whom Grievance Occurred:

Statement of Grievance (Please be as succinct as possible. Give only the point(s) of the grievance. Details on each point may be presented on a separate sheet.):

Law or Policy Violated:

**PS 10.A.2 Exhibit A**

(Page 2 of 2)

Remedy(ies) Requested:

**Notice: This Statement of Grievance is being filed in compliance with UHD PS document 10.A.02 Faculty Grievance Procedures.**

Signature of Grievant:

Date:

Signature of Grievance Chair:

Date:

Distribution Copy: Hearing Committee, Grievant, and Respondent(s)