



**University Faculty Senate Minutes  
Sam Houston State University  
December 4, 2003**

**Members present:** David Bailey, Christopher Baldwin, James Carter, Mary Lynn DeShazo, Stacey Edmonson (and son Andrew), Mary Gutermuth, Mark Frank, Penny Hasekoester, Marsha Harman, Deborah Hatton, David Henderson, Lady Jane Hickey, Joe Kirk, Gerald Kohers, S. Thomas Kordinak, Paul Loeffler, Holly Miller, Valerie Muehsam, Kandi Tayebi, Tamara Waggener, Christopher White, Patricia Williams

**Member absent:** Terry Bilhartz (professional conflict), Steven Cuvelier (professional conflict), Debra Price (professional conflict)

**Approval of Minutes**

Emendations for the minutes of November 13<sup>th</sup> were approved.

**Chair's Report**

***APC Meeting:***

Issues presented:

- Remediation policies are affected by recent changes enacted by the Texas Legislature. It seems that students cannot be denied enrollment in upper-level classes unless the department in which the class is offered requires the remedial class as a prerequisite. The decision is left to each department.
- "There will be no censorship of library materials" should be understood as included in the Academic Freedom Statement. This statement was previously in the Tenets of Librarianship
- Eight FTEs have been awarded as follows:
  - College of Arts & Sciences – 4
  - College of Business Administration – 3
  - College of Education & Applied Science – 1

[Concern was expressed regarding a rumor stating that future FTEs may be awarded according to the quality of resources the college is able to procure, such as alumni contributions. Chair Tayebi will clarify this issue with Vice President Payne.]

- Board of Regents Meeting:
  - The proposal to change the name of Angelo State University to Texas State University at San Angelo was tabled.
  - A 3% merit I raise was approved for faculty and staff. Vice President Payne was instrumental in encouraging the merit I raise since the resources at this juncture in the budget crisis are so meager.

## Committee Reports

- *Grievance Policy*

- Debbie Hatton, Chair of the Faculty Affairs Committee, presented the revised grievance policy. The policy is attached at the end of the minutes
  - Changes were suggested in section 2.02 to require representation to be based on number of faculty in each college:
    - College of Arts & Sciences (235) – 8 [This number would also allow for a restructuring of COAS into two colleges.]
    - College of Business Administration (68) – 2
    - College of Criminal Justice (68) – 1
    - College of Education and Applied Science (125) – 5
    - Library (14) – 1
  - Rather than having reserve committee members, 2.03a allows each side to disqualify an equal number of faculty to arrive at a group of five faculty to sit on the committee
  - A major change in the policy is to allow both parties to answer questions before the committee after the submission of the necessary documentation rather than all communication being written as is the current policy.
  - The Senate voted to take the revised policy forward to APC.
- Chair Tayebi related information regarding a current faculty on faculty grievance. The following information had been forwarded earlier to Senators:

Faculty members have brought a complaint against another faculty member. Since our Grievance Policy does not include faculty on faculty complaints, the complaint was referred to the System Policy. The procedures to be followed are listed in Chapter 5, Section 4.54 of the System's Rules and Regulations. The President has selected a panel of faculty in accordance with the regulations. In order to respect the privacy of the faculty member involved, no specific information can be released unless the faculty member wishes to share that information with the rest of the faculty. This process was initiated by faculty, and the judgment will be provided by faculty.

For information regarding the System's Rules and Regulations, follow the following link: [http://www.shsu.edu/~pre\\_www/tsus/rules/](http://www.shsu.edu/~pre_www/tsus/rules/) Look at the section titled "Termination and Due Process Procedures," specifically the section "Hearing Tribunals." 4.5. **OR JUST CLICK ON THE FOLLOWING URL, AND HOPEFULLY IT WILL TAKE YOU DIRECTLY TO SECTION 4.5 OF CHAPTER 5 OF THE SYSTEM'S RULES AND REGULATIONS.**

[http://www.shsu.edu/~pre\\_www/tsus/rules/chapterfive.html#fterminationandprocedures](http://www.shsu.edu/~pre_www/tsus/rules/chapterfive.html#fterminationandprocedures)

In response to this issue, the Senate drafted the following resolution:

**Resolution**

**Faculty-on-Faculty Grievances**

The Faculty Senate understands that Sam Houston State University's current policy does not specifically address faculty-on-faculty grievances and expresses its concern that Section 4.5 of The Texas State University System's (TSUS) Rules is being wrongly applied.

The Faculty Senate resolves that Section 4.5 is inappropriate and that Section 4.4 is the appropriate section to address this matter.

The Faculty Senate strongly recommends that faculty-on-faculty grievances be incorporated, as a subset, into SHSU's grievance policy in accordance with Section 4.4 of TSUS Rules.

19 ayes/0 nays/1 abstention

- ***Morale Survey***

- The Committee on Committees provided cross-tabs of the faculty senate survey results for the past five years. Data was analyzed according to assistant, associate, and full professors for the university and for each college. Further analysis was suggested.

**Adjournment**

The Senate adjourned and Senators attended a reception provided by President and Mrs. Gaertner in Austin Hall.

Respectfully submitted,

Marsha Harman, Chair-Elect

**Faculty Grievance Procedure**  
**Academic Policy Statement 820830**  
**Revised November 6, 2003**

1. PREAMBLE

- 1.01 Any member of the faculty at Sam Houston State University has the right to appeal an administrative decision that directly affects her/his role as a faculty member, and that she/he reasonably believes to be a violation of university policy or of her/his professional rights and responsibilities without the fear of retribution or reprisal.
- 1.02 The faculty member initiating the grievance (hereafter referred to as “grievant”) is entitled to a resolution of their grievance as quickly as possible and in a setting that is substantially informed by his/her peers.
- 1.03 It is the expectation of this policy that matters pertaining to any grievance will be resolved at the lowest possible level mutually acceptable to both parties involved. To this end this policy recognizes a continuum of grievance review and resolution procedures that extend from informal one-on-one discussions all the way to formal University Grievance Committee review.

2. GENERAL PROVISIONS

2.01 Definitions

a. Grievable offense:

Any faculty member who believes that she/he has not been treated in a fair and equitable manner may file a grievance. Grievable offenses include:

- (i) conditions of work, evaluation, salary, or teaching assignment; or
- (ii) applications of university policies and procedures; or
- (iii) failure to maintain an environment free from intimidation, humiliation, and/or harassment.

b. Faculty:

The professional teaching staff of the university including those holding tenured and tenure-track status; interim status; part-time (“pool”) status; and librarians holding faculty status.

c. Administrator:

Any person charged with managerial and administrative authority and accountability for teaching personnel and academic programs, departments, libraries, and colleges.

[Explicitly this Policy does not cover grievances against peers.]

2.02 Faculty Grievance Committee Established

A standing Faculty Grievance Committee (FGC) is hereby established to be constituted as follows:

- a. The FGC shall consist of seventeen (17) Regular Members representing the four academic colleges and the library. Members must be tenured and shall be elected by their peers from each of the following administrative units: Arts and Sciences (8 members), College of Business (2 members), College of Criminal Justice (1 member), College of Education (5 members), and the Library (1 member).
- b. The chair of the FGC shall be elected by all the members at a special meeting of the Committee held at the start of each new academic year and shall serve for one year (renewable).
- c. Members serve for two consecutive one year terms and may not serve in any FGC capacity again prior to the passage of a further two years.
- d. The Faculty Senate will conduct the balloting on behalf of the Colleges and the Library – the ballot to be conducted in the spring semester with a fall seating term.

2.03 Seating and chairing of the Committee

- a. The grievant and the person against whom the grievance is filed will disqualify five (5) members of the committee without showing cause. The person against whom the grievance is filed will begin the elimination procedure by selecting five (5) members of the committee to disqualify. The process must be completed within five (5) days and the names of the disqualified individuals must be submitted in writing to the chair of the committee. From the remaining 12 members, the grievant will select five (5) members to disqualify for the committee. The process must be completed within 5 (five) days and the names of the disqualified members submitted in writing to the chair of the committee. The remaining 7 members will constitute the FGC panel for the grievance.

- b. The elected chair of the FGC shall be responsible for calling meetings of the committee, notifying committee members and other parties to the grievance of meetings, receiving information from parties to the grievance, transmitting all final committee decisions to the Presidents of the University and the Faculty Senate, and safeguarding all working documents and records of committee proceedings in conformity with state records retention law.

#### 2.04 Documentation and Reporting

- a. All the proceedings of the FGC will be documented either in written and/or recorded oral form.
- b. At the end of each academic year copies of the FGC final records will be forwarded to the Office of the President for disposition in conformity with the state records retention law.
- c. A written summary of the year's proceedings of the FGC will be sent to the President of the Faculty Senate, to the Vice President for Academic Affairs, and to the University President.

#### 2.05 Committee Responsibilities

The Faculty Grievance Committee working on the basis of a simple majority vote acts on behalf of the whole university community. The findings and recommendations of the Committee are confidential and will be transmitted only to the grievant, to all others who are party to the grievance, to the President of the Faculty Senate, to the Vice President for Academic Affairs and to the University President.

Final adjudication of any grievance rests with the University President and is not subject to further appeal within the University or University System.

### 3. GRIEVANCE PROCEDURES

- 3.01 The grievance process may be initiated by any eligible faculty member within ninety (90) days after the alleged occurrence of the grievable offense.
  - a. The burden is on the grievant to prove her/his case by a preponderance of the credible evidence.
  - b. The faculty member may present the grievance individually or through a representative that does not claim the right to strike.

- c. A grievance may be terminated at any stage that is mutually acceptable to the parties involved.
- d. All parties to a grievance are assured of freedom from reprisal for their activities related to the proceedings. Moreover, witnesses are also protected from reprisal or retaliation for their presentation of evidence before the FGC.
- e. Time is of the essence in all matters relating to grievance procedures and all parties must ensure that timetables specified below in (§3.05) are closely followed. However, time limits may be changed by written mutual agreement from the parties involved in the grievance.

### 3.02 Initial Informal Resolution Effort

- a. Faculty members believing that they have cause for grievance should discuss the matter in a personal conference with their department head or direct supervisor. If the matter cannot be resolved by mutual consent at this point, the issue should be discussed in a personal conference with the appropriate college Dean or Director of Libraries.
- b. Parties involved in the informal resolution effort should take independent notes of all proceedings and should safeguard those notes in the event that nothing is resolved by this informal effort.
- c. If the grievance is directed against an administrator above the level of Dean or Director then this Informal Resolution Effort may be bypassed and the grievant may approach directly the FGC.

### 3.03 Submission of a grievance to the Faculty Grievance Committee

- a. Only after the grievant has engaged in informal personal conference(s) with the department head, supervisor, or dean, and if the matter has not been resolved by mutual consent, the faculty member may petition the Faculty Grievance Committee for redress. The FGC will not hear grievances that have not been reviewed at the lower, informal resolution level. (See exception under §3.03c.) The faculty member shall submit a written statement of grievance to the Chair of the FGC. This written statement must contain the following information:

- (i) The names of the parties involved in the grievance.
- (ii) Specific policy-related or other issues and actions upon which the grievance is based.
- (iii) The desired outcome(s) or remedies.
- (iv) Documentation supporting all charges involved in the grievance.
- (v) A summary of the Informal Resolution process.

- b. The FGC will have the right to decide whether the grievance merits its detailed investigation. Submission of a grievance will generate either a hearing by the FGC or a referral to an off campus mediation officer. In determining whether to consider any grievance in greater detail, the FGC will consider only the written submission of the grievant.
- c. As pursuant to Texas Govt. Code 617, a decision by the grievance committee does not eliminate the grievant from presenting the grievance to the President of the university.

#### 3.04 Committee Timetables

The following response times will apply after the case has completed the Informal Resolution process. In each case, the time limit shall be in working days and will run consecutively.

- a. A grievance must be filed with the FGC within thirty (30) days of the last meeting of the Informal review process.
- b. After receipt of a grievance the FGC has ten (10) days to decide whether to hear the grievance or refer the grievance to an off campus mediation officer.
- c. The grievant and the person against whom the grievance is directed will have five (5) days to accept or reject the findings of the FGC. Acceptance or rejection must be made a letter to the Chair of the FGC. The letter must be in a simple form of “Accept the FGC findings” or “Reject the FGC findings” and may not include other specifications or amendments.
- d. If the findings of the FGC are rejected by either party the grievance is instantly and automatically forwarded to the FGC for a full investigation and hearing. The FCG has thirty (60) days to complete a final adjudication of the grievance.



### 3.05 FGC Findings and Actions

#### a. FGC Finding of Required Mediation

If the FGC decides that the grievance merits off campus mediation, it shall inform the grievant, the person(s) against whom the grievance was directed, those in the administrative chain who were involved in the Informal Resolution Effort, the President of Faculty Senate, the Vice President for Academic Affairs, and University President. All efforts should be made to handle the grievance within a six month time period.

#### b. FGC Determines an On Campus Hearing is Justified

If the FGC determines that a detailed investigation is justified, the grievant will be provided an opportunity to present her or his case. The following steps will be followed:

- (i) Immediately the case is accepted by FGC, the committee shall submit letters to each administrator involved in the Informal Resolution Effort and to any others named by the grievant, requesting their detailed evaluations and findings. These individuals have five (5) days from the time of receiving their letters to respond to the committee in writing. Their response should be as detailed as possible and should include all relevant supporting documents.
- (ii) Upon receipt of the written responses specified in § 3.06b(i), the chair of the committee shall immediately make them available to all of the parties involved in the grievance.
- (iii) The grievant and the person(s) against whom the grievance was filed shall submit to the chair of FGC a list of witnesses they will call (if any) to give oral testimony at the hearing. This listing must be submitted to the FGC chair by the twelfth (12) day following acceptance of the case by the FGC.
- (iv) A hearing shall be held on campus by the FGC at the earliest date convenient to those involved in the grievance. Every effort shall be made to convene the meeting within seventeen (17) days and not later than twenty five days after the acceptance of the grievance by the FGC. A written schedule change must be presented to the chair of the FGC at least five (5) days prior to the hearing.
- (v) Within three (3) days of the completion of the hearing, and at a time not more than thirty (30) days after the grievance was accepted to be heard by the FGC, a Report of Findings and Recommendations will be submitted to the grievant, those grieved against, those involved in

the Informal Resolution Effort, the President of the University Senate, the Vice President for Academic Affairs, and the University President. This report should be considered to be confidential and its terms are not matters for public dissemination or discussion. However, they do form a formal part of personnel records and files.

c. FGC Hearing Procedures

Grievance hearings will be held in atmosphere of appropriate decorum. Hearings are not courts of law but they represent an important manifestation of the faculty's active participation in shared governance of the University. It is the responsibility of the FGC to ensure that all parties to the grievance have the opportunity to fully express their position and to present all relevant information.

Those making oral presentations before the committee may only do so through the chair and no direct questioning of the grievant by those who are the subject of the grievance or their counsel, nor *vice versa* shall be permitted.

It is at the discretion of the grievant to determine when she or he has completed the presentation of their case. However, the FGC has the responsibility to ensure that matters move forward, and the committee through its chair may determine when presentations are deemed repetitive or not relevant to the case at hand.