

SYSTEM REGULATION

32.01.01 Complaint and Appeal Procedures for Faculty Members

March 12, 1999

Revised August 20, 2002

Supplements System Policy 32.01

1. GENERAL

Faculty and administrators at all levels should strive to maintain open lines of communication with peers, supervisors and subordinates. Where such attitudes, management styles, and work environments are maintained, most misunderstandings can be resolved by mutual consent before they have the opportunity to grow into disputes needing resolution through formal proceedings. This regulation is intended to establish the means by which to resolve disputes that remain after all informal means of resolution have been attempted.

2. APPLICATION

2.1 Provision is made elsewhere in System Policy and System Regulations for the handling of complaints related to academic tenure and reduction in force. This regulation applies only in the resolution of complaints when procedures are not specifically established elsewhere.

2.2 A complaint is an allegation that an action or decision which has adversely affected a member of the faculty in his or her professional capacity has occurred or been reached unfairly, improperly, or in violation of established System Policy, System Regulation, and/or Component Rule or published procedure. The definition of complaint for purposes of this regulation does not include an allegation of:

- (1) violations of academic freedom or of proper procedures associated with appointment, tenure or promotion decisions, all of which are subjects of other System Policies and Regulations;
- (2) sexual harassment or discrimination based on race, sex, national origin, religion, age, disability, or veteran status. Faculty should consult component procedures and rules or contact the component human resources office for further guidance on proper procedures.
- (3) dissatisfaction with existing System Policies, System Regulations, or Component rules or procedures (only alleged violations of policy as to specific individuals are complaints within this regulation);
- (4) negative evaluations of an individual faculty member's professional work; or

- (5) dissatisfaction with a salary decision, except as a salary decision or set of salary decisions is alleged to be part of a pattern of conduct that as a whole rises to the level of a salary complaint.

2.3 This regulation applies to all members of the faculty, including persons holding tenure, those on tenure track, and instructors. System Regulation 32.01.02 applies to all other System employees.

3. COMPLAINT RESOLUTION

Each System employee has the right under the statutes of Texas to present complaints concerning wages, hours of work, or conditions of work. The complaint may be presented individually or through a representative provided such representative does not claim the right to strike. No retaliatory action of any kind including a reprimand may be taken against a complainant or other person providing testimony. Such retaliatory action will be regarded as a separate and distinct cause for complaint. An employee may be disciplined for the bad faith filing of a complaint.

3.1 Faculty members believing that they have cause for complaint concerning a matter covered by this regulation should discuss the matter in a personal conference with their department head. If the matter cannot be resolved by mutual consent at this point, the issue should be discussed with the dean or equivalent administrator.

3.2 If no resolution can be reached at the foregoing levels, faculty members may take their complaints before a university or college-wide committee, either standing or ad hoc, created for the purpose of reviewing such complaints. Some colleges may choose to have the university or college-wide committee enter the process before the deans become involved.

3.3 Each university president shall establish a procedure for the handling of complaints that cannot be resolved at the university or college level as described above. The procedure should incorporate the following features:

- (1) the use of a complaint committee, either standing or ad hoc, appointed by the president with responsibility to hear complaints and make recommendations to the chief academic officer or designee;
- (2) the definition of steps in the process, including the limitations on time that may be taken in each step;
- (3) the provision for a decision by the president or designee on cases that cannot be resolved at a lower level in the organization; and
- (4) a president may implement a mediation procedure, with the final outcome of the mediation subject to review and approval or rejection by the president.

- 3.4 University presidents may establish separate procedures for the resolution of salary complaints.

[Section 32 Rules](#)