



Texas Tech University

The Faculty Senate

February 4, 1983

TO: MEMBERS OF THE FACULTY SENATE

FROM: Virginia M. Sowell, President

SUBJECT: Agenda for meeting #48, February 9, 1983

The Faculty Senate will meet on Wednesday, February 9, 1983, at 3:30 p.m. in the Senate Room of the University Center. The agenda is as follows:

- I. Introduction of new member, Harley Oberhelman, and visitors
- II. Approval of minutes of January 12, 1983 meeting
- III. Further discussion and vote on proposed Grievance Policy
- IV. Report of the Nominations Committee for Senate officers for 1983-1984 (see attachment) Additional nominations from the floor are in order at this time.
- V. Report of the Committee on Committees - Reed Richardson
- VI. Snow-related problems
 - a. removal
 - b. snowball incidents
- VII. Conference of Faculty Governance Organizations Report - Sowell
- VIII. New Business
- IX. Other Business and Announcements
 1. Received a copy of additional categories of financial recommendations made by the Legislative Budget Board from the Office of Academic Affairs.
 2. Responded to a letter from Professor Ali R. Amir-Moez concerning December graduation procedures and referred it to Convocations Committee Chairman Fred Wagner.
 3. Sent copies of proposed grievance procedure changes to absent Senators for consideration before the February meeting.
 4. Asked Professor Ben Newcomb to convene the Nominations Committee.

Other Business and Announcements continued.....

5. Responded to letter from Professor Allen Kuethé concerning charge to the Faculty Development Committee.
6. Sent proposed parking resolutions voted by the Senate to Vice President Eugene Payne.
7. Wrote letters of appreciation to Fredric Wehmeyer, Wendell Tucker, and Baon Cockings for providing information to Senators at the January meeting.
8. Mr. Wehmeyer stated that the proposed parking resolutions have been approved by Vice President Eugene Payne and are on the agenda for the March Board of Regents meeting. Parking and traffic rule changes must be approved by the Board of Regents.

Summary of Academic Council Minutes

1. **Nominations for Honorary degrees are due March 1, 1983.**
2. A list of dean's candidate visits has been sent to Council members. It was asked that each member or a representative be involved in each interview if possible.
3. A computing volume profile from Dr. Lee Alley had been sent earlier to each Council member.
4. Off campus course information was requested by the end of February for 1983-84 for resident or extension courses.
5. Commencement for Spring, 1983, will follow the same format as for last Spring: i. e. a general ceremony on Friday evening, followed by college ceremonies on Saturday at which diplomas are distributed.
6. An information memorandum dated January 24, 1983, was sent to Academic Deans regarding replacement for faculty going temporarily into research or other assignments.
7. Dr. Teddy Langford, Dean of the School of Nursing, gave a report on the progress of the school.
8. Faculty and staff were encouraged to send students to the Programs for Academic Support Services (PASS) to improve study skills.
9. Dr. Brownlee distributed material for study related to undergraduate academic standards. Recommendations from the council will be sought at the February 15, 1983 meeting. There is need for some decision on establishment of standards as related to probation and suspension in order to develop the programs for the new student information system.
10. Dr. Darling reminded the Council that there was need for departments to continually review classroom instruction so that adjustments could be made if instructors became unable to maintain their duties because of illness or other reasons.
11. It was noted that nominations for Excellence in Teaching are due February 25. Each collegiate unit is to make a nomination with awards to be provided at the general convocation now called for March 30, 1983.

TEXAS TECH UNIVERSITY
FACULTY GRIEVANCE PROCEDURES

Foreward

The University operates under a philosophy that emphasizes the importance of ensuring the rights of its faculty. Both personnel and operating policies are formulated in order to assist administrators and faculty in working harmoniously toward the collective goals and objectives set forth by the Board of Regents. When a situation arises that results in a grievance by an individual faculty member, efforts will be made to determine the facts surrounding that grievance and to respond appropriately and justly.

The purpose of these procedures is to address grievances of faculty members and to provide a mechanism for resolving them. If the grievance is related in any way to tenure, the faculty member should refer to the Texas Tech University Tenure Policy. Grievances of faculty relating to admission to tenure, grounds for termination, termination procedure, and notice of nonreappointment or termination are not to be covered by the procedures noted below.

Whenever possible, problems should be solved within the University at the level at which they arise. However, each member of the Texas Tech University faculty shall have the right to a hearing and an appeal for redress of grievance through established channels. Access to these channels is restricted to University employees or those who were employees when the action or inaction leading to the grievance occurred.

A faculty member holding an administrative position will have access to these procedures with regard to his or her faculty duties, but will not have access to the procedures with regard to his or her administrative duties. The times noted for response in these procedures are to be followed except under extenuating circumstances agreed upon in writing by both parties to the grievance.

I. Grievance Initiation

A. Before any formal grievance is filed, there shall be an informal discussion between the aggrieved and the administrative officer who made the initial decision in question, or whose action or behavior is in question, seeking a settlement. The request for an informal discussion shall be in writing and dated, and be initiated within 15 working days after the aggrieved has become aware of the action perceived as a possible grievance. The informal discussion will be held, and a response received by the aggrieved within 10 working days of receipt by the administrator of the request for such a discussion. If a response is not received from the administrator within 10 working days of the date of the request for an informal discussion, it shall be considered a denial by the administrator. In case of doubt as to the individual whose decision caused the grievance, the administrator dealing directly with the aggrieved is the appropriate administrative officer with whom to initiate an informal discussion.

B. If a settlement cannot be reached informally, the aggrieved faculty member may then submit a formal grievance and proceed with the following schedule.

1. The grievance must be submitted in writing and provide sufficient detail to allow a response. The grievance will contain a statement of the facts of the case and a precise description of the remedy sought by the grievant.
2. The grievance must be signed and dated by the grievant and filed within 5 working days from the date a response from the administrator is received or in the case of no response, within 15 working days from the date an informal discussion was requested. It shall be filed with the administrator who made the initial decision.
3. At the department level, if either the administrator or the aggrieved elects, the grievance shall be heard with the assistance of an advisory committee. The administrator chooses the advisory committee, which must have at least three members chosen from the department. The aggrieved shall have the right to challenge any individual selected as a member of this advisory committee, with the total number of challenges being limited to three. As each challenged member is excused, his or her replacement will be selected by the administrator appointing the committee.
4. The administrator shall initiate review of the grievance and inform the aggrieved of the procedure to be followed as soon as possible, but no later than 5 working days after the filing of the formal grievance. If an advisory committee is to be used, it will be established at this time.
5. The committee shall meet with the administrator and the aggrieved, review the grievance, and render a recommendation as promptly as is feasible, but no later than 15 working days following referral of the matter by the administrator. This review is intended to be an informal procedure rather than a formal hearing of the grievance. However, the advisory committee is to make every reasonable effort to ensure the fundamental fairness and confidentiality of the review. The committee's recommendation shall be submitted in writing to the administrator and the aggrieved.
6. The administrator's written decision shall be provided to the aggrieved within 5 working days of the receipt of the committee's recommendation. If the grievance is reviewed without a committee, the administrator's written decision shall be provided to the aggrieved within 15 working days of the receipt of the written formal grievance. Failure of the administrator to respond within the time periods noted above shall be deemed a denial of the grievance.

C. The aggrieved may withdraw a formal grievance at any stage of the proceeding but may not reinstate it once it is withdrawn. The withdrawal

request should be made in writing to the individual hearing the appeal at the time of the withdrawal.

II. Administrative Decision Appeals

A. If the faculty member objects to the decision by the administrative officer, further written appeals may be made through regular administrative channels. A written appeal shall be initiated within 10 working days of the receipt of an administrative decision and shall include copies of the original grievance, written decision(s), and reasons for the appeal. The written appeal shall be transmitted to the next level of administration above the source of the decision. At each level of appeal, the administrator who receives the appeal shall proceed in accordance with the grievance procedure schedule noted in section I.B; the use of an advisory committee is at the discretion of the administrator at levels above the department. All parties to a grievance shall be kept informed of the appeal procedure being followed.

B. The aggrieved member of the faculty who feels that a grievance has not been resolved after appealing to and receiving a decision at each administrative level up to and including the Vice President for Academic Affairs may then appeal directly to the President of the University for review and consideration. This appeal must be made within 10 working days following receipt of the decision of the Vice President for Academic Affairs. The request must be in writing and must include copies of the original grievance, written decisions from all previous administrative appeal levels, and reasons for the appeal.

C. In hearing the appeal, the President will use a Grievance Committee composed of five representatives chosen by lot by the President from the Faculty Grievance Panel. The Committee will be chosen within 10 working days of receipt of the written appeal by the President. Composition of the Faculty Grievance Panel is discussed in section IV below. Either party in the dispute can challenge a member of the Grievance Committee. The total number of challenges by either party will be limited to three. As each challenged member is excused, his or her replacement will be chosen by lot from the remaining members of the Faculty Grievance Panel.

III. Grievance Committee Hearing

A. Upon receipt of a request from the President of the University, the Grievance Committee will schedule a hearing. This hearing must be held within 15 working days after receipt of the request from the President. The Grievance Committee will elect its own chairperson. The chairperson's notice scheduling a time and place for the hearing must be delivered to the parties involved 5 working days prior to the hearing. These time limits are a guide and may be changed by mutual written agreement of the Grievance Committee and the parties to the grievance. A copy of the notice and a copy of the written appeal as set out in Section II.A. will be furnished to the members of the Grievance Committee.

B. The formal hearing will be conducted in accordance with procedures established by the Grievance Committee and agreed upon by the parties to

the grievance. If the parties to the grievance cannot agree upon procedures, a decision by the Grievance Committee will prevail. The aggrieved will present his or her own case and has the right to present whatever evidence, written or oral, he or she considers relevant or material to the grievance. This includes the calling of witnesses. After the presentation by the aggrieved, the administrator about whose actions or decisions the grievance is filed will be given an opportunity to present his or her case under the same rules as the aggrieved. The Grievance Committee may also call witnesses as it considers appropriate. Both the aggrieved and the administrator referred to above may question all witnesses.

C. Evidence considered in the hearing must relate to the grievance and be of the type relied on by faculty members or administrators in the conduct of their professional affairs. After all evidence is received, the Grievance Committee will meet and consider the case. The opinion held by the majority of the members will constitute the committee's recommendations. The committee must provide its recommendations in writing to the President of the University, with copies to the parties to the grievance, no later than 10 working days from the last date of the hearing of the case. Minority opinions of the committee may also be submitted to the President. Recommendations to the President are advisory in nature.

D. In cases where an appeal is made to the President of the University, a decision will be made on the grievance and it will be reduced to writing. The President's decision, which is the final University decision on the grievance, will be sent to the aggrieved within 10 working days of receipt of the Grievance Committee's recommendations. If the President's decision is different from that recommended by the Grievance Committee, the grievant and the committee will be so informed in writing of the reasons therefore.

IV. Faculty Grievance Panel

A. The Faculty Grievance Panel will consist of two representatives and an alternate from each college, including the School of Law, who are full-time tenured faculty members. Representatives will be elected for two-year alternating terms, to commence on September 1. They will serve until their successors are elected. Faculty members who have served a full two-year term will not be eligible for reelection to another two-year term, or appointment to an unexpired term, until two years after the expiration of the existing or previous term of service. Should a representative be unable to complete a two-year term of service, a replacement will be selected under the normal procedures to serve the unexpired portion of the term.

B. The Vice President for Academic Affairs will provide the Faculty Senate with a list of full-time tenured faculty of the colleges. The Faculty Senate will have the responsibility of developing and implementing election procedures whereby each of the colleges and the School of Law will elect its representative(s) from the list provided by the Vice President for Academic Affairs.

Proposed Amendment to Grievance Procedures Policy

Benjamin H. Newcomb, Senator, Arts and Sciences, offers the following amendment to the proposed Faculty Grievance Procedures AA Draft 011183 --

Section III, Par. B, line 5: after "case" insert, "has the right to be advised by a counselor present at the hearing,"

REPORT OF THE NOMINATIONS COMMITTEE

February 3, 1983

The Committee places the following Senators in nomination for Senate offices for the academic year 1983-1984, as designated below:

PRESIDENT

Charles Bubany, School of Law
Reed Richardson, College of Agriculture

VICE PRESIDENT

Merrilyn Cummings, College of Home Economics
William Mayer-Oakes, College of Arts & Sciences

SECRETARY

Murray Coulter, College of Arts & Sciences
Thomas McLaughlin, College of Arts & Sciences

All have agreed to serve if elected.

The Nominations Committee
Dan Benson
Alice Denham
Benjamin H. Newcomb