



## 32.01.01.D0.01 **Complaint and Appeal Procedures for Faculty Members**

Approved: March 14, 2014

Revised:

Next Scheduled Review: March 14, 2017

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### **Procedure Statement**

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This procedure is intended to provide a fair, internal process for resolving disputes that arise between faculty members and between faculty and their administrative supervisors. The formal procedures described in this procedure are intended to be used only when complaints cannot be resolved on an informal basis.

A faculty member who feels aggrieved should first seek an informal resolution at the unit, department, or college level before filing a formal complaint under this procedure.

This procedure applies only in the resolution of complaints when processes are not established elsewhere.

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### **Reason for Procedure**

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This procedure supplements the Texas A&M University System Regulation 32.01.01 *Complaint and Appeal Procedures for Faculty Members*.

This procedure does not cover complaints related to issues of discrimination, sexual harassment and related retaliation, tenure, promotion, dismissal, and/or reduction in force. These complaints are subject to specific System policies 08.01 *Civil Rights, Protections and Compliance* and 12.01 *Academic Freedom, Responsibility and Tenure*.

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### **Procedures and Responsibilities**

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#### 1. CONFIDENTIALITY

Everyone involved in the complaint and appeal shall respect the confidentiality of information and records and the privacy of all parties whose interests are affected by this complaint.

#### 2. INFORMAL PROCEDURES

The faculty member should present the complaint to his/her department chairperson within 60 days of the date that the grievant knew, or should have known, of the alleged violation. The department chairperson is responsible for listening and discussing the complaint with the faculty member. At this stage, the discussions are informal, with the goal of settling differences in the simplest and most direct manner possible. The department chair will reach a decision within ten (10) working days from the date the complaint was presented. If the complaint is not resolved through informal discussion with the department chairperson, the faculty member may present a formal complaint to the college dean. Any individual with a direct conflict of interest should recuse themselves from the process.

### 3. FORMAL PROCEDURES

3.1 To file a formal complaint, a faculty member must submit a written statement to the college dean (or to the next highest administrative level in case of recusal) within 10 business days of the date that the grievant received a decision from the department chairperson. The written complaint must contain the following information:

- 3.1.1 the specific policy or established practice that has allegedly been violated;
- 3.1.2 the date(s) of the alleged violation and the date on which the grievant became aware of the alleged violation;
- 3.1.3 the facts relevant to the alleged violation;
- 3.1.4 the person(s) against whom the complaint is filed (the "respondent"); and
- 3.1.5 the redress sought.

3.2 The college dean will meet with the faculty member within 10 business days (if practicable) to resolve the complaint. The college dean shall notify the complaining faculty member of his or her decision, in writing, within 10 business days following the date of the initial meeting.

3.3 If the faculty member believes that the complaint is still not resolved, he or she may forward the written complaint to the Provost and Vice President for Academic and Student Affairs no later than 10 business days after the college dean issued a written decision.

3.4 The President has delegated to the Provost the responsibility for appointing a committee to review faculty complaints covered by the document. The committee must be convened within 10 business days after receipt of the complaint.

### 4. FACULTY COMPLAINT AND APPEAL COMMITTEE

4.1 The Provost will appoint an ad hoc Faculty Complaint and Appeal Committee to investigate the complaint. Committee membership includes one faculty member from each college and the Associate Provost/AVP for Graduate Studies and Research who serves in an ex-officio capacity. The Provost will ask each College to elect a faculty member to serve on the committee. Whenever possible, faculty with senior faculty rank and tenure should serve on the committee. The Provost will send the names of proposed committee members to both the faculty member and the person the complaint is levied against for their review and comment.

4.2 The Provost/VPASA shall meet with the ad hoc committee to provide the committee charge, an overview of committee tasks, and the format for the Investigation Report.

#### 4.3 Committee Charge:

- 4.3.1 Begin the investigation within 5 days after the date of the Provost's charge.
- 4.3.2 Provide the faculty member with an opportunity to present his or her grievance.
- 4.3.3 Provide the College/Department with an opportunity to respond to the grievance.
- 4.3.4 Seek information from other persons related to the case (as appropriate).
- 4.3.5 Gather documents and other evidence (as appropriate).
- 4.3.6 Maintain confidentiality and reveal information on the investigation on a need-to-know basis.
- 4.3.7 Provide written findings and recommendations to the Provost/VPASA within 15 working days after commencing the investigation. Report should be impartial, include full details, include corroboration and conflicting evidence, and include any relevant documents.

#### 4.4 Committee Tasks:

- 4.4.1 Select a committee chairperson.
- 4.4.2 Plan the investigation.
- 4.4.3 Conduct interviews.
- 4.4.4 Gather documents and other evidence and determine credibility (Consider plausibility, level of detail, corroboration and conflicting testimony, omissions, prior incidents, demeanor etc.) Don't automatically accept everything you are told in an interview.
- 4.4.5 Evaluate the evidence to reach factual determinations.
- 4.4.6 Document the investigation.
- 4.4.7 Prepare final report with recommendations.

#### 4.5 Investigation Report:

- 4.5.1 Names and titles of committee membership
- 4.5.2 Date the report was completed
- 4.5.3 Date of the complaint and the name of the faculty member who filed the complaint
- 4.5.4 Summary of the incident(s) under investigation
- 4.5.5 List of individuals who were interviewed with date and time of each interview
- 4.5.6 List of documents or other evidence that was gathered
- 4.5.7 Committee conclusions. Goal is to reach a reasonable conclusion, based on a preponderance of evidence.
- 4.5.8 A minority report can be submitted with the final report in the case of a committee disagreement.
- 4.5.9 All documentation should be shredded at the conclusion of the investigation with exception of the final report and the minority report in the case of a disagreement.

#### 4.6 Final Decision

The Provost/Vice President for Academic and Student Affairs (VPASA) shall provide a written decision to the grievant, the department chair, and the college dean within ten (10) business days of receiving the committee report and recommendations. The decision of the Provost/VPASA is final.

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### **Related Statutes, Policies, or Requirements**

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System Policy [08.01 Civil Rights Protections and Compliance](#)

System Regulation [08.01.01 Civil Rights Compliance](#)

System Policy [12.01 Academic Freedom, Responsibility and Tenure](#)

System Regulation [32.01.01 Complaint and Appeal Procedures for Faculty Members](#)

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### **Contact Office**

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