



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

Approved: March 14, 2014  
Revised: October 9, 2020  
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### Procedure Summary

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This procedure is intended to provide a fair, efficient, and equitable 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. This procedure does not preclude a faculty member from seeking legal redress.

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

2.1. The faculty member should initially consider resolving the matter in an informal and collegial manner through direct deliberations with the person(s) directly involved.

- 2.2. A faculty member should present the complaint to his/her department chairperson within 60 calendar days of the date that the grievant knew, or should have known, of the alleged violation.
- 2.3. The department chairperson is responsible for listening and discussing the complaint with the faculty member. At this stage, the discussions are informal, intending to settle differences in the simplest and most direct manner possible. The department chair will reach a decision within ten (10) business days from the date the complaint was presented.
- 2.4. If the complaint is not resolved through informal discussion with the department chairperson or if the complaint involves the 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. Conflicts of interest will be decided between the grievant/respondent and the direct supervisor of the official being charged with a conflict.

### 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:
  - (a) the specific policy or established practice that has allegedly been violated;
  - (b) the date(s) of the alleged violation and the date on which the grievant became aware of the alleged violation;
  - (c) the facts relevant to the alleged violation; and
  - (d) the person(s) against whom the complaint is filed (the "respondent").
- 3.2 The college dean will meet with the faculty member within 10 business days 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 Provost will review the grievance and shall determine, within 30 days, the most appropriate course of action. If a resolution is not provided within the 30 days granted to the Provost, the grievant may request, within 10 business days beyond that point, that an ad hoc Faculty Complaint and Appeal Committee be convened, and the Provost shall proceed to do so. Irrespective of this request, the Provost, on his/her own initiative, may establish a committee within the thirty-day period if he/she thinks no resolution will occur via the mediation.

#### 4. FACULTY COMPLAINT AND APPEAL COMMITTEE

4.1 An ad hoc Faculty Complaint and Appeal Committee shall be appointed by the Provost, within 10 business days, to investigate the complaint. Each college dean shall recommend three (3) faculty members to serve on the committee. From these recommendations, the Provost, in consultation with the Executive Board of the Faculty Senate as well as the Associate Provost, will appoint one faculty member from each College. 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 grievant and the respondent for their review and comment. Challenges to committee membership must be made within 5 business days. Decisions regarding Committee members' impartiality belong to the Provost.

4.2 The Provost 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:

- (a) The Committee shall meet with the grievant and respondent(s), within 10 business days, to (1) identify and request documents it deems necessary and relevant to the grievance, (2) determine the necessity of a hearing.
- (b) If a hearing is deemed useful by a majority of the Committee, the Committee along with the grievant and respondent shall (1) determine which witnesses will appear before the Committee, (3) identify the questions to be raised to the witnesses, and (4) set the date(s) and time(s) for a hearing. The hearing date shall begin within 10 business days of this meeting.
- (c) Parties are responsible for ensuring that their witnesses participate in the hearing.
- (d) Questions shall be asked by Committee members. The grievant and the respondent may submit, in writing, questions which the party would like to have asked of a witness; however, the Committee will not be required to ask those particular questions. Hearsay is inadmissible.
- (e) Both the grievant and the respondent shall be given an opportunity to make both an opening and a closing statement to the Committee. The Committee may decide to hear statements privately and parties shall not be required to face each other or remain in the same room during a hearing.
- (f) The Committee must maintain confidentiality and reveal information on the investigation on a need-to-know basis.
- (g) The Committee shall provide written findings and recommendations to the Provost/VPASA within 5 business days after concluding the investigation. The

report should be impartial, include full details, include corroboration and conflicting evidence, and include any relevant documents.

#### 4.4 Committee Tasks:

- (a) Select a committee chairperson/ hearing officer.
- (b) Plan the investigation.
- (c) Conduct interviews (if investigating without a hearing).
- (d) Gather documents and other evidence and determine credibility (Consider plausibility, level of detail, corroboration and conflicting testimony, omissions, prior incidents, demeanor, etc.)
- (e) Evaluate the evidence to reach factual determinations.
- (f) Document the investigation.
- (g) Prepare a final report with recommendations.

#### 4.5 Investigation Report:

- (a) Names and titles of committee membership.
- (b) Date the report was completed.
- (c) Date of the complaint and the name of the faculty member who filed the complaint
- (d) Summary of the incident(s) under investigation.
- (e) List of individuals who were interviewed with date and time of each interview.
- (f) List of documents or other evidence that was gathered.
- (g) Committee conclusions. The goal is to reach a reasonable conclusion, based on a preponderance of the evidence.
- (h) A minority report can be submitted with the final report in the case of a committee disagreement.
- (i) All documentation shall 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 respondent, 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.

## Appendix: Overview of Process and Deadlines

Action	Timeframe
Filing of complaint with the department chair	Within 60 calendar days of the violation
Decision of the department chairs	Within 10 business days of receiving complaint
Filing of complaint with the Dean	Within 10 business days of receiving the chair's decision
Mediation with the Dean	Within 10 business days of receiving complaint
Decision of the Dean	Within 10 business days of mediation
Filing of complaint with the Provost	Within 10 business days of receiving the Dean's decision
Decision of the Provost	Within 30 calendar days of receiving complaint
Request for ad hoc Faculty Complaint and Appeal Committee	Within 10 business days of receiving the Provost's decision <b>OR</b> at the initiation of the Provost within the 30 days of their consideration of the complaint
Appointment of committee members	Within 10 business days of the decision to create a committee
Challenges to committee appointments	Within 5 business days of membership announcement
Committee meeting with involved parties	Within 10 business days of finalized committee creation
Hearing date	Within 10 business days of initial committee meeting
Committee report to the Provost	Within 5 business days of hearing date
Final decision of the Provost	Within 10 business days of receiving report

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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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