

# Article VI. Procedures of the Faculty Grievance Committee (adopted 9-14-16)

## **Section 1.** Procedure for Review of a Grievance other than Promotion and Tenure

1. An appellant must conform to the requirements of Article II, Section 1 of this charter. An appeal must be initiated within six months following the judgment to be appealed.
2. The chair of the FGC shall upon receiving a request for review of a grievance assign a case number and create a file. In all references to the case, other than internal FGC discussions, the case number should be used.
3. The primary responsibility for developing a brief and other evidence in support of the case rests on the appellant. Access to necessary information shall be supported by the FGC.
4. No more than ten (10) academic days of a full fall or spring session after receipt of a request for review of a grievance, the chair shall appoint a sub-committee charged with investigating and presenting the case to the full committee. The sub-committee shall be composed of three members of the FGC who are not in the appellant's academic unit. The efforts of the sub-committee shall be directed to fact-finding, mediation and, if possible, a voluntary settlement of the dispute at the appropriate administrative level. Investigations and hearings shall include the involved administrators, committees and faculty members, as well as the appellant. The sub-committee shall prepare its report and present it to the full FGC within 20 business days of a regular fall or spring session from the date of appointment.
5. A quorum of the full FGC will hear the report of the sub-committee. The FGC shall vote on the report and render a final decision that shall be communicated to all parties, including university administration, or refer the grievance to the sub-committee for further investigation.
6. The time limit guidelines detailed above are created in the interest of a timely resolution of each grievance and should be adhered to whenever possible. Exceptions to the timelines require approval from a majority of

the FGC eligible to hear each grievance.

**Section 2.** Procedure for filing an appeal relating to Reappointment, Promotion and Tenure

1. An appellant must conform to the requirements, of the FGC Charter/UNT Policy *15.0.8.00000* [to be changed to correct number upon finalization of policy] (Hearing by the FGC) of the Policy on Faculty Appointment and Granting of Tenure and Promotion.
2. An appeal must be initiated in writing within 10 calendar days following written notification from the Provost of a negative tenure, promotion, or reappointment decision.
3. The appeal initiation must be made concurrently to the President of the University and the Chair of the FGC.
4. The Chair of the FGC has ten (10) academic days of a full fall or spring session in which to start the appeal process.

**Section 3.** Acceptance of Appeal relating to Reappointment, Promotion and Tenure

The chair of the FGC shall immediately, upon receiving notification of a request for review of an appeal, assign a case number and create a file. In all references to the case, other than internal FGC discussions, the case number must be used.

**Section 4.** Documentation for an Appeal relating to Reappointment, Promotion and Tenure

The primary responsibility for developing a brief and other evidence in support of the case rests on the appellant. Access to necessary information shall be supported by the FGC.

**Section 5.** Procedures for Appeal Hearings for Reappointment, Promotion and Tenure

1. A hearing before the FGC shall be scheduled at a time suitable to all parties concerned, within a period of no later than 30 calendar days (under normal circumstances) after the FGC receives notification from the president that a request has been made by an appellant.

2. Ordinarily, the full FGC shall hear appeals (to the extent that members' schedules permit). If the FGC determines by majority vote that it would be expedient (e.g., in the case of several appeals needed to be heard in a short time frame, or because of difficulty in finding convenient meeting times for FGC members, appeal parties, and witnesses) to form sub-committees for appeal hearings, then the eligible committee members will be selected to form a subcommittee of seven (7) members of the available members for a hearing. In circumstances where it is impossible to convene a sub-committee of seven (7) members, a sub-committee of no fewer than five (5) will be convened. A quorum of the full FGC will hear the report of the sub-committee. The FGC shall vote on the report and render a final decision that shall be communicated to all parties, including university administration, or refer the grievance to the sub-committee for further investigation.

The chair will endeavor to split the workload of service on the sub-committees equally among all FGC members.

3. The appellant and the appellee (i.e., the administration) shall be afforded not less than 10 calendar days' notice of the date of the hearing.

4. The chair of the FGC should notify the appellant and appellee of the time and place of the hearing and provide them with an outline for the structure of the hearing.

5. The appellant and the appellee must exchange their respective documents within seven (7) calendar days of the hearing.

6. The appellant and the appellee are each responsible for notifying their witnesses of the scheduled date and time anticipated for testimony. If both parties want the same individual as a witness, each party is independently responsible for notifying that individual and ensuring that she or he is on call for the hearing. It is not the responsibility of the FGC chair to notify potential witnesses.

7. The hearing shall be restricted to the principals, their advocates, the witnesses called by the parties, and such observers as the FGC may specifically invite. The witnesses will be present only for the duration of their testimony.

8. Each of the principal parties is entitled to invite a non-participating observer from a recognized education agency to attend the hearing.

9. The parties may be represented by academic advocates of their own choosing.

10. Each party must provide written documents deemed pertinent (e.g. briefs, expert opinions, witness list, and other evidence) to the FGC and to the other party. Sixteen copies of all documents to be used in the hearing, must be provided at least seven (7) calendar days prior to the hearing. An electronic copy of the material in Adobe Acrobat PDF format will be provided to the chair. The chair of the FGC shall distribute the copies.

11. Both parties shall have the right to confront, cross-examine, and rebut all witnesses.

12. Faculty members shall not be required to testify against themselves.

13. Only relevant but full and uninterrupted argument by the parties shall be allowed.

14. A verbatim record of the hearing will be taken by a qualified recorder, as arranged and provided by the office of the provost and vice president for academic affairs. A typewritten (word processed) copy, which includes the conclusions and recommendations of the FGC, together with minority opinions, shall be made available to the appellant without cost, at his or her request.

**Section 6.** Sequence of Events at an Appeal Hearing for Reappointment, Promotion and Tenure before the FGC

- a. The chair of the FGC shall preside over the appeal hearing and is empowered to set time limits for the presentation of each point, at his or her discretion, in the interest of expediency and clarity.
- b. The parties are responsible for having their witnesses available for the hearing. If witnesses are to be on call, the relevant party is responsible for notifying them of when to appear so the hearing proceeds as expeditiously as possible.
- c. The chair shall direct first the appellant and then the appellee to bring

forward all challenges to the hearing, witnesses, and evidence to be presented at this time.

- d. The appellant shall deliver a brief opening statement (limited to no more than 10 minutes), outlining the nature of his or her complaint or complaints. Ideally, this statement will be written; however, the form of the opening statement is left to the discretion of the appellant. In the opening statement, the appellant should distinguish charges concerning procedural failures by the appellee, charges concerning substantive issues, or any other relevant issues. Further, the appellant should specify what action or remedy is being requested. FGC members may request clarification of the appellant.
- e. Following the opening statements, the appellant shall present the first item of evidence, along with any witness(s) who could substantiate that evidence, and any accompanying interpretation by the appellant (limited to no more than 15 minutes). After the presentation of the first item of evidence or witness, the appellee shall have the opportunity to challenge the evidence, witness, or interpretation before the appellant proceeds to the second item of evidence (limited to no more than 15 minutes).
- f. Following the challenge by the appellee, members of the FGC shall have the opportunity to ask questions of the appellant, the appellee, or any of the witnesses before the appellant proceeds to the next item of evidence or witness. This process shall be followed for each item of evidence.
- g. After the appellant's presentation, the appellee shall deliver a brief opening statement outlining his or her position (limited to no more than 10 minutes). Ideally this statement will be written; however, the form of the opening statement is left to the discretion of the appellee.
- h. Following the opening statement, the appellee shall present the first item of evidence, any witness(s) to substantiate that evidence, and any accompanying interpretation by the appellee (limited to no more than 15 minutes). After the presentation of the first item of evidence or witness, the appellant shall have the opportunity to challenge the evidence, witness(s), or interpretation before the appellee proceeds to the second item of evidence (limited to more than 15 minutes).
- i. Following the questioning by the appellant, members of the FGC shall have the opportunity to question the appellee, the appellant, or any of

the witnesses before the appellee proceeds to the next item of evidence or witness. This process shall be followed for each item of evidence.

- j. The FGC, through its chair, may call its own witnesses.
- k. After the appellee's presentation, the appellant may present a rebuttal (limited to no more than 10 minutes).
- l. After the appellant's rebuttal, the appellee may present a rebuttal (limited to no more than 10 minutes).
- m. The appellee shall present a summary and concluding statement (limited to no more than 15 minutes.)
- n. The appellant shall present a summary and concluding statement (limited to no more than 15 minutes).
- o. Following the presentation of argument(s) and evidence by the appellant and the appellee, the FGC shall go into executive session for an initial discussion as to the judgment of the appeal. If there is not a unanimous decision, the committee may adjourn for a maximum of 48 hours and resume to render a judgment as soon as is practical after receiving the transcript of the appeal hearing.
- p. At its resumed meeting, the committee will render its judgment. In the formation of its judgment, the committee may confine itself to the question narrowly presented by the appellant; or at its discretion, it may apply principles of equity in order to formulate a judgment other than that requested by the appellant or appellee.
- q. The individual decisions of the hearing committee members will remain confidential.
- r. If the decision is not unanimous, an anonymous minority report will be drafted, circulated, and commented on for accuracy by members of the majority.

**Section 7.** Report of Results from Hearings for Reappointment, Promotion and Tenure

- a. The FGC shall make explicit findings on each of the grounds

presented. The chair of the FGC shall submit a written report to the president and to the appealing faculty member simultaneously, with a copy to the provost, no later than 10 calendar days following the closing of the hearing.

No document used in a FGC appeal hearing shall be included in an appellant's personnel file unless the appellant so requests.