PROCEDURAL GUIDELINES FOR THE COLLEGE OF MEDICINE
FACULTY GRIEVANCE COMMITTEE

Summary

This document presents guidelines for the interpretation and application of HSC Rule 32.01.01.Z1
Complaint and Appeal Procedures for Faculty.

When a College of Medicine (COM) faculty member has a grievance that has been unresolved
upon discussion with his/her department chair (or with the Associate Dean of Academic Affairs if
the grievance is against the department chair), a formal written grievance may be submitted to the
COM Dean (or to the Vice-President of Academic Affairs if the grievance is against the Dean).
The COM Faculty Grievance Committee (FGC) will hear the complaint within 28 working days,
in accord with HSC Internal Policy 32.01.01.Z0.01.

1. THE FACULTY GRIEVANCE COMMITTEE

The FGC shall be identical in membership to the Faculty Advisory Committee (FAC). The
FAC is comprised of one voting member from each Academic Department in the COM, as
outlined in the COM Bylaws.

The FGC will elect from its membership a Chair and a Vice-Chair in September of each year.
Both the Chair and the Vice-Chair will have served full-time in the COM for at least 5 years.
A Chair or Vice-Chair may recuse themselves from their leadership role on the Faculty
Grievance Committee for conflicts of interest.

2. CHALLENGES, RECUSALS, OR EXCLUSION

The grievance will be heard by a subcommittee of FGC members, which will be comprised of
the members remaining after challenges, recusals, or exclusion. FGC members may be recused
or excluded for the following reasons, the decision being made by the Chair:

- The FGC member is from the grievant’s or defendant’s department.
- The FGC member is a spouse, significant other or otherwise related to the grievant or the
defendant.
- The FGC member has present or past financial interactions with the grievant or the
defendant.
- The FGC member and the grievant or the defendant have or had a recent collaborative
relationship.
Additionally, each FGC member is subject to challenge for cause. The Chair will rule on the validity of any challenge. Such challenges relate to the ability of a member to render an unbiased decision. The mere existence of friendships or other contacts between a committee member and other individuals does not necessarily constitute bias. In the event that the relationship may give the perception of bias, the committee member(s) will be allowed to recuse themselves. Should the challenge be directed toward the FGC Chair then the Vice-Chair shall rule on the validity of the challenge. Should both the Chair and Vice-Chair be successfully challenged, then the Chair (or Vice-Chair) of the FAC shall rule on the validity of the challenge.

3. PROCEDURAL GUIDELINES FOR A FACULTY GRIEVANCE HEARING

The FGC shall be self-governing and shall adopt rules and procedures it deems appropriate, including rules regarding admissibility of evidence.

- The meeting shall be closed unless the affected faculty member(s) requests that it be open.
- Oral arguments and written briefs shall be allowed for both the grievant(s) and the defendant(s).
- Both the defendant(s) and the grievant(s) shall have the right to call witnesses and to have an electronic recording of the proceedings. At least three working days before the hearing, each party shall notify the other and the panel of the identity of witnesses and the subject(s) to be addressed by each witness in writing.
- Both parties have the right to hear the other’s testimony and the testimony of any witnesses.
- Both the grievant(s) and defendant(s) shall have the right to legal counsel. During the hearing, legal counsel shall be limited to the role of providing advice solely to either grievant(s) or defendant(s) and will not be allowed to present evidence, cross-examine witnesses, or make arguments to the FGC. Outside the hearing, either party may use legal counsel to assist in preparation of the record. If either party requests the presence of legal counsel at the hearing, that party shall provide reasonable notice of at least three days to the other party and to the FGC prior to the hearing so that the other party may also have counsel present at the hearing.
- Separate legal counsel may represent individual witnesses. Unless special circumstances warrant, it should not be necessary to follow State of Texas or Federal formal rules of court or civil procedure.
- As noted in System Policy 32.01.01, 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.
• Only members of the FGC subcommittee may question the parties or the witnesses.

4. FINDINGS AND RECOMMENDATIONS

After the FGC subcommittee hears the testimony of the grievant(s) and defendant(s), it will make a decision on whether the facts of the case have merit or no merit. If the FGC finds merit, recommendations for remedies or sanctions will be submitted to the Dean (or to the Vice-President of Academic Affairs if the grievance is against the Dean) within 10 days.